



Agreement Between Orange County and Disability Rights California

Expert Monitor's Report (Fourth Round)

Rights of People With Disabilities

On-Site Review: Review: February 26 - March 1, 2024

Produced by:

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Submitted:
June 6, 2024

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I. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. The Expert's Monitoring Role and Monitoring Activities

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

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

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

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

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

B. Monitoring Process

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

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

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

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

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

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

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

III. Executive Summary

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

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

The fourth round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail Men's Annex (CWJ), and the Intake Release Center & Transportation (IRC). The on-site Monitoring Review was conducted from February 26 – March 1, 2024. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); on-site observations; interviews of sworn and non-sworn personnel (e.g., housing deputies, HCA CHS healthcare staff (medical and mental health) classification staff; and interviews of incarcerated persons housed in the OC Jails.

A meeting was conducted with representatives from the County of Orange (Orange County Jail Administration and staff from the County Counsel's Office). DRC Representatives were also present during the meeting and during portions of the monitoring tour. An exit meeting was conducted via Zoom on March 7, 2024, with representatives from the County of Orange (Jail Administration and staff from the County Counsel's Office) and DRC Representatives.

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

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

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

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

The Expert notes that the Expert's concerns in the third round of monitoring with medical staff not asking the screening questions that have been built into the comprehensive medical intake screening process improved, as the Expert observed all Intake Nurses asked all screening questions. With this, the County now has a process in place to identify incarcerated persons with disabilities (and their accommodation needs) who are being processed into the OC Jails. The County continues to have an effective process in place for the disability-related designations as well as accommodation information to be shared with custody (Classification and ADA Compliance Unit) staff when the disabilities and associated accommodations are identified. The County continues to have an effective process in place where medical Case Management (ADA) and the custody ADA Compliance Unit work collaboratively to interview and assess incarcerated persons with disabilities, provide accommodations, and inform incarcerated persons about the ADA program and how to request accommodations. The County also reported that a Mental Health staff member at each facility has been designated to coordinate ADA-related issues as part of the ADA team. The County also has processes in place to ensure incarcerated persons are provided their Health Care Appliance/Assistive Devices and Durable Medical Equipment and that the devices are maintained in good working order. The ADA Compliance Unit staff are engaged with staff and the disabled incarcerated persons in ensuring that the requirements of the RP and the ADA are provided to the incarcerated persons. All incarcerated persons interviewed during the tour were aware of the ADA staff and stated they would resolve issues brought to their attention. The Expert notes that both the Custody/CHS Administration and staff continue to be committed to ensuring the RP requirements are implemented as well as ensuring the disabled incarcerated persons are provided with their accommodations and are provided equal access to the OC Jails programs, services, and activities. The Expert notes that the process for custody staff to document Effective Communication has improved significantly, and all staff interviewed were aware of the RP requirements.

However, as in the previous report, the Expert notes that some CHS staff are not providing Effective Communication using the incarcerated person's preferred method of communication (ASL/VRI).

Additionally, during the monitoring tour, incarcerated persons with disabilities reported and alleged that certain custody staff working in TLF MOD O were harassing, making discriminatory comments and retaliating against people with disabilities. Although the Expert could not confirm or refute these allegations, the Expert and DRC advised Executive staff of these allegation and the OCSD leadership promptly initiated an investigation and expressed a commitment to taking appropriate action if warranted. The Expert notes that this type of behavior can have a serious negative impact on incarcerated persons with disabilities, including making them reluctant or unwilling to request needed accommodations from staff.

Based on the document review and on-site monitoring tour, the Expert makes the following recommendations:

- Complete and implement revision of policies, procedures, and practices to ensure compliance with the ADA, related federal and state disability laws, and the remedial provisions outlined in the RP.
- Continue the process of implementing a centralized, real-time networked electronic system (SOMA) to identify and track all incarcerated people with disabilities and their specific accommodations.
- Ensure that incarcerated persons with disabilities receive an orientation video regarding rules and expectations in an accessible format.
- Document the provision of Effective Communication for viewing the orientation video.
- Ensure medical staff provides and documents the Effective Communication accommodations for clinical encounters.
- Develop a process for staff (housing unit, work supervisors, and program facilitators) who provide accommodations and adaptive supports for incarcerated persons with Intellectual/Developmental disabilities to document the provision of the accommodations, assistance, prompts, and supports.
- Ensure staff provides discharge planning tailored to the needs of people with Intellectual/Developmental Disabilities, including appropriate and effective linkages to housing assistance and community-based service providers.
- Ensure staff document on the Safety and Security Assessment form in cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons, whether an alternative device was provided or that no alternative was possible.
- Ensure that all persons with disabilities, including those in ADA-accessible or other specialized housing, have equal access to programs, services, and activities available to similarly situated persons without disabilities, consistent with their health and security needs. These programs include:
 - Dayroom and out-of-cell time
 - Access to in-person educational, vocational, reentry, and substance abuse programs
- Develop a mechanism for the County to ensure that Rancho Santiago Community College District educators log and document the provision of reasonable accommodations provided to program participants.
- Ensure the out-of-cell (dayroom and outdoor) tracking includes whether the incarcerated person with a disability accepts or refuses the out-of-cell opportunity, and if an incarcerated person accepts the out-of-cell opportunity, the amount of time spent out-of-cell.

- Ensure that medical and mental health staff document the work evaluations/reviews in the individual's health record.
- Ensure the County conducts an annual review to determine whether the County offers structured programs and activities on an equitable basis to people with disabilities and whether there are access/accommodations barriers that need to be addressed, with corrective action as needed.
- Ensure accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.) are provided to incarcerated people with disabilities.
- Ensure ADA-related grievances and appeals that present an urgent issue immediately provide an interim accommodation that addresses the urgent issue pending a final response to the grievance or resolve the grievance promptly with the participation of health care staff.
- Ensure the Facility Administrative Sergeant, in consultation with the ADA Compliance Unit, investigates all non-urgent ADA-related grievances and appeals and provides a written response within fourteen days of receipt.
- In cases where the County is unable to resolve ADA-related grievances within fourteen days (e.g., the incarcerated person must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel complaint), ensure the County provides a response within fourteen days communicating why the County cannot resolve the grievance within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.
- Ensure that each grievance response includes the date the response was provided to the incarcerated person to allow the Expert to monitor (and the County to track internally) whether responses are being provided within fourteen days, as required by the RP.
- Ensure grievance responses include:
 - Whether the grievance is granted, in whole or part,
 - The date of the grievance response and the date the issue was resolved (if applicable),
 - Clear language as to what the resolution is (e.g., "the device was delivered on [DATE]") rather than "your concern was addressed").
 - The results of the medical evaluation (if applicable).
- Ensure all grievance responses include an explanation of the process for appealing the grievance response.
- Ensure staff effectively communicates all grievance and appeal responses to the grievant/appellant and documents the communication method(s) used and their effectiveness.
- Ensure staff document how they effectively communicated verbal announcements to persons with disabilities that affect communication.
- Ensure the County finalizes and implements the ADA accountability plan to timely log and investigate allegations from any source that staff has violated the ADA or Jail ADA-related policies and procedures.

The Expert's report identifies areas deemed as Adequately Implemented, Partially Implemented, Not Implemented, Unratable, Not Assessed, and Monitoring Suspended Based on Previous

Findings of Compliance. The areas deemed as Unratable are generally due to a lack of implementation and/or a lack of policy/procedures and/or other supporting documentation.

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

- Adequately Implemented – 24
- Partially Implemented – 35
- Not Implemented – 8
- Un-ratable – 0
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance - 48

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

This report details the pre-monitoring tour document review, on-site monitoring, and staff and incarcerated person interviews and also includes findings and recommendations/actions the County must make to move towards meeting the mandates of the Settlement Agreement and RP.

IV. Findings

A. Policies and Procedures (Section I)

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

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

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

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

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

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

- Inmate Workers Health Care Agency Correctional Health Services Policy and Procedure 1022 Inmate Workers. (Effective Date 9/23/23)
- Health Care Agency Correctional Health Services Policy and Procedure 6101 Receiving Screening. (Effective 9/6/23)

Although DRC provided feedback on the following policies and related forms, the Expert notes the final implemented policies were not produced as part of the document production:

- Health Care Agency Correctional Health Services Policy and Procedure 1007 Staff Accountability
- Health Care Agency Correctional Health Services Policy and Procedure 6602 Health Evaluations for OCSD Inmates who Violate Jail Rules.

- Health Care Agency Correctional Health Services Policy and Procedure 1013 Grievance Process.

Implementation of policies is ongoing for both OCSD and CHS, and additional policy revisions are being completed as compliance issues are identified.

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

Post monitoring tour CHS produced the above-mentioned policies and the Expert notes the following effective dates:

- Health Care Agency Correctional Health Services Policy and Procedure 1007 Staff Accountability (Effective date 10-13-23).
- Health Care Agency Correctional Health Services Policy and Procedure 6602 Health Evaluations for OCSD Inmates who Violate Jail Rules (Effective date 4-24-24).
- Health Care Agency Correctional Health Services Policy and Procedure 1013 Grievance Process (Effective date 7-28-23).

Partially Implemented (Previous Rating Partially Implemented)

B. ADA Tracking Procedures (Section II)

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

During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The Expert noted that the demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations. The County reports that "the Jails' 24-hour Log, the Sergeants' Log and the Watch Commanders' Log were deployed on the SOMA platform at the beginning of January 2024. Intake, inmate, and release modules and system interfaces are continuing to be developed. Due to the impact of the County's cyber incident that occurred in November 2023, these interfaces are expected this year. The ADA Compliance team is currently inputting all information from the ADA Tracking List and their ADA Initial and Monthly Interviews into SOMA, but the team continues to email out the ADA Tracking List and maintain records separately from SOMA. OCSD is finalizing a scope of work and pricing for Guardian RFID (for tracking out of cell time, among other functions). After contract signing, we can expect at least a six-month implementation."

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

The Expert will continue to monitor the functionality of SOMA once implemented to ensure the tracking requirements of the RP are included. The Expert notes that the issue of the existing ADA tracking list having undefined acronyms (e.g., ADLs, HOH, ASL, VRI, VRS, EC, IDDM, etc.) has partially been resolved as the "ADA Inmate Tracking List" now includes definitions of most of the acronyms being used. However, during the staff interviews, the Expert noted that some of the custody staff responsible for reviewing and utilizing the list are not familiar with the meaning of the acronym "ADLs." The Expert recommends that this issue be addressed both for the existing tracking system and as SOMA rolls out.

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

Partially Implemented (Previous Rating Partially Implemented)

B. The ADA Tracking System shall identify:

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

During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The Expert noted that the demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations. The County reports that "the Jails' 24-hour Log, the Sergeants' Log and the Watch Commanders' Log were deployed on the SOMA platform at the beginning of January 2024. Intake, inmate, and release modules and system interfaces are continuing to be developed. Due to the impact of the County's cyber incident that occurred in November 2023, these interfaces are expected this year. The ADA Compliance team is currently inputting all information from the ADA Tracking List and their ADA Initial and Monthly Interviews into SOMA, but the team continues to email out the ADA Tracking List and maintain records separately from SOMA. OCSD is finalizing a scope of work and pricing for Guardian RFID (for tracking out of cell time, among other functions). After contract signing, we can expect at least a six-month implementation."

The Expert notes that, pending the implementation of SOMA, the County continues to use the existing system to track incarcerated person's disabilities and their specific accommodation needs with the OCSD's "Existing ADA Tracking System" as required by the RP. The Expert will monitor the functionality of SOMA once implemented to ensure the tracking requirements of the RP are included.

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

Partially Implemented (Previous Rating Partially Implemented)

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

During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The Expert noted that the demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations. The County reports that "the Jails' 24-hour Log, the Sergeants' Log and the Watch Commanders' Log were deployed on the SOMA platform at the beginning of January 2024. Intake, inmate, and release modules and system interfaces are continuing to be developed. Due to the impact of the County's cyber incident that occurred in November 2023, these interfaces are expected this year. The ADA Compliance team is currently inputting all information from the ADA Tracking List and their ADA Initial and Monthly Interviews into SOMA, but the team continues to email out the ADA Tracking List and maintain records separately from SOMA. OCSD is finalizing a scope of work and pricing for Guardian RFID (for tracking out of cell time, among other functions). After contract signing, we can expect at least a six-month implementation."

The Expert notes that, pending the implementation of SOMA, the County continues to use the existing system to track incarcerated person's disabilities and their specific accommodation needs with the OCSD's "Existing ADA Tracking System" as required by the RP. The Expert will monitor the functionality of SOMA once implemented to ensure the tracking requirements of the RP are included.

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

The Expert notes the current system is not called the “Special Needs List.” The County previously reported that the system would likewise not be referred to as a “Special Needs” list or system. As noted in the third report, two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

C. Identifying People With Disabilities (Section III)

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

During the three (3) previous monitoring tours, the Expert noted that the Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients with Disabilities and Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients include the process for the identification of incarcerated persons with disabilities and their disability-related accommodation needs. The disabilities include:

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

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

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

The County reported, and the Expert confirmed, that Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Accommodations for Patients

with Disabilities was revised and now includes the process for the post-intake identification of a disability and accommodation needs. In addition, the County reported and the Expert confirmed that Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive, Intellectual, and Developmentally Disabled Patients was revised and now includes the process for the post-intake identification of cognitive disabilities and associated adaptive deficits and supports.

During the observation of the medical intake screening process at the Intake Release Center, all screening questions were asked by the three (3) intake nurses. It is the Expert's position that the HCA/CHS PowerPoint training for the Triage team, which addresses the "what/why/how" in screening new bookings for ADA needs, was effective in addressing the deficiencies noted in the previous report. Additionally, the Expert notes that the County reported that CHS follows the Staff Accountability Policy 1007 and addresses non-adherence to policy through Human Resources.

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

- Incarcerated person housed in IRC Mod N – States she came into custody with high arch supports, and they were removed and placed in her property. She has an order for a wheelchair long distance and states she needs an evaluation for a wheelchair full-time with a seat stabilizer. She also stated she needs her arch supports and closed-toe shoes to accommodate the arch supports. She was using feminine napkins as arch supports.
 - County response - Patient was evaluated by CHS provider, nursing, and CM ADA, did not mention about arch supports before. Observed patient getting up from bed and ambulating toward table independently without using device, has feminine pads on jail issues sandals. She was seen by Physical Therapy in 2022, College Hospital Costa Mesa recommended high arch support inserts, and seating device in car, and pillows for sleep. Patient stated she was not prescribed with mobility devices. ADA Deputies checked clothing room and property room; regular shoes (ankle boots) found without any arch support. MDSC Scheduled for request on arch support inserts, canvas shoes, and medication evaluation. MH Prescriber Chart Review scheduled for medication evaluation.
 - County response - On 02/27/24 at 0718, ADA Deputies checked her property for high arch supports, and they were not found. After speaking with her, she stated her arch support inserts were taken out by the arresting officers from Fullerton Police Department prior to her coming into OCSD custody. She will be evaluated by CHS.
- Incarcerated person housed in CMJ Mod O – Suffered a broken leg at TLF and uses a walker. States he needs an extra mattress and a cane.
 - County's response - Patient was seen during monthly ADA follow up 2/21/2024, patient was unsteady when demonstrating ambulation with cane. Ortho 2/7/2024 recommended to continue walker and follow up in 1 month with x-ray of right hip. Patient will be seen again for device transition after ortho follow up, scheduled 3/6/2024. Extra mattress ordered x 6 months by CHS MD.

- County's response - An extra mattress has been provided.
- Incarcerated person housed in CMJ MOD D – States his order for a cane expired, and the ADA staff removed it. He states he requested an evaluation three (3) days ago. States he was moved from MOD O to MOD D, and he has a difficult time navigating the stairs and needs level terrain. He has an order for a wheelchair for long distances, and the staff does not provide the wheelchair when he leaves the cell/dorm.
 - County response - Patient denied having difficulties navigating stairs when seen in housing location during various visits. Wheelchair for long distance order is active and should be offered for court/off-compound visits. On 11/19/2023 Patient was housed in Mod O Ward C for medical observation after returning from hospital (s/p altercation). On 12/5/2023 Patient was identified as ADA mobility with temporary order of walker in cell and wheelchair for long distance per patient's preference due to various nonspecific pain without physical changes. On 1/18/2023, observed patient ambulating and cleaning housing without issues. Device transitioned to cane temporarily and continue wheelchair for long distance. Walker discontinued. On 1/24/2024, Cleared from medical observation and transferred to regular housing low bunk (permanent), a temporary order of cane and wheelchair for long distance. Ok in Men's Jail regular housing (Mods) with cane. On 2/16/2024 Seen by ADA RN for monthly device follow-up. Patient made aware of cane chrono expiring, referred to MD Chart review for extension per patient's request. Please refer to OCSD activity log for housing activities. On 2/22/2024, case consulted with Men's Jail provider, temporary cane order was not extended, cane retrieved from housing location. Observed patient ambulating back to housing location in steady gait. On 2/23/2024 Patient was seen during RN Sick Call for self-referral for cane request. Upon assessment, cane was not renewed. Case consulted with Men's Jail provider, wheelchair for long distance extended for upcoming court date (3/6/2024). On 01/24/24, CHS discontinued low tier/low bunk, stating he only requires low bunk housing and requested he be moved out of Mod O Ward C. He was moved to Mod D. On 01/26/24, ADA Deputy conducted an interview and asked him if he was fine with navigating the CMJ stairs, and he said he was fine. On 02/06/24, ADA Deputy conducted an interview with him, and he stated he was fine in his current housing location and did not have issues with the stairs. On 02/22/24, CHS discontinued the cane and ordered a wheelchair for distance. The ADA Deputy retrieved the cane per CHS order. The ADA Deputy has spoken with several deputies who told him that they have seen him walking and going up and down the stairs without issues or the use of the cane. Per the deputies, he only uses the cane when CHS or ADA team are present. Mod staff have been informed to provide him with a wheelchair for long distance.
- Incarcerated person housed in CMJ MOD B – Has a vision impairment. Claims he was moved from MOD O to MOD B after he disrespected staff. States that he has almost fallen two (2) times while navigating the stairs and escalator due to poor depth perception. States he needs level terrain.
 - County's response - Patient was housed in Mod O Ward C between 1/7/2024 to 2/23/2024 for medical observation after returning from hospital

(s/p open globe repair of the right eye). He was cleared from medical observation with low bunk x 3 months order. Patient denied having difficulties with mobility and stairs when he returned from hospital, while in medical housing, and updated assessment prior to clearance from medical housing. Patient has been navigating via escalator while housed in medical housing independently. Patient does not have any RN Sick Calls or deputy referrals documented. Case consulted with provider, to be determined upon report availability. On 1/6/2024, Returned from hospital s/p open globe repair of the right eye. Full ROM, normal strength, steady gait. Housed in MOU Ward C to elevate head. On 1/8/2024, seen by Ophthalmology for follow-up, restrictions provided, "No heavy lifting, straining, or bending over at the waist. Do not lift anything heavier than 10-15 lbs. Do not play or work in dirt or sand. Do not swim or submerge the eye under water. If possible, sleep on several pillows to keep your head elevated. Continue using eye shield over the right eye." On 1/19/2024, seen by Ophthalmology for follow-up, same restrictions provided. Patient had eye patch for right eye. On 2/22/2024, upon assessment and consultation with provider, cleared from medical observation to regular housing with low bunk x 3 months, eye patch. On 2/27/2024, seen by Ophthalmology for follow-up, pending report. On 2/29/24 Patient was seen in MJ-B vestibule, ambulated in a steady gait. Denied having issues in housing location, housed in a low bunk currently, and few stairs in housing location were okay. Patient reported he was concerned of stairs for chow halls, stated he almost fell but did not fall due to right eye vision impairment. Informed patient order was updated for Low bunk/tier and advised to self-refer PRN for medical/mental/dental; patient verbalized understanding. Patient will continue to follow up with Ophthalmology; next appointment is scheduled for 3/28/2024. Patient transferred to TL barracks to accommodate low bunk/low tier order from CHS. TL Chow Hall requires no use of stairs with this housing.

- County's response - CHS issued low bunk/low tier order on 02/29/24. He is now housed in Theo Lacy, F Barracks.
- Incarcerated person housed in TLF Barracks G – Is requesting a Pocket Talker. He wants to know if he will be issued a Pocket Talker and if he will be allowed to keep it upon release. He has County issued hearing aids and also wants to know if he can keep them upon release. Stated he has difficulty processing information due to TBI. Needs evaluation for DD/IDI.
 - County's response - Patient was provided with hearing amplifiers. we are now providing hearing amplifiers instead of pocket talkers. Our patients are allowed to keep hearing amplifier upon release.
- Incarcerated person housed in H Barracks – Requesting Hearing Aids.
 - County's Response - Patient seen by ADA nurse on 01/25/2024. He reported that he was born deaf in right ear. Stated that he was able to hear normal with L ear. Per patient, he never wears hearing aids because he was told that he will not benefit from hearing aid on the affected ear. Referred to provider for referral to audiologist.
- Incarcerated person housed in TLF G Barracks – Requesting the status of Audiology/Hearing Aids.

- County's response - Has pocket talker for enhanced communication. Referred to audiologist 03/01/2024.
- Incarcerated person housed in TLF Mod O – Requesting the status of Audiology/Hearing Aids.
 - County's response - Patient was seen by Audiologist on 06/13/2023. Audiologist recommended pocket talker/amplifier.
- Incarcerated person housed in TLF Mod O – States he needs a new prescription for glasses. He is requesting the same prescription for the glasses he left at CMJ when he transferred to TLF.
 - County's response - Glasses were ordered on 02/03/2024. Pending delivery
- Incarcerated person housed in TLF Mod O – Requesting a rolling tip for his tapping cane.
 - County's response - Roller cane tip has been ordered.
- Incarcerated person housed in TLF Barracks - He stated he is waiting for his prosthesis to be approved by OCSD; his wife is in possession of the prosthesis and can deliver or send it upon approval. Requesting the timeline and process for approval.
 - County's response - ADA Deputy spoke with him and he advised the ADA Deputy that his wife is in North Carolina until 03/15/24. She will be contacted after her return to bring in his prosthesis for a security evaluation.
- Incarcerated person housed in TLF MOD O – States he needs an eggcrate mattress due to bed sores. States he needs a Roho cushion for his wheelchair due to bed sores. He states he needs a urinal due to having difficulty accessing the urinal at night due to nerve issues in his legs (he is using a milk carton).
 - County's response - He has received the eggcrate, cushion, and urinal.
- Incarcerated person housed in TLF Mod O – States he needs a wheelchair for long distances (has an order for a cane).
 - County's response - OCSD provided him with new shoes. On 02/29/24, CHS ordered the wheelchair for long distance.

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

The Expert reviewed 788 ADA Interview/Activity Logs the County produced and noted that when interviewed by the ADA Compliance Unit staff, the disabled incarcerated persons advised the ADA staff that they had in their possession the HCA/AD/DME and had been provided housing accommodations prescribed by the medical providers.

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

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

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

The HCA/CHS policies include the process for the identification of an incarcerated person's disability and their disability-related accommodation needs after their initial intake. During the observation of the medical intake screening process at the Intake Release Center, all screening questions were asked by the three (3) intake nurses. It is the Expert's position that the HCA/CHS PowerPoint training for the Triage team, which addresses the "what/why/how" in screening new bookings for ADA needs, was effective in addressing the deficiencies noted in the previous report. Additionally, the Expert notes that the County reported that CHS follows the Staff Accountability Policy 1007 and addresses non-adherence to policy through Human Resources.

Based on this, the Expert finds that the County has adequately implemented the RP requirements. The Expert will continue to monitor this provision during the next monitoring tour.

Adequately Implemented (Previous Rating Partially Implemented)

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

As noted in a previous monitoring report, the Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication includes a process for CHS staff to screen and identify the Effective Communication (EC) accommodation needs during the medical intake screening process. CHS staff enter an Effective Communication flag in the incarcerated person's electronic health record and also complete an initial ADA Effective Communication form. CHS staff provide Effective Communication and document the method used to achieve Effective Communication, how they determined that the incarcerated person understood the encounter, and how they determined the communication's effectiveness. During medical file reviews, the Expert confirmed the CHS ADA Effective Communication Forms for incarcerated persons with Effective Communication accommodation needs are being completed when incarcerated persons are processed through medical intake screening. In the eight (8) cases reviewed,

CHS staff provided Effective Communication Accommodations, including the provision of a Sign Language Interpreter (SLI) during the medical intake screening process.

The Expert notes that CHS revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002-ADA Effective Communication and associated forms on 11/30/22. The Expert reviewed the policy and associated forms and determined the revisions satisfied the RP requirements.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

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

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

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

A trauma-informed approach to a physical examination involves using language and maneuvers to communicate respect and restore a sense of safety, autonomy, and trust. The Expert notes that CHS continues to use a 13-page Receiving Screening that includes asking the incarcerated person at the beginning of the screening if they have any medical conditions about which they would want to speak with someone in private. The screening also begins with asking the incarcerated person their primary language. The screening includes screening questions for past medical history, medications, sexual health, sexual orientation/identification, infectious diseases, cognitive and Developmental disabilities, physical disabilities, substance and alcohol abuse, and mental health. The medical intake screenings are conducted in a confidential setting, allowing for privacy.

The Expert reviewed the Trauma Informed Care Training PowerPoint Presentation, which includes 28 slides. The County produced training sign-in sheets that reflect a total of 347 CHS staff have attended "Trauma Informed Care In a Correctional Setting" training. During the observation of the medical intake process, the Expert found that the medical staff engaged the individuals, allowing them to voice their concerns in a safe environment.

The County should continue to work to ensure that all relevant staff receive the training, including all newly onboarded staff, and updated/refresher training on a periodic basis.

Two previous successive Compliance Reports have found that the provision has been adequately implemented; therefore, monitoring of this provision is suspended.

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

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

The County continues to follow the process for cases where the intake medical screening identifies that the incarcerated person requires accommodations. CHS staff completes a CHS Function Performance Worksheet, enters an ADA Flag in TechCare, and schedules the incarcerated person for a Case Management Sick Call. CHS staff also complete a CHS Inmate Health and Mobility Notification Form J-112. The J-112 includes the following:

- Alerts
 - Accessibility/Medical
 - Mobility
 - Dexterity
 - Hearing
 - Speech
 - Vision
 - Cognitive/Developmental
 - Learning
 - Mental Health
 - Danger to Self
 - Danger to Others
 - Gravely Disabled
- Housing Placement Request
 - ADA Compliant Cell Dorm
 - Low Bunk/Low Tier (No Stairs)
 - Low Bunk Only
 - Access to Electrical Outlet
 - Medical Unit (TLO, MJO, etc.)
 - Isolation/Quarantine
 - Frequent Access to Medical
 - Mental Health Housing (Acute)
 - Mental Health Housing (Chronic)
 - Other (Explain in Comments)
 - Regular Housing
- Transportation Requirements
 - Bus
 - SUV
 - Wheelchair Van
 - Other

The J-112 is scanned into TechCare and emailed to the Classification staff.

CHS staff also complete a CHS Inmate Health and Mobility Notification Form J-105A. The J-105A includes the following:

- Medical
 - Restrictions
 - No Court
 - No Dayroom
 - No Outdoor Recreation
 - No Education Classes/Church
 - No Jail-Issued ID Card
 - No Visits
 - No Work
 - Requirements
 - Extra Mattress
 - Mattress on Floor
 - Bed Rest
 - Other
- Mental Health
 - Restrictions
 - No Dayroom
 - No Outdoor Recreation
 - No Education Classes/Church
 - No Work
 - No Jail-Issued ID Card
 - No Commissary
 - No Bedding (Mattress Okay)
 - No Unsupervised use of Showers
 - No Off Compound Court
 - No Telephone (Ligature Risk)
 - No Visits
 - No Mattress
 - No Court
 - No Showers
 - Requirements
 - CCR 1217 Involuntary Medication
 - Safety Cell
 - Restraint Chair
 - Restraint Bed
- Accessibility
 - Mobility/Dexterity/SMI
 - Brace
 - Cane
 - Crutches
 - Inmate Worker-Pusher
 - Prosthesis
 - Walker
 - Wheelchair
 - Hearing/Speech
 - Sign Language Interpreter

- Video Remote Interpreter (VRI)
- Hearing Aid(s)
- HOH Vest
- Pocket Talker
- TTY
- Video Phone (VRS)
- Speak Loudly
- Use Written Notes
- Able to Read Lips
- Cognitive/Developmental (Requires Assistance With)
 - Clinical Appointments
 - OCSD disciplinary hearings
 - Prompts for self-care (ADLs)
 - Reading
 - Writing
 - Comprehension/Understanding (Speak Slowly/Use Simple Words)
- Vision
 - Assigned Inmate Reader
 - Audio Player
 - Braille Materials
 - Visually Impaired Vest
 - Sunglasses
 - Tapping Cane
- Medical Supplies
 - Ace Wrap
 - Adult Diapers
 - Canvas Shoes
 - Contacts/Supplies
 - CPAP/BIPAP
 - Sleeve
 - Sling
 - Splint
 - Other

The J-105A is provided to custody and classification staff. CHS Nursing staff provides the Assistive Device when indicated and completes a Miscellaneous Message Slip (MMS) for the Assistive Device. The J-112 and J-105A are also provided to the ADA Compliance Unit staff, who enter the information into the Existing ADA Tracking System.

During the incarcerated person interviews, one (1) incarcerated person interviewed stated that during the medical intake screening process, in cases where medical staff identified that they required accommodations (e.g., housing, HCA/AD/DME), the housing accommodations and HCA/AD/DME were not provided promptly.

- Incarcerated person housed in IRC Mod N – States she came into custody with high arch supports, and they were removed and placed in her property. She has an order for a wheelchair long distance and states she needs an evaluation for a wheelchair full-time with a seat stabilizer. She also stated she needs her arch

supports and closed-toe shoes to accommodate the arch supports. She was using feminine napkins as arch supports.

- County response - Patient was evaluated by CHS provider, nursing, and CM ADA, did not mention about arch supports before. Observed patient getting up from bed and ambulating toward table independently without using device, has feminine pads on jail issues sandals. She was seen by Physical Therapy in 2022, College Hospital Costa Mesa, recommended high arch support inserts, a seating device in the car, and pillows for sleep. Patient stated she was not prescribed mobility devices. ADA Deputies checked clothing room and property room; regular shoes (ankle boots) found without any arch support. MDSC Scheduled for request on arch support inserts, canvas shoes, and medication evaluation. MH Prescriber Chart Review scheduled for medication evaluation.
- County response - On 02/27/24 at 0718, ADA Deputies checked her property for high arch supports, and they were not found. After speaking with her, she stated her arch support inserts were taken out by the arresting officers from Fullerton Police Department prior to her coming into OCSD custody. She will be evaluated by CHS.

The Expert has determined that this missed identification does not constitute a systemic issue. The Expert noted that a sufficient supply of Assistive Devices are available for issuance in the IRC and TLF medical intake screening areas for issuance to incarcerated persons. The County also has a process in place to advise classification staff of housing accommodation needs to ensure the housing accommodations are provided. During the on-site review, the County reported that in cases where the medical intake screening identifies the preferred method of communication, the medical intake staff provides a copy of the J-105A, which lists the preferred method of communication to alert the Booking Loop custody staff of the Effective Communication needs. The County also has a process in place for the information to be entered into the Existing ADA Tracking System.

The Expert notes that the CHS ADA policies, as well as Forms J-105A and J-112, have been revised and implemented with content consistent with relevant RP provisions.

Based on this, the Expert finds that the County has adequately implemented the RP requirements. This provision will be fully assessed in the context of the SOMA ADA Tracking System rollout in future monitoring rounds.

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

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

The Expert notes that the J-112 and J-105A, which include information for incarcerated persons who are identified with disabilities and their accommodation needs, are provided to the ADA Compliance Unit.

The Expert previously reviewed the revised J-112 and J-105A forms and determined that they satisfy the requirements of the RP. The Expert finds that the County continues to

follow the established process, and medical staff is providing the ADA Compliance Unit with timely notification of cases where an incarcerated person is identified as disabled, including the required accommodations. During the on-site review, the County reported that in cases where the medical intake screening identifies the preferred method of communication, the medical intake staff provides a copy of the J-105A, which lists the preferred method of communication to alert the Booking Loop custody staff of the Effective Communication needs.

Based on this, the Expert has determined that monitoring is suspended based on previous findings of compliance. This provision will continue to be subject to monitoring to ensure that it remains in compliance during and subsequent to the implementation of the SOMA tracking system.

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

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

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

The Expert has reviewed the revised J-112 and J-105A forms and has determined that they satisfy the RP requirements. During a previous on-site monitoring tour, the County provided a demonstration of the SOMA Jail Management System (JMS). The Expert noted that the demonstration revealed that SOMA appears to include the functionality for the County to effectively manage the disability tracking requirements of the incarcerated persons with disabilities, their accommodation, and the provision of the accommodations. The County reports that "the Jails' 24-hour Log, the Sergeants' Log and the Watch Commanders' Log were deployed on the SOMA platform at the beginning of January 2024. Intake, inmate, and release modules and system interfaces are continuing to be developed. Due to the impact of the County's cyber incident that occurred in November 2023, these interfaces are expected this year. The ADA Compliance team is currently inputting all information from the ADA Tracking List and their ADA Initial and Monthly Interviews into SOMA, but the team continues to email out the ADA Tracking List and maintain records separately from SOMA. OCSD is finalizing a scope of work and pricing for Guardian RFID (for tracking out of cell time, among other functions). After contract signing, we can expect at least a six-month implementation." Once SOMA is implemented, the Expert will assess compliance with this provision.

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

Partially Implemented (Previous Rating Partially Implemented)

- I. CHS shall develop a process for conducting disability-related evaluations for persons in custody after the medical intake screening. Such evaluations can occur at the request of the person in custody, staff who observe a potential need for accommodation, or third*

parties. Like the medical intake screening, such evaluation shall be conducted by a qualified health care professional to determine whether a person has a disability and, if yes, any reasonable accommodations necessary for the person to have equal access to programs, services, and activities offered at the Jail.

In a previous monitoring period, the Expert confirmed that the Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Accommodations for Patients with Disabilities was revised and now includes the process for the identification of a disability and accommodations post-intake. In addition, the County reported, and the Expert confirmed that Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive, Intellectual, and Developmentally Disabled Patients was revised and now includes the process for the identification of cognitive disabilities and associated adaptive deficits and supports post-intake.

Additionally, during a previous monitoring tour, the revisions to the Health Care Agency Correctional Health Services Policy and Procedure 6407-Reasonable Accommodations for Patients with Disabilities were drafted and reviewed by DRC's counsel. The Expert reviewed the policy and noted that the policy has been implemented and addresses the RP requirements.

The Expert also notes that during the incarcerated person interviews, three (3) incarcerated persons reported that, post-intake, when they advised medical staff of potential disabilities, CHS staff evaluated them and provided the necessary accommodations.

As part of document production, the County produced an Excel spreadsheet that reflects 54 cases where incarcerated persons were evaluated for disabilities and related accommodations based on third-party referrals (California Department of Corrections and Rehabilitation). Additionally, the County produced an Excel spreadsheet (ADA Identification List) that reflects 208 cases that were not identified at intake. The County reported that these cases are cases where an incarcerated person submitted a medical request and/or staff referrals.

The Expert notes that the policy includes a process for the identification of a disability and accommodations post-intake. Based on this, the Expert finds that the County has adequately implemented the RP requirements. However, during the next monitoring round, the Expert requests that the County provide the Expert with individual cases where the County evaluated and identified incarcerated persons with qualified disabilities and their accommodation needs.

Adequately Implemented (Previous Rating Adequately Implemented)

D. Orientation (Section IV)

A. *The County shall ensure that persons with disabilities are adequately informed of their rights under the ADA, including but not limited to:*

1. *The right to reasonable accommodations;*
2. *The process for requesting a reasonable accommodation;*

3. *The grievance process, location of the forms, and process for getting assistance in completing the grievance process;*
4. *The role of the OCSD and CHS ADA Coordinators and methods to contact them;*
5. *Instructions on how persons with disabilities can access health care services, including the provision of Effective Communication and other accommodations available in accessing those services; and*
6. *The availability of and process for requesting access to auxiliary aids, including sign language interpreters and other accommodations for people with disabilities affecting communication.*

The Expert notes that the County continues to use the following documents to provide information on the services available to incarcerated persons with disabilities as well as the incarcerated person rules and regulations:

- Orange County Sheriff's Department Custody Operations ADA Information Brochure
- ADA Inmate Qualifications Acknowledgement of Rights/Programs
- Correctional Programs Inmate Orientation Brochure
- ADA Inmate Interview Worksheet
- Orange County Sheriff's Department Custody Operations Inmate Orientation

These documents include all of the RP requirements.

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

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

- B. Upon booking, persons with disabilities shall receive, in an accessible format (including in the Spanish language), an orientation video regarding rules or expectations. Once they are housed, persons with disabilities shall receive, in an accessible format (including in the Spanish language), the Jail rules, the ADA information brochure, and the ADA inmate qualifications/acknowledgment of rights/programs form as part of the initial ADA interview process conducted by the ADA Compliance deputies.*

The County produced the Orange County Sheriff's Department Custody Orientation Video. The Expert notes the video is in English and Spanish and includes subtitle text. The County reported that the orientation video is played in the IRC Loop holding cells.

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

- Female: PF 4, PF 5 ADA, PF 6, PF 7 (all are working)
- Male: PM 5, PM 6 ADA, PM 9, PM 10 ADA, PM 16, PM 18, PM 19, PM 20, PM 21, PM 24, PM 25 (all are working)

- The Dock Area (where arrestees wait to be seen by Medical prior to entering the booking loop): three (3) televisions, one (1) is dedicated to the orientation video; all are working.

The County also reported that since the last site visit, no new televisions have been added since. As of May 12, 2023, the installation was completed, and the following cells have new televisions:

- PM-5
- PM-6
- PM-9
- PF-4

During the incarcerated person interviews, 11 of the 47 incarcerated persons interviewed stated they were not provided with an orientation video during the intake and booking process.

The Expert notes that the ADA information brochure and the ADA inmate qualifications/acknowledgment of rights/programs form, which is part of the initial ADA interview process, are consistently completed by the ADA Compliance Unit staff. The Expert also notes that the Orientation and Jail Rules, New Inmate Orientation, is available in large print.

The County reports that the tablets have been rolled out system-wide, and the jail orientation video and three PREA videos have been added to the tablets. However, during the tablet demonstration the Expert noted there may be some difficulty for incarcerated persons who are blind or low vision to access the tablets. The login process is convoluted requiring an individual to navigate this process every time they want to access the tablet. The tablets also automatically log a person out after a short period of inactivity (approximately 30 seconds). When this occurs, the person must go through the multi-step login process again. Though the tablets have built-in accessibility features through the operating system, the tablets are very difficult to use through the login process. Because some incarcerated persons have money loaded onto the tablets, it would not be appropriate for incarcerated persons to rely on other incarcerated persons for assistance in logging into the tablets as this may compromise the login passwords and may lead to victimization concerns. To address this concern, the County will need to develop a process for staff to provide assistance to certain incarcerated persons with disabilities. This assistance is especially necessary if the County is going to rely on the tablets as a means for providing essential information about Jail policies to incarcerated people with disabilities.

The Expert notes the videos are in English and Spanish and have closed captioning in English and Spanish. The ADA Compliance team will ask persons with disabilities whether they have viewed, listened to, and understood the videos or whether they need assistance. If the person needs assistance, the ADA Compliance team will provide assistance. If the person has a disability affecting communication, the ADA Compliance team will ensure that effective communication is used to convey the contents of the videos. The Expert will continue to monitor this during future monitoring to ensure incarcerated persons with disabilities are provided the opportunity to view the orientation video regarding rules and

expectations in an accessible format if needed, either during the Booking Loop process or on the tablets.

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

The County produced 99 OCSD Effective Communication Forms that were completed for the Initial ADA Interview. The Effective Communications Forms reflect that Effective Communication was provided during the interview, which includes information on the following:

- Recreation
- Education classes
- Religious services
- Visiting
- Grievance process

- Emergency/alarms
- Jail Rules
- Programs

Although there were no documents produced that reflect Effective Communication was provided during the viewing of the orientation video, including the PREA video, the County has updated the ADA Inmate Interview Worksheet and added questions about whether the person saw or listened to the orientation and PREA videos and understood the videos. For the ADA orientation, which is conducted by the ADA Compliance Unit staff, the Effective Communication that is used is consistently being provided and documented.

The County reports that the jail orientation video and three PREA videos are in English and Spanish and have closed captioning in English and Spanish. The ADA Compliance team will ask persons with disabilities whether they have viewed, or listened to, and understand the videos or whether they need assistance. If the person needs assistance, the ADA Compliance team will provide assistance. If the person has a disability affecting communication, the ADA Compliance team will ensure that effective communication is used to convey the contents of the videos.

The Expert notes that the Orientation Video is available in closed captioning and includes Spanish captioning. Although the County reports that the ADA staff asks persons with disabilities whether they have viewed, or listened to, and understand the videos or whether they need assistance and if the person needs assistance, the ADA Compliance team provides assistance the County did not provide proof-of-practice documentation. The County must provide documentation of Effective Communication during the viewing of the orientation and PREA videos.

The Expert will continue to assess and report on the provision of effective communication of this information for people with hearing, vision, and cognitive disabilities in the subsequent monitoring rounds.

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

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

During the on-site monitoring tour, the Expert queried the housing unit deputies regarding this requirement. All deputies interviewed stated they provide unit orientation and individualized support for incarcerated persons who are blind, low vision, deaf, hard of hearing, or who have Developmental or Intellectual disabilities when they are initially placed and/or transferred into the unit. The Expert noted that all housing units have a script that staff uses when providing the unit orientation. Staff also reported that at the completion of the orientation, Effective Communication is documented on the Effective Communication Form. The Script includes the following information:

When an inmate who is blind, low vision, deaf, hard of hearing, or who has a developmental or intellectual disability is initially housed or is transferred to a new housing unit, a housing unit deputy SHALL promptly provide the inmate with an orientation to include:

- Location of inmate's cell/bunk.
- Location of toilets and showers.
- Location of emergency buttons and any necessary guidance as to emergency/alarm procedures.
- Information as to how to request relevant accommodations (VRI/VRS, large print books, easy reading materials, etc.)
- How to request assistance from staff working in the housing unit, including assistance with inmate message slips, medical message slips, and grievance forms, as well as with activities of daily living.

See CCOM Policy 8000.6(g). The housing deputy shall use effective communication to ensure the inmate can safely navigate the housing unit and understands how to request assistance. The nature and extent of the orientation will depend on individual need. The housing deputy will complete the Effective Communication form per CCOM Policy 8000.11 and will document in the guard station Activity Log that this orientation was provided to the inmate and the Effective Communication form was completed.

During the incarcerated person interviews, with the exception of seven (7) incarcerated persons housed in the TLF Barracks, all incarcerated persons who are blind, with low vision, deaf, hard of hearing, or who have Developmental or Intellectual disabilities stated that housing unit staff had provided unit orientation and individualized support when they were initially placed and/or transferred into the unit. Three (3) of the incarcerated persons housed in the TLF reported that incarcerated persons conducted the unit orientation. The Expert could not confirm these claims.

The Expert also notes that the Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes the RP requirements.

The County produced 134 Orange County Sheriff's Department ADA Effective Communication forms that reflect Housing Unit Orientation was conducted for incarcerated persons who are blind, low vision, deaf, hard of hearing, or who have Developmental or Intellectual disabilities. The Effective Communication forms also reflect that Effective Communication was provided using the incarcerated person's preferred method of communication.

Based on this, the Expert has determined that monitoring is suspended based on previous findings of compliance. Although the Expert finds that monitoring is suspended based on previous findings of compliance, the Expert recommends that the County ensure that staff conduct the housing unit orientation for incarcerated persons in the TLF Barracks.

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

E. Effective Communication (Section V)

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

In previous monitoring reports, the Expert noted that the Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication includes a process for the CHS staff to assess an incarcerated person's Effective Communication needs during the medical intake screening process. Once identified, the CHS staff document the Effective Communication accommodations on the CHS Functional Performance Worksheet and the CHS Inmate Health and Mobility Notification Form J-105A. The J-105A is provided to classification staff and the ADA Compliance Unit and entered into the Existing ADA Tracking System. The CHS has a process in place for the medical providers to identify the Effective Communication needs and provide and document the Effective Communication accommodations provided during the clinical encounter. The CHS policy also requires medical staff to access the ADA Tracking System or patient's EHR, as applicable, to identify whether the patient requires reasonable accommodations for Effective Communication prior to routine health encounters. CHS staff are also required to document the provision of Effective Communication in the patient's health record using an ADA Effective Communication form or directly enter the Effective Communication provided in the electronic medical record (electronic Effective Communication Form).

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 12 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the EHR to determine if the medical staff provided and documented Effective Communication during the encounters. Listed below is a summary of the review:

- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of twelve (12) medical encounters, an SLI/VRI was not provided in seven (7).
- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of the three (3) medical encounters, an SLI/VRI was provided in all three (3).
- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of the eleven (11) medical encounters, an SLI/VRI was not provided in five (5).
- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of the seventeen (17) medical encounters, an SLI/VRI was not provided in fourteen (14).
- An incarcerated person with a hearing disability (preferred method of communication ASL) – Of the three (3) medical encounters, an SLI/VRI was not provided in two (2).
- An incarcerated person with a hearing disability (preferred method of communication is speaking loudly) – Of the seventeen (17) medical encounters, the provision of Effective Communication was documented in all seventeen (17) cases.
- An incarcerated person with an intellectual disability --- Of the two (2) medical encounters, the provision of Effective Communication was not documented in one (1) case.
- An incarcerated person with an intellectual disability – Of the ten (10) medical encounters, the provision of Effective Communication was not documented in one (1) case.
- An incarcerated person with a hearing disability (preferred method of communication Speaking Loudly) – Of the nine (9) medical encounters, the provision of Effective Communication was not documented in zero (0) cases.
- An incarcerated person with a hearing disability (preferred method of communication Lip Reading) – Of the eleven (11) medical encounters, Lip Reading was not used in four (4) cases.
- An incarcerated person with a hearing disability (preferred method of communication is speaking loudly) – Of the five (5) medical encounters, the provision of Effective Communication was not documented in zero (0) cases.
- An incarcerated person with a hearing disability (preferred method of communication Pocket Talker) – Of twenty-two (22) medical encounters, the provision of Effective Communication was not documented in zero (0) cases.

The Expert previously noted that the County has implemented revisions to the Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities, which includes an Effective Communication section that requires custody staff to identify incarcerated persons with Effective Communication needs, provide and document the Effective Communication as required by the RP. The Expert also notes that the form for staff to document Effective Communication has also been revised and implemented.

The Expert notes that CHS has also implemented Policy 6002 – ADA Effective Communication. Based on the Expert's findings, the Expert recommends that further training of staff on the policy be provided, including the requirements to check and utilize

the Effective Communication alert for each patient's Effective Communication needs in the EHR, provision of the patient's primary/preferred method of communication, and documentation on the EC form.

The Expert determined from interviews with classification staff, staff involved in the disciplinary process (issuance and hearings), and staff involved in the service of notices to appear and service of new charges that they are aware of the requirement to identify the Effective Communication needs and document the Effective Communication accommodations provided during due process events. The Expert notes that the County produced 531 completed Orange County Sheriff's Department Effective Communication forms. The completed forms include documentation of Effective Communication for the following types of encounters:

- Housing Unit Orientation (134)
- ADA Interview (123)
- Classification (112)
- Intake ID/New charges (115)
- Release (42)
- Other (5)
 - Commissary (1)
 - Mental Health (1)
 - Bail Agent (1)
 - Removal of Religious Diet (1)
 - Mental Health Evaluation Court Order (1)

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

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. The County also reported that CHS will continue to provide education and monitor compliance with the Effective Communication Policy.

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

Post tour CHS reported that additional staff training on effective communication and policy 6002 will be provided and CHS will continue chart audits to ensure effective communication is appropriately addressed.

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

Partially Implemented (Previous Rating Partially Implemented)

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

As stated above, the Health Care Agency Correctional Health Services Policy and Procedure includes a process for the CHS staff to assess an incarcerated person's Effective Communication needs during the medical intake screening process. The Expert interviewed CHS staff who were able to explain the process, including the process for CHS staff to alert custody staff of the Effective Communication accommodation needs of incarcerated persons who are blind or have low vision, who are deaf or hard of hearing, who have a speech, learning, Intellectual/Developmental Disability, who have a traumatic brain injury, or who have a mental illness.

The incarcerated persons interviewed during the tour also reported that CHS staff identified their Effective Communication accommodation needs.

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

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

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

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

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. The County also reported that CHS will audit compliance with Effective Communication as proof of practice and will submit audits in CHS's document production for the February 2024 Sabot tour.

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

EC FLAG COMPLIANCE					
Month	Population with EC flag	Encounters	EC form	EC form Missing	Compliance (%)
January	25	121	93	28	77%
February	33	320	256	64	80%
March					
April					
May	19	82	61	21	74%
June					
July					
August					
September					
October					
November					
December					

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

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

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

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

Post tour CHS reported that additional staff training on effective communication and policy 6002 will be provided and CHS will continue chart audits to ensure effective communication is appropriately addressed.

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

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

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

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

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

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

- June 2023 – Six (6) occasions – 55 minutes
- July 2023 – Six (6) occasions – 114 minutes
- August 2023 – Three (3) occasions – 24 minutes
- September 2023 – Four (4) occasions – 48 minutes
- November 2023 – Ten (10) occasions – 101 minutes
- December 2023 – Two (2) occasions – 24 minutes

The VRI invoices reflect the following (Custody):

- May 2023 VRI Usage – 19 minutes
- June 2023 VRI usage – 16 minutes
- July 2023 VRI usage – 134 minutes

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

- Classification interview – Three (3) cases
 - In one (1) case, iPad was used
 - In one (1) case, VRI was used
 - In one (1) case, written notes were used
- Housing Unit Orientation – Three (3) cases
 - In all three (3) cases VRI was used
- ADA Initial/Monthly Interview – Four (4) cases
 - In all four (4) cases, VRI was used
- Release Two (2) cases
 - In both cases, VRI was used
- Intake – Three (3) cases
 - In all three (3) cases, no SLI was used (lip reading and gestures)

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 12 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training

and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County produced 531 completed Orange County Sheriff's Department Effective Communication forms. The completed forms include documentation of Effective Communication for the following types of encounters:

- Housing Unit Orientation (134)
- ADA Interview (123)
- Classification (112)
- Intake ID/New charges (115)
- Release (42)
- Other (5)
 - Commissary (1)
 - Mental Health (1)
 - Bail Agent (1)
 - Removal of Religious Diet (1)
 - Mental Health Evaluation Court Order (1)

The Expert notes that the ADA Compliance Unit staff, staff who conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. The Expert also notes that the OCSD implemented the Orange County Sheriff's Department Effective Communication form. However, the Expert notes that the production of documents did not include encounters for disciplinary and programs. The Expert also notes that the Remedial Plan does not require that the Effective Communication Form be used for documenting effective communication for program participation. However, OCSD recognizes that effective communication will still need to be documented for program participants with disabilities affecting communication. During the next rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

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

In one case, the ADA Interview/Activity Log reflects the following:

- Inmate was issued ADA VRS tablet TLF 001 by ADA Deputy. Inmate tested the ADA VRS tablet and confirmed that the VRS application was working properly. No other issues at this time.

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective

Communication form. The County also reported that CHS will continue to educate and monitor compliance with the Effective Communication policy.

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

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

Post tour CHS reported that additional staff training on effective communication and policy 6002 will be provided and CHS will continue chart audits to ensure effective communication is appropriately addressed.

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

- Four (4) incarcerated persons stated that although the ADA Deputies provide reading and writing assistance, housing unit staff do not assist them and refer them to the ADA Deputies or incarcerated persons.

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

The County reported that Inmate Programs have been added to the Department's contract with Purple Communications. Programs will develop a process to alert the Rancho Santiago Education staff of effective communication accommodations and documentation of the provision of effective communication. However, the Expert notes that Effective Communication forms were not included in the document production.

The Expert notes there continues to be progress on this RP provision. However, there also continue to be several sub-components to this provision that are discussed in this section that have been rated as Partially Implemented. There are still some concerns with the provision of Effective Communications by CHS and OCSD staff. Although custody staff interviewed reported they are aware of the Effective Communication form and check for Effective Communication needs and are also knowledgeable of the Effective Communication requirements, there were cases where the incarcerated person's

preferred method of communication was not used. During the next monitoring tour, the Expert will review the documents to measure the County's compliance with the RP requirements. This includes documents that reflect the provision of Effective Communication during the incarcerated persons participation in the Jail programs, services, and activities such as education, religious, and work assignments.

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

Partially Implemented (Previous Rating Partially Implemented)

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

1. Due Process Events

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

2. Clinical Encounters

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

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

- Health history, current ailments, and/or injuries
- Diagnosis, treatment options, and prognosis
- Health evaluations
- Individual and group therapy/counseling and evaluation sessions

- Assistance with patient's rights advocacy
- Informed consent or refusal of health care
- Explaining medications, medical or mental health procedures, and discharge instructions
- Providing clinical assistance during a medical/mental health round

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

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

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. The County also reported that CHS will audit compliance with Effective Communication as proof of practice and will submit audits in CHS's document production for the February 2024 Sabot tour.

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

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 12 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County produced 531 completed Orange County Sheriff's Department Effective Communication forms. The completed forms include documentation of Effective Communication for the following types of encounters:

- Housing Unit Orientation (134)
- ADA Interview (123)
- Classification (112)
- Intake ID/New charges (115)
- Release (42)
- Other (5)
 - Commissary (1)

- Mental Health (1)
- Bail Agent (1)
- Removal of Religious Diet (1)
- Mental Health Evaluation Court Order (1)

The Expert notes that the ADA Compliance Unit staff, staff who conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. The Expert also notes that the OCSD implemented the Orange County Sheriff's Department Effective Communication form. However, the Expert notes that the production of documents did not include encounters for disciplinary and programs. The Expert also notes that the Remedial Plan does not require that the Effective Communication Form be used for documenting effective communication for program participation. However, OCSD recognizes that effective communication will still need to be documented for program participants with disabilities affecting communication. During the next rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

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

Partially Implemented (Previous Rating Partially Implemented)

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

- 1. Prior to the encounter, access the ADA Tracking System or Electronic Health Record system (as applicable) and identify if the person requires reasonable accommodation(s) for Effective Communication;*
- 2. Provide reasonable accommodation(s) to achieve Effective Communication and*
- 3. Document the method used to achieve Effective Communication and how the staff person determined that the person understood the encounter, process, and/or proceeding.*

The Expert previously reported that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication and the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities include the RP requirements for the identification, provision, and documentation of the Effective Communication accommodations.

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 12 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

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

- Classification interview – Three (3) cases
 - In one (1) case, iPad was used
 - In one (1) case, VRI was used
 - In one (1) case, written notes were used
- Housing Unit Orientation – Three (3) cases
 - In all three (3) cases VRI was used
- ADA Initial/Monthly Interview – Four (4) cases
 - In all four (4) cases, VRI was used
- Release Two (2) cases
 - In both cases VRI was used
- Intake – Three (3) cases
 - In all three (3) cases, no SLI was used (lip reading and gestures)

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

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

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. CHS will audit compliance with Effective Communication as proof of practice and will submit audits in CHS's document production for the February 2024 Sabot tour. CHS will continue to educate and monitor compliance with the Effective Communication Policy.

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

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

Post tour CHS reported that additional staff training on effective communication and policy 6002 will be provided and CHS will continue chart audits to ensure effective communication is appropriately addressed.

Partially Implemented (Previous Rating Partially Implemented)

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6002 ADA Effective Communication states, "Lip reading shall only be used when identified as the patient's primary method of communication. If a patient's preferred/primary method of communication is lip reading, then staff shall accommodate by speaking slowly and loudly."

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "An inmate's ability to lip read shall not be used by staff as a means of Effective Communication unless it is the inmate's preferred/primary method of communication."

Although there were no specific cases to review where an incarcerated person's preferred method of communication was lip reading, the County has policies in place, and staff is aware of the requirements of speaking slowly and loudly during the encounter.

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

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

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

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

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

The County reported that OCSD continues to reinforce training on the requirements to provide and document Effective Communication and the use of the implemented Effective Communication form. When the provision of SLI is needed, OCSD will use VRI. Barring a significant emergency where VRI services are down, there should not be an instance where an interpreter is needed but not provided. The County also reported that CHS will continue to educate and monitor compliance with the Effective Communication policy.

To measure the County's compliance with the requirement to provide Effective Communication, the Expert randomly selected 12 cases where the incarcerated person was identified as having a disability that affects communication. The Expert reviewed the medical progress notes in the Electronic Health Record to determine if the medical staff provided and documented Effective Communication during the encounters. For the summary of the review, see Section V (E. Effective Communication A). Further training and quality assurance are necessary to ensure consistent implementation of this provision by CHS staff.

The County produced 531 completed Orange County Sheriff's Department Effective Communication forms. The completed forms include documentation of Effective Communication for the following types of encounters:

- Housing Unit Orientation (134)
- ADA Interview (123)
- Classification (112)
- Intake ID/New charges (115)
- Release (42)
- Other (5)
 - Commissary (1)
 - Mental Health (1)
 - Bail Agent (1)
 - Removal of Religious Diet (1)
 - Mental Health Evaluation Court Order (1)

The Expert notes that the ADA Compliance Unit staff, staff who conduct the housing unit orientation, Classification staff, Intake/ID staff, and release staff consistently provide and document Effective Communication. The Expert also notes that the OCSD implemented the Orange County Sheriff's Department Effective Communication form. However, the Expert notes that the production of documents did not include encounters for disciplinary and programs. The Expert also notes that the Remedial Plan does not require that the Effective Communication Form be used for documenting effective communication for program participation. However, OCSD recognizes that effective communication will still need to be documented for program participants with disabilities affecting communication. During the next rating period, the Expert will review these types of encounters to determine if OCSD is providing and documenting Effective Communication as required by the RP.

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

Post tour CHS reported that additional staff training on effective communication and policy 6002 will be provided and CHS will continue chart audits to ensure effective communication is appropriately addressed.

Partially Implemented (Previous Rating Partially Implemented)

F. Intellectual and Developmental Disabilities (Section VI)

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients includes comprehensive policies and procedures for the identification and verification of incarcerated persons with cognitive and Developmental disabilities and their adaptive support deficits and adaptive support needs. The County reports that the CHS is currently screening all incarcerated persons at booking for cognitive and Developmental disabilities. However, as noted in Section III C. A., during the previous monitoring round, the medical intake nurses were not asking the related intellectual disability screening questions during the intake screening process.

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

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

- If a person is known to have an Intellectual/Developmental Disability identified by CDCR, Family, or Regional Center, the CHS ADA committee will complete a Functional Performance Worksheet (FPW), J-112, and J-105 within seven (7) business days.
- CHS ADA committee will refer the person to a licensed clinical psychologist for follow up if assistance is identified and needed within a reasonable time period of no more than 14 days. An appointment shall be scheduled in the Mental Health Clinical Staff Sick Call, and an email reminder shall be sent to the CHS licensed clinical psychologist.
- CHS ADA committee will add the person known to have an Intellectual/Developmental Disability onto the ADA Functional List and put a “DD” flag in TechCare.
- A licensed psychologist will continue to provide behavioral health services, which include but are not limited to developing an individualized plan that addresses (1) safety, vulnerability, and victimization concerns, (2) adaptive support needs, and (3) programming, housing, and accommodation needs while the person is in custody.
- Follow-up behavioral health services by a licensed clinical psychologist will be provided every 30 days or as needed.
- The individualized plan will be documented as a CIP/CARE PLAN in TechCare.
- If the licensed psychologist becomes aware that a person with an Intellectual/Developmental Disability has a change in (1), (2), and/or (3) above

during a follow-up visit, the licensed psychologist will schedule a referral for Medical Case Management Sick Call with the subject line stating “ADA DD Update” to inform the multidisciplinary ADA team to review the plan to update appropriate intervention(s) implemented.

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

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

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

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

The County previously reported that HCA/CHS developed a PowerPoint training for the Triage team. The training addresses the "what/why/how" in screening new bookings for ADA concerns. The County also reported that CHS will continue to reinforce the policy requirements for medical intake screenings.

As in the previous monitoring report, the Expert notes that with the implementation of the revised Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities and implementation of the revised Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients the County has comprehensive and coordinated written policies and procedures on serving incarcerated people with Intellectual/Developmental Disabilities. The medical intake nurses asked all

of the screening questions and, during the Expert's observations, identified a suspected intellectual/developmentally disabled person who was a previous Regional Center consumer and required referral for secondary screening.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

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

The current CJX and TLF ADA Tracking Lists include 19 incarcerated persons identified as Developmentally Disabled (1 pending DD screening). The County also produced 25 OCSD CHS J-112s that designated incarcerated persons as "Cognitive Disabled." The County produced a "Regional Center" spreadsheet that includes 58 cases. A summary of the 58 cases are as follows:

- No Regional Center reported – 36.
- Confirmed patient is open with Regional Center – four (4).
- Was a Regional Center, no longer client – one (1).
- Denied Regional Center – 11.
- Called Regional Center, never received services – three (3).
- No Regional Center called to confirm – three (3).

Although CHS completes and provides a Functional Performance Worksheet to OCSD Classification and ADA Compliance Unit staff advising them of information for

consideration for housing, work assignments, disciplinary measures, and other relevant matters, the Expert notes that the County did not produce the screening results for the Expert to review this information or the timeliness of the secondary screening.

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 8651 Cognitive or Developmentally Disabled Patients includes the following requirements:

“CHS licensed Clinical Psychologist II will, with a multidisciplinary team that includes medical, mental health, and custody staff, create an individualized treatment plan for each patient with a cognitive or developmental disability. The treatment plan will be documented within the Crisis Intervention Plan (CIP) Care Plan of the patient's health record and will address the following:

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

CHS licensed Clinical Psychologist II will notify the ADA Nurse Coordinator whenever there is a change to the CIP Care Plan by scheduling a "Medical Case Management Sick Call" appointment with reason as "ADA DD Update."

CHS-licensed Clinical Psychologist II will schedule the next follow-up appointment with a CHS-licensed Clinical Psychologist II within thirty (30) calendar days unless otherwise clinically indicated.

CHS-licensed Clinical Psychologist II will work with the multidisciplinary team to review the patient's individualized treatment at least quarterly. If a member of the team becomes aware of a change with respect to D.1(a), (b), and/or (c) above, they will inform the multidisciplinary team, and the Clinical Psychologist II will promptly convene a meeting to review the treatment plan and, if necessary, update the plan.”

The Expert notes that the CJX and TLF ADA Tracking Lists include 19 incarcerated persons identified with Developmental disabilities. The Expert notes that the County produced ADA MDT Meeting Minutes (August 24, 2023, and December 6, 2023). Based on a review of the minutes, the Expert notes the minutes reflect the following:

"A file was emailed to ADA staff from CHS/MH for all DD inmates on the Functional Needs List with the accommodations noted. Today, all DD inmates were discussed individually in alphabetical order by facility with mental health, classification, medical, and ADA staff. Each inmate has an individualized plan, and all entities discussed mental health, safety concerns, and proper housing.

Files will be posted in the minutes and emailed to all listed above. See individualized assessments for each inmate discussed."

The Expert notes that the "Individualized Assessments" (ADA DD/ID Inmate Interview Worksheet) addresses the following:

- Adaptive support needs from FNL
- Safety Concerns
- Inmates' vulnerability
- Inmates' victim concerns
- Housed properly
- Action plan
- Comments

The County produced 16 ADA DD/ID Inmate Interview Worksheets that were reviewed during the August 24, 2023, MDT meeting and 13 ADA DD/ID Inmate Interview Worksheets that were reviewed during the December 6, 2023, MDT meeting.

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities includes the RP requirements for a multidisciplinary team to monitor and ensure appropriate care and support for incarcerated persons with Intellectual/Developmental disabilities.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

The County reported that OCSD's Training Division will be maintaining the attendance for ADA training, and OCSD believes the records will be improved as a result. Sufficient information for adaptive supports and other individual needs will be added to the ADA tracking list and SOMA.

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 – Inmates with Disabilities includes the RP requirements for staff to monitor and ensure appropriate care and support for incarcerated persons with Intellectual/Developmental disabilities.

The County produced the following training documents:

- ADA Class Handouts
 - ADA Inmate Tracking List
 - ADA Tracking List/Log Instructions
 - ADA Effective Communication Form
 - Housing Unit Orientation
 - Safety and Security Assessment Form
- Americans With Disabilities Act (2-Hour Lesson Plan)
- Americans With Disabilities Act STC PowerPoint Presentation (78 slides)

The Expert notes that the training material includes a segment on the adaptive support needs of incarcerated people with Intellectual/Developmental Disabilities.

In the review of the "Training Taken by Course Category Report," "ADA Training" produced by the County reflects that 490 staff completed the training. The Training Summary Report reflects custody and program staff attended the training. The County also produced "Training Attendance Sheets" for ADA Training that was attended by OCSD cooks, transportation and commissary staff. The Attendance Sheets reflect that 137 staff attended the training.

Based on the review of all training documents, the Expert notes the County provides ADA Training to jail staff as required by the RP.

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

Adequately Implemented (Adequately Rating Partially Implemented)

E. People identified as having an Intellectual/Developmental Disability shall be provided with accommodations and adaptive supports tailored to their needs, including (but not limited to) communications at the appropriate comprehension level, more time to complete directions, and specific behavioral and activities of daily living (ADL) supports.

- 1. Jail staff will be assigned, as appropriate, to assist with health appointments, classification or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.*
- 2. The ADA Compliance Unit shall track provision of supports for people with Intellectual/Developmental Disabilities on the ADA Inmate Activity Log.*

The County reported that OCSD is developing a log for staff to log instances of assistance and adaptive supports provided to persons with Intellectual/Developmental disabilities.

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

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

The County produced 43 ADA Interview/Activity Logs for incarcerated persons identified as having an Intellectual/Developmental disability. The Expert notes the logs reflect ADA Compliance Unit staff meet monthly with the incarcerated person to address verbal and written communication, visits, commissary, and self-care. The Expert notes that the ADA Interview/Activity Logs do not reflect any entries by staff who provided accommodations and adaptive supports, including communications, more time to complete directions, and specific behavioral and ADL supports and assistance with health appointments, classification, or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.

Although staff interviewed reported that they provide adaptive supports (assistance, prompts, reminders, and monitoring), the Expert notes that other than the ADA Inmate Activity Logs, which reflect that the ADA Compliance Unit provided accommodations and adaptive supports during the orientation and monthly ADA interviews, the County did not produce documentation of cases where staff provided assistance with health appointments, classification or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications. The Expert notes that custody housing unit staff reported that they document the assistance and supports provided in the "Daily Activity Log." The Expert reviewed a sampling of the "Daily Activity Logs" for housing units where intellectually disabled incarcerated persons were housed. In the

review, the Expert noted that there was no documentation by housing unit staff for the provision of accommodations and adaptive supports, including communications, more time to complete directions, and specific behavioral and ADL supports and assistance with health appointments, classification, or disciplinary proceedings, housing/facility transfers, and other events involving potentially complex communications.

The Expert notes that the rollout of the SOMA ADA Tracking System should facilitate documentation in this area. Additionally, the Expert provided the County with a sample log that can be used to document the supports in the interim.

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

Post tour, CHS reported they are working to incorporate staff assistance for the IDD population into the Effective Communication process to ensure this accommodation is provided and documented when necessary. CHS will produce associated policies/procedures once finalized.

Partially Implemented (Previous Partially Implemented)

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

The County reports that the vendor has reported that there will not be easy-reading books on the tablets; however, easy-reading books will continue to be made available to incarcerated persons. We are advised that the tablets do have the option to increase font size by up to 8x, which should allow for large print text on all of their applications. The Expert confirmed this during the tablet demonstration.

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

In addition, in a review of the ADA Interview/Activity Logs for incarcerated persons with Intellectual/Developmental Disabilities, the Expert notes that during the interview with ADA Compliance Unit staff, the ADA Deputy offers the incarcerated person easy reading books. Further attention is needed to ensure that incarcerated persons with DD/ID or learning disabilities are provided meaningful access to the tablet programming. The hard-to-navigate interface of the current tablet system raises some concern that the tablets are not sufficiently accessible to this population.

Information on incarcerated persons with DD/ID or learning disabilities who need these easy reading materials should be incorporated into the SOMA ADA Tracking System to facilitate the implementation of this provision.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

The County did not produce completed discharge plans completed by JCRP Clinicians. However, the County produced an Excel spreadsheet "Individuals with IDD (June 1, 2023 – December 31, 2023)". The spreadsheet includes 49 cases. The spreadsheet reflects that in all 49 cases a Discharge Plan was not completed. For future monitoring, the County will need to provide the discharge plans for all incarcerated persons with Intellectual/Developmental Disabilities released during the rating period for the Expert to measure the County's compliance with the RP requirements.

Post tour the County reported that CHS completes the discharge planning. In addition, CHS produced documentation for the 49 cases. The documentation reflects the following:

- Twenty cases completed JCRP Discharge Plans.
- Nine (9) cases were seen by the night nurse and cleared with a plan, but no JCRP form was completed.
- Eight (8) cases are still in custody.
- Eight (8) cases transferred to CDCR.
- One (1) case transferred to a State Hospital.
- Three (3) cases W&IC 5150 Hold.

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

Post tour CHS reported that discharge plans for individuals with IDD will be produced for future reviews.

Partially Implemented (Previous Rating Partially Implemented)

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

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

The Expert previously reported that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health

Accommodations for Patients with Disabilities and the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities include processes for the County to perform an individualized assessment by CHS staff and the provision of HCAs/ADs/DME.

CHS staff interviewed stated that when the need for the accommodation is identified, the CHS staff provides the HCA/AD/DME pending an evaluation by a medical provider. The incarcerated persons interviewed confirmed they were provided the HAC/AD/DME upon this determination.

During the on-site monitoring tour, the Expert confirmed that an ample supply of canes, crutches, wheelchairs, braces, tapping canes, and walkers are available for issuance to the incarcerated persons in the IRC, MJ, and TLF.

The County provided the following list of common devices ordered:

Device		Flag ADA?	ADA Impairment
AFO Brace		Yes	Mobility
Ace Wrap only		No	None
Abdominal Binder		No	None
Cane		Yes	Mobility
Canvas Shoes		No	None
Crutches		Yes	Mobility
Hearing Aids		Yes	Hearing
Knee Immobilizer		Yes	Mobility
Knee Sleeve		No	None
Neoprene knee sleeve (Soft knee brace)		No	None
Post Op Shoe		Yes	Mobility
Prosthesis	Arm	Yes	Dexterity
	Leg	Yes	Mobility
Sling		Yes	Dexterity
Shoulder Immobilizer		Yes	Dexterity
Splint	Arm	Yes	Dexterity
	Leg	Yes	Mobility
Tapping cane		Yes	Vision
Walker		Yes	Mobility
Walking boot		Yes	Mobility
Wheelchair		Yes	Mobility

During the incarcerated person interviews, the following incarcerated persons interviewed stated that during the medical intake screening process, in cases where medical staff

identified that they required accommodations (e.g., housing, HCA/AD/DME), the housing accommodations and HCA/AD/DME were not provided promptly.

- Incarcerated person housed in IRC Mod N – States she came into custody with high arch supports, and they were removed and placed in her property. She has an order for a wheelchair long distance and states she needs an evaluation for a wheelchair full-time with a seat stabilizer. She also stated she needs her arch supports and closed-toe shoes to accommodate the arch supports. She was using feminine napkins as arch supports.
 - County response - Patient was evaluated by CHS provider, nursing, and CM ADA, did not mention about arch supports before. Observed patient getting up from bed and ambulating toward table independently without using device, has feminine pads on jail issues sandals. She was seen by Physical Therapy in 2022, College Hospital Costa Mesa, recommended high arch support inserts and, seating device in car and pillows for sleep. Patients stated she was not prescribed with mobility devices. ADA Deputies checked clothing room and property room; regular shoes (ankle boots) found without any arch support. MDSC Scheduled for request on arch support inserts, canvas shoes, and medication evaluation. MH Prescriber Chart Review scheduled for medication evaluation.
 - County response - On 02/27/24 at 0718, ADA Deputies checked her property for high arch supports, and they were not found. After speaking with her, she stated her arch support inserts were taken out by the arresting officers from Fullerton Police Department prior to her coming into OCSD custody. She will be evaluated by CHS.
- Incarcerated person housed in CMJ Mod O – Suffered a broken leg at TLF and uses a walker. States he needs an extra mattress and a cane.
 - County's response - Patient was seen during monthly ADA follow up 2/21/2024, patient was unsteady when demonstrating ambulation with cane. Ortho 2/7/2024 recommended to continue walker and follow up in 1 month with x-ray of right hip. Patient will be seen again for device transition after ortho follow up, scheduled 3/6/2024. Extra mattress ordered x 6 months by CHS MD.
 - County's response - An extra mattress has been provided.
- Incarcerated person housed in TLF Barracks G – Is requesting a Pocket Talker. He wants to know if he will be issued a Pocket Talker and if he will be allowed to keep it upon release. He has County issued hearing aids and also wants to know if he can keep them upon release. Stated he has difficulty processing information due to TBI. Needs evaluation for DD/IDI.
 - County's response - Patient was provided with hearing amplifiers. We are now providing hearing amplifiers instead of pocket talkers. Our patients are allowed to keep hearing amplifier upon release.
- Incarcerated person housed in H Barracks – Requesting Hearing Aids.
 - County's Response - Patient seen by ADA nurse on 01/25/2024. He reported that he was born deaf in right ear. Stated that he was able to hear normal with L ear. Per patient, he never wears hearing aids because he was told that he will not benefit from hearing aid on the affected ear. Referred to provider for referral to audiologist.

- Incarcerated person housed in TLF G Barracks – Requesting the status of Audiology/Hearing Aids.
 - County's response - Has pocket talker for enhanced communication. Referred to audiologist 03/01/2024.
- Incarcerated person housed in TLF Mod O – Requesting the status of Audiology/Hearing Aids.
 - County's response - Patient was seen by Audiologist on 06/13/2023. Audiologist recommended pocket talker/amplifier.
- Incarcerated person housed in TLF Mod O – States he needs a new prescription for glasses. He is requesting the same prescription for the glasses he left at CMJ when he transferred to TLF.
 - County's response - Glasses were ordered on 02/03/2024. Pending delivery
- Incarcerated person housed in TLF Mod O – Requesting a rolling tip for his tapping cane.
 - County's response - Roller cane tip has been ordered.
- Incarcerated person housed in TLF Barracks - He stated he is waiting for his prosthesis to be approved by OCSD; his wife is in possession of the prosthesis and can deliver or send it upon approval. Requesting the timeline and process for approval.
 - County's response - ADA Deputy spoke with him and he advised the ADA Deputy that his wife is in North Carolina until 03/15/24. She will be contacted after her return to bring in his prosthesis for a security evaluation.
- Incarcerated person housed in TLF MOD O – States he needs an eggcrate mattress due to bed sores. States he needs a Roho cushion for his wheelchair due to bed sores. He states he needs a urinal due to having difficulty accessing the urinal at night due to nerve issues in his legs (he is using a milk carton).
 - County's response - He has received the eggcrate, cushion, and urinal.
- Incarcerated person housed in TLF Mod O – States he needs a wheelchair for long distances (has an order for a cane).
 - County's response - OCSD provided him with new shoes. On 02/29/24, CHS ordered the wheelchair for long distance.

The Expert determined these missed identifications do not appear to constitute a systemic issue but underscore the need for the County to have an adequate system of supervisory oversight, quality assurance, and staff accountability procedures to address and remediate ADA/Disability-related issues as they arise.

Additionally, the Expert notes that OCSD considered DRC's and their podiatry experts' input, regarding footwear for incarcerated persons that due to their disability, medical condition, or other factors, require further accommodation based on individual need. OCSD reported that they will be moving forward with obtaining the new strapless EVA step-in shoe, as well as the new Velcro shoe for individuals with accommodation needs. OCSD reported that the contract with the current vendor will have to be amended. OCSD estimates the process for the contract and obtaining the shoes may take two to three months. The Expert will continue to monitor this in future monitoring.

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

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

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

The Expert previously reported that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "The ADA Compliance Unit will inspect the device at the monthly interview with the inmate and will indicate on the ADA Inmate Activity Log whether the inmate has the assigned device; whether the inmate believes the assigned device is appropriate; whether the device is in good working order; and if the device requires repair or replacement or is inappropriate for the inmate and a description of the actions taken (e.g., to repair/replace the device, have the inmate evaluated for a different device, etc.)." The ADA Compliance Unit staff interviewed stated they document the results of the inspection on the ADA Interview/Activity Log.

Additionally, although not included in a CHS policy, the ADA Case Management staff continues conducting and completing an Assistive Device Monthly Checklist that includes the RP requirements.

The Expert reviewed 788 ADA Interview/Activity Logs the County produced and confirmed that the ADA Compliance Unit conducts a monthly inspection and maintenance check of the HCA/AD/DME issued to incarcerated persons. The Expert noted that for every case where an incarcerated person is prescribed an HCA/DME/AD, the ADA Compliance Unit staff addresses the condition of the HCA/DME/AD. Listed below are cases where the ADA Compliance Unit staff took action to address the HCA/AD/DME repair/replacement:

- Is not satisfied with HCA/AD/DME and is requesting different. Is asking for a wheelchair that has leg rests that can hold his left leg. ADA nurse notified.
- States the Velcro straps on his walking boot are wearing down and won't tighten as much. ADA nurse notified.
- HCA/AD/DME is not in good working order and requires a new cane rubber cap. ADA nurse notified.
- HCA/AD/DME is not in good working order and requires a new earpiece on one of his hearing aids. ADA RN notified. HCA staff replaced personal hearing aids and cleaning supplies with HCA provided Pocket Talker and Headphones. Hearing aids placed on property.
- ADA RN switched out his personal wheelchair to get some screws tightened. CHS wheelchair issued temporarily.

- HCA/AD/DME is not in good working order and requires a new one. ADA nurse notified.
- Does not have assigned WALKER. Inmate has a four-prong cane that was issued at the hospital. One of the rubber pieces of one of the prongs is missing. Inmate is requesting a walker like he was originally assigned. He is also requesting a back brace. ADA nurse notified.
- HCA/AD/DME is in good working order but was missing what appeared to be a small gasket that prevents the cane from moving around. Claims it was removed during a search. ADA RN notified. Per ADA RN, a replacement cane was issued. Personal cane was retrieved by ADA RN.
- HCA/AD/DME is not in good working order and requires repair or replacement. Armpit padding on his personal crutches and the tips needs replacement. ADA nurse notified.
- Reported, and it is noted the wheelchair is missing the right foot pedal. ADA RN notified by email.

The County produced a blank HCA Assistive Device Monthly Checklist. The checklist includes the following information:

- Name
- Number
- Language
- DOB
- SEX
- Race
- Housing
- Court Date
- Type
- Status
- Initial Screening
- Follow-up Screening
- Do you have all assigned devices? (Select all that apply)
 - Wheelchair
 - Walker
 - Crutches
 - Cane
 - Prosthetic
 - Splint
 - Sling
 - Hearing Aids
 - Pocket Talker
 - Tapping Cane
 - Other
- Device Check
- Action Plan
 - Currently, No Action Plan Necessary
 - Obtain Verbal Order for Accommodations
 - Service Request to CHS Supply

- Refer to Medical Sick Call
- ADA Compliance Follow-up
- Remove from use
- Other (specify)
- Provide Replacement Supply

The County also produced an Excel spreadsheet (Assistive Device Monthly Checklist List) that includes the Assistive Device Monthly Checklists completed during the document review period. The list includes 208 entries.

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

This provision will continue to be subject to monitoring to ensure that it remains in compliance during and subsequent to the implementation of the SOMA tracking system.

Adequately Implemented (Previous Rating Adequately Implemented)

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

As reported in section B above, the County has a process in place where CHS and ADA Compliance Unit staff conduct inspections of the HCA/AD/DME, including wheelchairs.

The incarcerated persons interviewed who use wheelchairs confirmed that the County-provided wheelchairs are in working order and have features consistent with their individual needs.

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

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

The Expert notes there are 30 entries on the log. Of the 30 entries, four (4) reflect the following problems:

- Left armrest broken

- Both armrests
- Both brakes
- Footrest broken

The County reports that in the event a wheelchair is not in good working order and requires repair, the County provides a replacement wheelchair pending the repair. The log reflects that in three of the cases, the replacement wheelchair was provided on the same day.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

The Expert previously noted that the Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, “All devices provided, their repair, or replacement are free of charge to the patient.”

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

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

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

The Expert previously reported that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, “Inmates with disabilities may arrive with an assistive device, such as a cane, crutch, walker, wheelchair, or an orthopedic or prosthetic appliance. Unless a Captain or Watch Commander determines and documents, based on an individualized assessment in the Safety and Security Assessment Form, that the said device or appliance constitutes an immediate risk of bodily harm to inmates, staff or threatens the security of the facility, the inmate shall be allowed to retain the device or appliance.”

The County reported that the following process is in place when incarcerated persons are booked into custody with personal assistive devices (i.e., Cane, Crutches, Tapping cane, Walker, Wheelchair):

CHS Triage RN

- Verify the device
- Tag the device with Name, DOB, OCN
- Hand-off tagged device to Arresting Officer

- Document the condition of the device in TechCare

Uncuff Deputies

- Verify tagged device and inspect for security purposes
- Sign off property sheet

Property CST

- Pick up the tagged device to the property room
- Document in the device log

Staff reported, and the incarcerated persons interviewed confirmed, that incarcerated persons are allowed to keep the HCA/AD/DME once prescribed and authorized by CHS and the ADA Compliance Unit.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

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

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

The County reported that OCSD continues to reinforce training on the Remedial Plan's requirements and the use of the implemented Safety and Security Assessment form. The County also reported that CHS will continue to train staff regarding policy requirements for providing alternative devices.

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

The County reports there were 17 cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons. In

the review of the completed Safety and Security Assessment forms, the Expert notes the following:

Case #1

- Crutches had bolts on the side that could be removed. Crutches were placed on his property at his request.
- Safety and Security and Assessment Form does not reflect if an alternate device was issued.

Case #2

- Wheelchair was altered, ripped, and had exposed wires.
- Safety and Security and Assessment Form does not reflect if an alternate device was issued.

Case #3

- The bolts of the crutches were removable.
- Was given a CHS wheelchair.

Case #4

- Wheelchair easily comes apart in many places with sharp ends that could be used as a weapon.
- CHS wheelchair was given as replacement.

Case #5

- The Safety and Security Assessment Form only reflects the walker as the assistive device removed with no other information.

Case #6

- Personal walker had loose wires and brake handles.
- Given a CHS walker until review completed. After review by CHS staff, and deputies, it was determined the inmate's personal walker was safe to return to him.

Case #7

- The cane appears modified and has a metal tip.
- CHS cane provided as replacement.

Case #8

- Wheelchair property of LA County exchanged for CHS wheelchair per medical staff.

Case #9

- The Safety and Security and Assessment Form does not reflect the reason for the removal of the cane.
- Incarcerated person advised she did not need the cane. Medical concurred.
- Device returned with 20 minutes.

Case #10

- Incarcerated person broke his own glasses into five different pieces. His glasses were placed in his property.
- Inmate was told to contact a family member or friend to bring a new set of glasses for him.

Case #11

- The Safety and Security and Assessment Form does not reflect the reason for the removal of the walking cane.
- Incarcerated person is scheduled to see doctor later today to figure out a plan for a device.

Case #12

- Incarcerated person has broken metal pieces off of crutches.
- Device returned within one (1) hour.

Case #13

- Device (crutches) can be taken apart and has multiple long screws. Incarcerated person is charged with P.C. 422. Will be given an alternative CHS device.

Case #14

- Assault on an inmate with GBI.
- The Safety and Security Assessment Form does not reflect if the alternate device was issued.

Case #15

- Incarcerated person uncooperative – finger splint.
- Device returned within two (2) hours.

Case #16

- Multiple sharp screws found in wheelchair rusted bolts found to be hazardous for staff and inmate.
- Medical documented issuing CHS wheelchair.

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

The County reported that OCSO continues to reinforce training on the Remedial Plan requirements and the use of the implemented Safety and Security Assessment form.

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

The County reports there were 17 cases where Jail staff determined it was necessary to remove an individual's personal HCA/AD/DME for safety and security reasons. In the review of the completed Safety and Security Assessment forms, the Expert notes the following:

Case #1

- Crutches had bolts on the side that could be removed. Crutches were placed on his property at his request.
- The Safety and Security Assessment Form does not reflect if the alternate device was issued.

Case #2

- Wheelchair was altered, ripped, and had exposed wires.
- The Safety and Security and Assessment Form does not reflect if an alternate device was issued.

Case #3

- The bolts of the crutches were removable.
- Was given a CHS wheelchair.

Case #4

- Wheelchair easily comes apart in many places with sharp ends that could be used as a weapon.
- CHS wheelchair was given as replacement.

Case #5

- The Safety and Security Assessment Form only reflects the walker as the assistive device removed with no other information.

Case #6

- Personal walker had loose wires and brake handles.
- Given a CHS walker until review completed. After review by CHS staff, and deputies, it was determined the inmate's personal walker was safe to return to him.

Case #7

- The cane appears modified and has a metal tip.
- CHS cane provided as replacement.

Case #8

- Wheelchair property of LA County exchanged for CHS wheelchair per medical staff.

Case #9

- The Safety and Security and Assessment Form does not reflect the reason for the removal of the cane.
- Incarcerated person advised she did not need the cane. Medical concurred.
- Device returned with 20 minutes.

Case #10

- Incarcerated person broke his own glasses into five different pieces. His glasses were placed in his property.
- Inmate was told to contact a family member or friend to bring a new set of glasses for him.

Case #11

- The Safety and Security and Assessment Form does not reflect the reason for the removal of the walking cane.
- Incarcerated person is scheduled to see doctor later today to figure out a plan for a device.

Case #12

- Incarcerated person has broken metal pieces off of crutches.

- Device returned within one (1) hour.

Case #13

- Device (crutches) can be taken apart and has multiple long screws. Incarcerated person is charged with P.C. 422. Will be given an alternative CHS device.

Case #14

- Assault on an inmate with GBI.
- The Safety and Security Assessment Form does not reflect if the alternate device was issued.

Case #15

- Incarcerated person uncooperative – finger splint.
- Device returned within two (2) hours.

Case #16

- Multiple sharp screws found in wheelchair rusted bolts found to be hazardous for staff and inmate.
- Medical documented issuing CHS wheelchair.

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

Partially Implemented (Previous Rating Partially Implemented)

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, "Whenever a patient's personal DME or assistive device needs repair, CHS staff shall coordinate the repairs needed with the CHS Supply team. The patient will be provided a comparable device while their DME/assistive device is being repaired to accommodate their individual needs. All devices provided, their repair, or replacement is free of charge to the patient."

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

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

- Serial Number
- Size
- Date Assigned to ADA Program
- Date Assigned to Inmate (Out)
- Date Collected from Inmate (In)

- Status
- Location/Comments
- Replacement
- Problem Date
- Date Fixed
- Surplus date
- Comments

The Expert notes there are 30 entries on the log. Of the 30 entries, four (4) reflect the following problems:

- Left arm rest broken
- Both arm rests
- Both brakes
- Footrest broken

The County reports that in the event a wheelchair is not in good working order and requires repair, the County provides a replacement wheelchair pending the repair. The log reflects that in three of the cases the replacement wheelchair was provided the same day.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, "The patient will be provided a comparable device while their DME/assistive device is being repaired to accommodate their individual needs."

Staff reported, and the incarcerated persons interviewed confirmed, that in cases where the County provides HCA/AD/DME replacing a personal HCA/AD/DME, the replacement is comparable to their personal device and provides them safe access to the Jail's programs, services, and activities.

The Expert notes that in cases where an incarcerated person's personal HCA/AD/DME was replaced by a county-issued HCA/AD/DME, the replacement was sufficient to provide the incarcerated person with safe access to the Jail's programs, services, and activities.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, "The patient will be provided a comparable device while their DME/assistive device is being repaired to accommodate their individual needs."

Staff reported, and the incarcerated persons interviewed confirmed, that in cases where the County is repairing a personal HCA/AD/DME, the County provides an interim HCA/AD/DME while their personal HCA/AD/DME is being repaired.

The Expert notes that the County has policies and a formal process in cases where an incarcerated person's personal HCA/AD/DME is in need of repair. Although there were no cases available for review, the County has a formal process in place to ensure in cases where the County repairs a personal HCA/AD/DME, the County provides the incarcerated person with an interim HCA/AD/DME while the personal HCA/AD/DME is being repaired. In addition, the Expert notes that all staff are aware of the policy and RP requirements.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities may arrive with an assistive device, such as a cane, crutch, walker, wheelchair, or an orthopedic or prosthetic appliance. Unless a Captain or Watch Commander determines and documents, based on an individualized assessment in the Safety and Security Assessment Form, that the said device or appliance constitutes an immediate risk of bodily harm to inmates, staff or threatens the security of the facility, the inmate shall be allowed to retain the device or appliance."

Staff reported, and the incarcerated persons interviewed confirmed that they are allowed to keep their prosthetics, and they are allowed full use of their prosthetics while in custody.

The Expert notes that the County has policies and has implemented a Safety and Security Assessment Form that facilitate the implementation of this and related requirements.

The County produced an Excel spreadsheet that lists three (3) cases where incarcerated persons were allowed to retain prosthetics while in custody.

During the incarcerated person interviews, three (3) incarcerated persons reported they were allowed to retain their prosthetic while in custody. Additionally, in one case the incarcerated person requested to be allowed to have his prosthetic delivered to him while in custody. The County reported that the ADA Compliance Deputy spoke with him, and he advised the ADA Deputy that his wife was in North Carolina until 03/15/24 and that she will be contacted after her return to bring in the prosthesis for a security evaluation.

Additionally, in review of the 788 ADA Activity Logs, the Expert noted the following case related to the provision of prosthetics.

- Refused to use his personal prosthetic arm while in custody. ADA Deputy spoke to the inmate at the IRC and explained to him that if he does not use his prosthetic arm, it may not fit later. He stated he understood and was fine without it. He was advised if he changed his mind and wanted his prosthetic arm to notify anyone in the ADA Compliance team and the arm would be issued to him. Requested and issued prosthetic arm.
- Inmate was issued a charging cable to charge his prosthetic leg.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, "Patients whose prosthetic limbs were removed due to security concerns are evaluated by a prescriber, as soon as possible, no later than the next available sick call after the removal of the prosthetic limb."

The County reported there were no cases where a prosthetic was removed from an incarcerated person.

The Expert notes that the County has policies that require a prescriber/medical provider to evaluate the incarcerated person as soon as possible, no later than the next available sick call, in cases where a prosthetic limb has been removed due to security concerns. Although there were no cases available for review where the County removed a prosthetic from an incarcerated person, the County has a formal process in place to ensure that cases where the County removes a prosthetic limb or similar device due to specifically identified security concerns are evaluated by a

medical provider. In addition, the Expert notes that all staff are aware of the policy and RP requirements.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously reported that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients does not specifically list prosthetics; the policy states, "Whenever a patient's personal DME or assistive device needs repair, CHS staff shall coordinate the repairs needed with the CHS Supply team. The patient will be provided a comparable device while their DME/assistive device is being repaired to accommodate their individual needs. All devices provided, their repair or replacement is free of charge to the patient." The policy also states, "Patients whose prosthetic limbs were removed will be evaluated by a prescriber, as soon as possible, no later than the next available sick call after the removal of the prosthetic limb, in order to address any negative impact on the health or safety of the person and to provide an alternative device and/or accommodation as warranted."

The County produced HCA Progress Notes for one (1) case where an incarcerated person requested repair of his prosthetic.

Case #1

- An incarcerated person when seen by medical staff stated, "It's cutting into my skin, I need new liner/sleeve." Patient reported she received prosthetic leg while in Pennsylvania prison about 2 years ago, followed up with prosthetist about a year ago in Miami, Florida, no follow up since then. Patient removed prosthetic leg, no open wounds/redness noted on bottom of stump. Redness with scrapes noted on inner thigh of right leg near knee where prosthetic socket touches. Provided CHS wheelchair until seen by provider, advised pt to refrain from wearing prosthetic until further evaluation. The case was referred to Orthopedic Surgery for gel sock & prosthetic evaluation. During the incarcerated person interviews the incarcerated person stated she had received her replacement prosthetic within a month and a half.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously reported that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients (currently being further revised) states, "When clinically indicated, an Off-Site Request is completed for contracted specialists and specialty items needed to accommodate patient's needs. The CHS Medical Case Management Team arranges for timely appointments for provision of needed DME or assistive device. Based on clinical assessment and meaningful consideration of the patient's stated preference, an alternative DME or assistive /device will be provided to facilitate equal access to services."

The Expert notes that the County has implemented policies that require the County to take prompt steps to provide appropriate assessment and timely provision of prostheses or similar device in cases where CHS determines a person requires a prosthetic limb or similar device but does not have one. The policy also requires the County to provide an alternative assistive device, based on clinical assessment and meaningful consideration of the individual's stated preference, as an interim accommodation to facilitate equal access to services. Although there were no cases available for review where CHS determined a person required a prosthetic limb or similar device but did not have one, the County has a formal process in place to ensure the County takes prompt steps to provide appropriate assessment and timely provision of prostheses or a similar device. In addition, the Expert notes that all staff are aware of the policy and RP requirements.

During the incarcerated person interviews, an incarcerated person who had recently come into custody requested to be allowed to have his prosthetic delivered to him while in custody. The County reported that the ADA Compliance Deputy spoke with him, and he advised the ADA Deputy that his wife was in North Carolina until 03/15/24 and that she will be contacted after her return to bring in the prosthesis for a security evaluation.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with

disabilities may arrive with an assistive device, such as a cane, crutch, walker, wheelchair, or an orthopedic or prosthetic appliance. Unless a Captain or Watch Commander determines and documents, based on an individualized assessment in the Safety and Security Assessment Form, that the said device or appliance constitutes an immediate risk of bodily harm to inmates, staff or threatens the security of the facility, the inmate shall be allowed to retain the device or appliance. If there is a security issue with a specific device (e.g., metal tipped cane), the Captain or Watch Commander will consult with CHS, and the inmate will be provided a County-approved substitute device. Inmates will be permitted to possess their assistive device in a temporary holding cell at all times. If the personal device or appliance is confiscated, the Captain or Watch Commander who conducted the individualized assessment shall send the ADA Compliance Unit a copy of the completed Safety and Security Assessment Form and send an email detailing the events to ADACompliance@ocsheriff.gov."

Staff reported, and the incarcerated persons interviewed confirmed, that the County does not automatically remove HCA/AD/DME when they are placed in temporary holding cells. The Expert did not interview incarcerated persons with prescribed HCA/AD/DME who had been placed in observation cells. The County reported that sobering cells are not utilized.

The Expert notes that the County has implemented policies that prohibit the County from automatically removing HCA/AD/DME when incarcerated persons are placed in temporary holding, sobering, or observation cells and require that the removal of the HCA/AD/DME be based only on individualized security factors and only for the minimum time necessary. Although there were no cases available for review where the County automatically removed a HCA/AD/DME when incarcerated persons were placed in a temporary holding, sobering, or observation cell, the County has a formal process in place to ensure the County only removes a HCA/AD/DME based on individualized security factors only and for the minimum time necessary. In addition, the Expert notes that all staff are aware of the policy and RP requirements.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Reasonable accommodations will be provided to inmates during the release process. Inmates requiring the use of accessible cells will either be held in cells designed to be accessible or be prepared for release in their respective housing units and expedited through the release process. If an inmate arrives at the Jail with a personal assistive device that is exchanged for a county-owned device, staff shall ensure that the personal device is placed with the inmate's property and returned to the inmate upon release. Unless the inmate has an

equivalent personal device stored in Inmate Property, the inmate is entitled to keep their county-issued assistive device or will be provided a comparable device at the time of release if the inmate needs the assistive device for all purposes.”

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients states, “CHS Release Nurses collaborate with CHS ADA Nurse Coordinators to ensure patients with disabilities, who have scheduled release dates, have the necessary accommodations and that their DME/assistive devices are in good working order for reentry into the community. CHS allows patients to retain County-issued DME free of charge or will exchange DME with a comparable assistive device for use upon release whenever patients do not have access to the proper DME adequate for their disability.”

The County produced an Excel spreadsheet, "ADA Device Release Log," that reflects 613 disabled incarcerated persons who were released with a personal, donated, or CHS-provided HCA/AD/DME. The log includes the following columns:

- Month
- Release Date
- Name
- Booking #
- ADA Device (Personal, None, CHS, Donated, In-Custody Transfer, In Custody Transfer, Donated, and Declined)
- Misc. (This column includes the devices and disability and other comments.)

The Expert notes that in some cases, the incarcerated person declined the HCA/AD/DME, or the family picked up the incarcerated person.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The custody and CHS staff interviewed stated that prior to the release of an incarcerated person, all personal property stored, including personal HCA/AD/DME, that was removed from the incarcerated person is transferred to the release area. The custody staff conducting the release issue the personal property, including personal HCA/AD/DME.

The County produced an Excel spreadsheet, "ADA Device Release Log". The log includes the following columns:

- Month

- Release Date
- Name
- Booking #
- ADA Device (Personal, None, CHS, Donated, In-Custody Transfer, In Custody Transfer, Donated, and Declined)
- Misc. (This column includes the devices and disability and other comments.)

The Log reflects the following information on the ADA Device column:

- 109 – CHS
- 7- Declined
- 12 – Donated
- 78 – No device (disability noted only)
- 60 – In custody transfer
- 1 – OCSD
- 241 – Personal
- 1 – Refused
- 2 - Blank

The entries reflect: 241 cases were released with their personally owned HCA/DA/DME, in one (1) case the family brought personal wheelchair at release and in one (1) case the cane was declined.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, Reasonable accommodations will be provided to inmates during the release process. Inmates requiring the use of accessible cells will either be held in cells that are accessible or prepared for release in their respective housing units and expedited through the release process. Staff shall ensure that any personal assistive device placed with the inmate's property is returned to the inmate upon release. If the inmate does not have any personal assistive device and was provided a county-owned device, the inmate will be permitted to retain the county-owned device upon release. Unless the inmate has an equivalent assistive device stored in Inmate Property, the inmate is entitled to

keep their county-issued assistive device or will be provided a comparable device at the time of release, consistent with their need for such device.”

The Expert previously noted that the revised and implemented Health Care Agency Correctional Health Services Policy and Procedure 6407 Reasonable Health Accommodations for Patients (currently being revised) states, "CHS Release Nurses collaborate with CHS ADA Nurse Coordinators to ensure patients with disabilities, who have scheduled release dates, have the necessary accommodations and that their DME/assistive devices are in good working order for reentry into the community. CHS allows patients to retain County-issued DME free of charge or will exchange DME with a comparable assistive device for use upon release whenever patients do not have access to the proper DME adequate for their disability."

The County produced an Excel spreadsheet, "ADA Release Log," that reflects 119 disabled incarcerated persons who were released with a donated or CHS-provided HCA/AD/DME.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

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

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

H. Housing Placements (Section VIII)

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

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

As in the previous monitoring report, the Expert notes that the County is in the process of making physical plant modifications, adding accessible housing, accessible features, and accessible paths of travel for incarcerated persons to have equivalent access to the Jail's programs, services, and activities. Pending these modifications, the County's current

accessible housing for incarcerated persons who require accessible housing and features includes:

- TLF Mod O – Sector 37 and Sector 42
- TLF A/E Barracks
- IRC Mod K – Sectors 21-26
- IRC Mod L – Closed During Tour
- IRC Mod M – Sectors 21-26
- IRC Mod S – Sector 2
- CMJ Mod O – Ward C, Ward D, and Sheltered Living (SL) (12 cells)

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

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

In a review of the OCSD ADA Tracking Lists (CJX and TLF 2/26/24), the Expert notes that the County houses incarcerated persons with disabilities in the following locations:

- CMJ
 - Mod O Ward C/D and SL (Developmentally Disabled, Mobility, and Dexterity)
 - Mod A (Dexterity)
 - Mod B (Vision and Dexterity)
 - Mod C (Dexterity and Developmentally Disabled)
 - Mod D (Vision, Dexterity and Mobility)
 - Mod E (Dexterity)
 - Mod F (Dexterity and Developmentally Disabled)
 - Mod R (Developmentally Disabled)
- CWJ
 - Mod G (Mobility)
 - Mod P (Mobility)
- IRC

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

The Expert continues to note that due to the limited number of accessible housing locations coupled with classification case factors, the County at times places some incarcerated persons who require accessible housing in the CMJ Mod O SL cells. The Expert also notes that the County has recognized that the SL cells create operational difficulties, including the provision of adequate out-of-cell time, program access, and socialization for incarcerated persons with disabilities. During the monitoring tour the Expert notes that there was only one (1) incarcerated person housed in the CMJ Mod O SL cells for one (1) day.

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

The County reported that Persons with disabilities housed in TLF Mod O and CMJ Mod O and who meet the classification criteria are continuing to be offered Green Sector (TLF Mod O) and in-person classes.

Although the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level," the Expert continues to note that due to the limited number of accessible cells/beds, the County must place some disabled incarcerated persons (those who do not have mental health needs or who do not qualify for Barracks housing) who require accessible housing in the TLF and CMJ Mod O. Based on this, and the classification case factors which prohibit the mixture of the incarcerated population, the disabled incarcerated persons who require accessible housing are not being provided with access to out-of-cell time, programs, services, and activities equivalent to non-disabled incarcerated persons, including in-person programs (educational, self-help and computer programs) and work assignments.

The Expert wants to highlight that the County monitors the cases of individuals housed in the SL cells, and when housing becomes available, the cases are transferred from the SL cells to accessible housing locations.

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

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

- 1. The need for ground floor housing;*
- 2. The need for a lower bunk;*
- 3. The need for grab bars in the cell;*

4. *The need for a cell with sufficient clearance for a wheelchair;*
5. *The need for accessible toilets;*
6. *The need for accessible showers;*
7. *The need for no stairs or other obstructions in the path of travel;*
8. *The need for level terrain; and*
9. *The need for mental-health-related accommodations.*

The Expert previously reported that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "If CHS staff identify a housing need, pursuant to CHS policy, they will notify the Classification unit, who shall in turn, email the ADA Compliance Unit of an inmate's housing accommodations."

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

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

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

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

The County reported that Persons with disabilities housed in TLF Mod O and CMJ Mod O and who meet the classification criteria are continuing to be offered Green Sector (TLF Mod O) and in-person classes. Staff are also informed about the access needs for persons housed in Mod O who have a qualifying disability condition and who meet the classification criteria for access.

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with a disability shall be placed in housing that is consistent with their security classification and their accessibility needs. Qualified inmates with a disability will have access to the

same services, programs, and activities offered to other inmates of the same classification level. Inmates with disabilities will be provided accessible showers, toilets, sinks, equipment, etc. consistent with their disability and accommodation needs.”

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

As in the previous monitoring tour, Classification and PMU staff stated that incarcerated persons with a disability are not placed in inappropriate security classifications simply because no ADA-accessible cells or beds are available or designated medical areas unless the person is currently receiving medical care or treatment that necessitates placement in a medical setting; or any location that does not offer the same or equivalent programs, services, or activities as the facilities where they would be housed absent a disability. However, as noted in H.B above, due to the limited number of accessible cells/beds available, the County at times, must continue to place some disabled incarcerated persons (those who do not have mental health needs or who do not qualify for Barracks housing) who require accessible housing in the TLF and CMJ Mod O. Based on classification case factors and limited accessible housing options due to physical plant issues, many disabled incarcerated persons who require accessible housing are not being provided with access to out-of-cell time, programs, services, and activities equivalent to non-disabled incarcerated persons. Once more accessible housing is brought online and with the activation of the Musick facility, the County will be in a better place to ensure incarcerated persons with disabilities who require accessible housing are provided equivalent access to out-of-cell time, programs, services, and activities as persons without disabilities with comparable security and classification profiles and incarcerated persons who do not require accessible housing.

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

Partially Implemented (Previous Rating Partially Implemented)

E. Sheltered Living cells

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

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

The Expert notes that the County is in the process of making physical plant modifications, adding accessible housing, accessible features, and accessible paths of travel for incarcerated persons to have equivalent access to the Jail's programs, services, and activities. The Expert notes that once accessible housing is brought online, the County will no longer house incarcerated persons who require accessible housing in the SL cells.

In review of the 788 ADA Interview/Activity Logs the County produced, the Expert notes one case where an incarcerated person who was housed in a SL cell requested to be housed with other inmates the ADA Interview/Activity Log reflects:

- Is requesting to be housed with other inmates. Said he is feeling lonely due to being by himself but does not want to hurt himself in any way. ADA RN and custody are filling out paperwork to move inmate to dorm housing if possible.

Based on this, the Expert has determined that this RP requirement is not yet implemented. The parties continue to confer about this provision, with an understanding that physical plant improvements in other areas of the jail facilities are necessary for the County to reach full compliance with this provision.

Not Implemented (Previous Rating Not Implemented)

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

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

deemed to require accessible accommodations is provided with such accessible accommodations as soon as possible.”

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

The County produced 20 Excel Spreadsheets (CMJ Sheltered Living Case Factors). A review of the spreadsheet reflects the following:

- 5/17/23 – 9 cases
- 7/7/23 – 3 cases
- 7/20/23 – 1 case
- 7/27/23 – 1 case
- 8/1/23 – 2 cases
- 8/10/23 – 5 cases
- 8/22/23 – 8 cases
- 8/28/23 – 8 cases
- 9/12/23 – 7 cases
- 9/15/23 – 6 cases
- 9/20/23 – 8 cases
- 10/20/23 – 1 case
- 10/25/23 – 0 cases
- 11/16/23 – 0 cases
- 11/21/23 – 1 case
- 11/27/23 – 2 cases
- 12/12/23 – 2 cases
- 12/19/23 – 1 case
- 12/26/23 – 1 case
- 1/2/24 – 1 case

The Expert notes that most of the incarcerated persons were transferred from the SL housing unit within 4 weeks. There was one (1) case that remained in SL for five (5) weeks, 2 cases that remained in SL for four (4) weeks, eight (8) cases that remained in SL for three (3) weeks, and three (3) cases that remained in SL for two (2) weeks.

During the on-site review, the Expert noted there was only one (1) incarcerated person housed in the SL cells (this incarcerated person was only housed in a SL cell for one (1) day).

Classification and PMU staff stated that incarcerated persons with a disability are housed in the SL cells only if there are no other placement options due to the lack of alternative housing options that both meet specific disability needs (e.g., mobility,

CPAP/electric outlet access, etc.) and are consistent with individual classification case factors and security concerns.

Although this is the second report in which Monitoring Is Suspended Based on Previous Findings of Compliance, the Expert will continue to monitor compliance with this requirement so long as the Sheltered Living housing unit remains in use and houses incarcerated persons with disabilities.

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

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

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

Staff interviewed stated they assist incarcerated persons with disabilities (to access the CMJ yard from the elevators and navigate the ramp leading to the yard. The Expert notes there is a sign in the area leading into the yard as you exit the elevators in the CMJ roof yard (both elevators) that states, "Reminder Staff Must Push Inmates in Wheelchair over floor curbs."

During the incarcerated person interviews, all incarcerated persons interviewed stated that staff assisted them in accessing the yard (e.g., pushing the wheelchair over the curb near the elevator). The incarcerated persons also report that staff assist them when navigating the ramp leading to the yard.

The Expert notes there is no policy or procedure (or other written directive) that addresses this requirement and recommends that one be issued.

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

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

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

The County reported that OCSD will submit documentation showing they do more than a periodic quality assurance audit required by the Remedial Plan. The ADA Tracking List is distributed to housing staff M-F and is checked daily (M-F) for housing accommodation needs. The ADA Tracking List includes disability, needed accommodation(s) and housing

location. These are continually monitored by ADA Compliance to ensure appropriate housing consistent with disability and accommodation needs. This is a quality assurance check. Any discrepancies are immediately addressed with the Population Management Unit via email to ensure people who require accommodations are placed in housing consistent with their needs as soon as possible. For the next document production, OCSD will provide SDS records for housing history so the Expert can see exactly when and where a person is housed/rehoused. The County also reported that, the ADA Inmate Tracking List shows disability, needed accommodation and housing location. These are continually monitored to ensure appropriate housing consistent with accommodation needs. Additionally, the County has updated the Interview Work Sheet to ask the person whether they are housed consistent with their accommodation needs.

Although the County reports that the ADA Compliance team continually monitors housing accommodation needs and the ADA Tracking List is distributed to housing staff M-F and is checked daily (M-F) for housing accommodation needs, the Expert will need proof of practice (SDS records for housing history) for sampling of cases.

Post tour, OCSD reported that the SDS records for housing history were cut and pasted into the emails that were part of OCSD's document production. The Expert reviewed the documents and confirmed the documents produced include the date and time the ADA Compliance Unit emailed the Classification Unit and the date and time the incarcerated person was rehoused.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

The County reports that OCSD's process complies with this requirement of the Remedial Plan. The ADA Compliance team and the Population Management Unit communicate via email to ensure people who require accommodations are placed in housing consistent with their needs as soon as possible. For the next document production, OCSD will provide SDS records for housing history so the Expert can see exactly when and where a person is housed/rehoused.

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

Classification and PMU staff interviewed stated that staff reviews the housing placements of incarcerated persons with disabilities to ensure they are housed in accessible housing

locations. In the event an incarcerated person with a disability is identified as being housed in an inaccessible housing location, PMU staff identify an accessible housing location based on the incarcerated person's classification and security case factors.

The County produced 31 emails that reflect the ADA Compliance Unit identified 31 cases where incarcerated persons with housing accommodations required LB/LT or accessible housing based on a new J-112/J-105 or, in some cases, were housed inconsistent with their housing accommodation needs. The type of housing required included Low Bunk/Low Tier, ADA, and medical housing.

The ADA emails reflect the ADA Compliance Unit notified PMU requesting the incarcerated person be moved/rehoused. The County produced housing histories that reflect that in all but four (4) cases, the incarcerated person was rehoused the same day. In three (3) cases the incarcerated person was rehoused the next day and in one (1) case, the incarcerated person was rehoused within four (4) days.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

1. *Dayroom and out-of-cell time;*
2. *Outdoor recreation and exercise equipment;*
3. *Showers;*
4. *Telephones;*
5. *Reading materials;*
6. *Reading and scribing documents;*
7. *Religious services;*
8. *Educational, vocational, reentry, and substance abuse programs;*
9. *Work Assignments, including the Community Work Program;*
10. *Medical, mental health, and dental services and treatment;*
11. *Public visiting; and*
12. *Attorney visiting.*

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Qualified inmates with a disability will have access to the same services, programs, and activities offered to

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

As reported in question D.1, the ADA information brochure and the ADA inmate qualifications/acknowledgment of rights/programs form, which is part of the initial ADA interview process, are consistently conducted by the ADA Compliance Unit staff. During the ADA interview, disabled incarcerated persons are informed of the programs, services, and activities available to disabled incarcerated persons.

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

In a review of the 788 ADA Interview/Activity Logs the County produced, the Expert notes the following ten (10) cases where the disabled incarcerated persons claimed they were not being provided the required out-of-cell time:

- Claims he is only being offered dayroom only during the morning time. Per inmates tracking log, inmate has been offered dayroom at 0810, 1332, 1057, 1335, 0916, 0905, 1704, 0901, 1341, 1050. Dayroom times vary and are not only offered in the morning like the inmate is claiming.
- Claims he has not been offered outdoor rec all week.
- Claims outdoor rec is not being offered. Housing staff was reminded to offer outdoor rec two times a week equaling three hrs.
- Is not being offered outdoor rec yet.
- Claims he has not been offered outdoor rec the past week. Per Mod O records it was noted that outdoor rec has not been offered since 6/13/23 as outdoor rec Deputies have not come up to Mod O to take inmates to green sector. Sgt. notified.
- Claims he is not being offered outdoor rec. Per Mod L guard station log, inmate was offered outdoor rec on 7/2, 7/5, 7/6, 7/7, 7/8, and 7/19, inmate accepted 6/7 offerings.
- Claims he is not getting outdoor rec. Housing staff was contacted to inquire about inmates outdoor rec. Mod Q staff notified me that they did not see any recorded offers for outdoor rec for the month of August. They were reminded of the requirement to offer outdoor rec 3 hours per inmate per week. Sgt. notified.

- Claims outdoor rec is not offered. Housing staff was reminded to offer outdoor rec two times a week equaling three hrs.
- Said he is going to outdoor recreation when offered but it is rarely offered. He hopes to go soon. Hasn't been offered since last week.
- Claims he has not had outdoor rec in 3 weeks. Housing staff was emailed a reminder to offer outdoor rec as much as possible. If outdoor rec cannot be offered, a Sgt must be notified of the reason why it cannot be offered. Housing staff notified ADA staff that Mod N outdoor rec area had been closed due to painting and floor cleaning projects.

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

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

- Inmate was issued ADA VRS tablet TLF 001 by ADA Deputy. Inmate tested the ADA VRS tablet and confirmed that the VRS application was working properly. No other issues at this time.

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

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

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

The County provides group and one-on-one religious services. Group religious services are provided on a rotational basis to all incarcerated persons. In the event a disabled incarcerated person requires access to an SLI, the County has a mobile iPad that is used with a Video Remote Interpreter. The iPad is also available for one-on-one religious services.

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Disabled inmates who cannot read and/or write might have difficulty gaining access to disability-related services if needed. Staff will provide these inmates with assistance with reading and writing to access services and programs. Examples include, but are not limited to, filling out inmate message slips, grievances, and commissary forms. If an inmate cannot read or write and the inmate has a disability, that information will be indicated on the inmate's J-105A form, ADA Tracking List or CHS Functional Needs List."

Staff interviewed stated they would provide assistance to disabled incarcerated persons who require assistance with reading and writing. During the incarcerated person interviews, ten (10) incarcerated persons identified as having needs in this area stated staff do not provide assistance and that they must rely on other incarcerated persons for reading and writing assistance. The Expert was not able to confirm these claims.

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

- Said he needed help filling commissary slips but didn't have any money on his books right now. ADA CSA told him to ask the deputies to help him with reading and understanding documents. He said he did, but they wouldn't help him. Module Deputy was present during the ADA interview and said he would make sure he helps him moving forward with reading and writing any documents. ADA Deputy was going to explain it to him on his next check.
- He reported that when he has needed assistance with filling out paperwork or help reading, he has received help from staff.

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

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

The County produced 66 ADA Interview/Activity Logs that reflect that disabled incarcerated persons are provided the following accommodations so they can access the programs, services, and activities:

- Reading glasses
- Magnifying sheets

- Pocket Talkers

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

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

- Women's Central Jail
 - Narcotics Anonymous
 - Protestant Service
 - Christian Science Service
 - Catholic Service
 - 7th Day Adventist
 - Malachi Women
 - Substance Abuse
 - Creative Writing
 - A Skills GED
 - Parenting
 - ESL
 - Back On Track
 - Money Matters
 - Food Services
 - Cell Dogs
 - Business
 - MS Excel
 - MS Word
 - Women of Purpose
 - MS PowerPoint
 - MAT
 - Accounting
 - TAY
 - Yoga
 - Work Readiness
 - All In
 - Great Escape
 - PEP
 - VR

- Men's Central Jail
 - Protestant Service
 - Christian Science Service
 - Catholic Service
 - Jewish Service
 - Protestant Bible Study
 - Malachi Men
 - Great Escape
 - Money Matters
 - Accounting
 - CASAS Testing
 - Parenting
 - Social Service Workshop
 - MS PowerPoint
 - MS Excel
 - MS Word
 - Business
 - Food Services
 - Mental Health
 - Work Readiness
 - A Skills GED
 - ESL
 - Back on Track
 - Substance Abuse
 - Narcotics Anonymous
- Intake Release Center
 - Protestant Service
 - Protestant Bible Study
 - Bible Discipleship
 - Catholic Service
 - Catholic Bible Study
 - Malachi Women
 - Substance Abuse
 - Work Readiness
 - MAT Program
 - AA Panel
 - NA Panel
- Theo Lacy Facility
 - Protestant Service
 - Catholic Service
 - 7th Day Adventist
 - Protestant Bible Study
 - Christian Science Service
 - Catholic Bible Study
 - Malachi Men
 - Bible Discipleship
 - All In Program

- CASAS Testing
- Great Escape
- AA Panel
- NA Panel
- GED
- ESL
- Effective Parenting
- Parenting Class Mental Health
- Food Service
- Money Matters
- Computers
- APAIT
- Back on Track
- Substance Abuse
- Case Management
- Home-Based Business
- Virtual Reality
- Accounting
- MAT Group
- Medi Cal
- Diabetes Education
- Workforce Readiness
- HUMV Program (Various)
- PRIDE Program (Various)
- TAY Program (Various)

The Expert notes that programs are delivered in the following locations:

- Central Men's Jail
 - 2nd Floor Classroom #1 – Max 24 (Protestant Service, Malachi Men, Money Matters, Parenting, Work Readiness, A Skills GED, Food Services, Mental Health and Narcotics Anonymous)
 - 2nd Floor Classroom #2 – Max 14 (Protestant Service, Christian Science Service, Catholic Service, Jewish Service, Protestant Bible Study, CASAS, Great Escape, Social Service Workshop, Back on Track, and Malachi Men)
 - 2nd Floor Computer Lab (ESL, Accounting, MS PowerPoint, MS Word, MS Excel, Business, and Substance Abuse)
- Intake Release Center
 - 2nd Floor Multi-Purpose Room – Max 32 (Malachi Women, Bible Discipleship, and Work Readiness)
 - MOD J Room A (Protestant Service, MAT Program)
 - Mod J Room B (Catholic Service, AA Panel, and Catholic Bible Study)
 - Mod K Room A (Protestant Bible Study Protestant Service, Catholic Service, and MAT Program)
 - Mod K Room B (Catholic Service)
 - Mod L Room A (No Programs)
 - Mod M Room A (MAT Program)
 - Mod M Room B (Catholic Service)

- Mod N Room A (AA Panel, NA Panel, MAT Program, and Substance Abuse)
- Mod N Room B (Catholic Bible Study, Protestant Service, Catholic Service, Malachi Women and AA)
- Central Women's Jail
 - Classroom A (A Skills/GED, NA, Protestant Service, Catholic Service, Malachi Women, TAY, Yoga, Creative Writing, All In, Great Escape, VR, Food Services, Business, Cell Dogs, Christian Science Service, and Women of Praise)
 - Classroom B (PEP, MS Power Point, MS Excel, MS Word, ESL, MAT, Substance Abuse, Back on Track, Accounting, TAY, Money Matters, Parenting, Work Readiness, 7th Day Adventist Service and Catholic Service)
- Theo Lacy Facility
 - Classroom #2 (Protestant Service, Catholic Service, Food Services, MAT Group, Money Matters, Home Based Business, Accounting, and AA Panel)
 - Classroom #3 (Computers, All in Program, Bible Discipleship, Malachi Men, and Men of Purpose)
 - Classroom #4 (GED, ESL, Effective Parenting, Medi-Cal, Diabetic Ed, Substance Abuse, Catholic Service, Catholic Bible Study, Back on Track, Great Escape, and Workforce Readiness)
 - Classroom #5 (All in Program, Protestant Bible Study, Virtual Reality, Catholic Service and Protestant Service)
 - Chapel (No Programs)
 - Mod I Multi-Purpose Room (Protestant Service, APAIT, NA Panel, AA Panel, Protestant Bible Study, and Catholic Service)
 - Mod J Multi-Purpose Room (Catholic Service, Protestant Bible Study, and AA Panel)
 - Mod K Multi-Purpose Room (Catholic Service, Seventh Day Adventist Service, Protestant Bible Study, CASAS Testing, AA Panel, Great Escape, Catholic Bible Study, and Seventh-Day Adventist Service)
 - Mod L Multi-Purpose Room (Catholic Service, Catholic Bible Study, Protestant Service, Protestant Bible Study, Great Escape, CASAS Testing, and AA Panel)
 - Mod M Multi-Purpose Room (Catholic Service, Protestant Service, Protestant Bible Study, Parenting Class, Case Management, and AA Panel)
 - Mod N Multi-Purpose Room (Catholic Service, Protestant Bible Study, Great Escape, and CASAS Testing)
 - Mod O Multi-Purpose Room (Catholic Service, Protestant Bible Study, Protestant Service, CASAS Testing, and AA Panel)
 - Mod P Multi-Purpose Room (Catholic Service, Catholic Bible Study, Christian Science Service, Great Escape, Protestant Service, Protestant Bible Study and CASAS Testing)
 - Mod Q Multi-Purpose Room (Catholic Service, Protestant Service, Catholic Bible Study, Great Escape and Protestant Bible Study)

- Mod R Multi-Purpose Room (Catholic Service, Protestant Bible Study, and CASAS Testing)

The Expert notes the County is providing in-person programs, which are facilitated by OCSD Inmate Services facilitators, volunteers (religious), and Rancho Santiago Educators. In the previous report, the County reported that the program's staff conducted outreach and recruitment of all GP 6-7 disabled incarcerated persons housed in TLF Mod O, and during the outreach/recruitment, there was no interest from the disabled incarcerated persons. During the monitoring tour, the Expert witnessed a program staff member conduct a recruitment effort for one (1) incarcerated person who was eligible to participate in in-person programs. Additionally, staff reported that currently, there are four (4) incarcerated persons who are housed in TLF Mod O attending in-person education programs in the TLF programs classrooms. Two of the incarcerated persons are designated as ADA. The Expert notes that only incarcerated persons classified as GP 6-7 (the lowest custody classification) are eligible to participate in the in-person programs provided in the TLF program classrooms. (GP 1-5 are eligible only for correspondence programs.)

In a review of the 788 ADA Interview/Activity Logs the County produced, the Expert notes the following case where the disabled incarcerated persons claimed they were not being provided equal access to programs:

- A CSA emailed CJX ADA unit regarding a Programs instructor refusing to move the Malachi Women class offered in Module N Sunday afternoon to accommodate an ADA inmate. ADA CSA reached out to programs via email and spoke to Programs staff regarding classroom location regarding any ADA mobility participation. Programs staff will be contacting volunteer instructors to remind them to accommodate mobility ADA inmates by moving class location per protocol. ADA CSA also spoke to a Custody Sergeant and discussed alternative locations for the class for ADA participation. It was also discussed with the Custody Sergeant to cancel any future classes if the Programs instructor refuses to relocate a class to accommodate an ADA mobility inmate.

The Expert continues to note that once the physical modifications are made, and the County houses the disabled incarcerated persons in accessible housing throughout the Jails and at the Musick facility, the incarcerated persons will have more access to the Jails Education and Self-Help programs. The Expert notes that the incarcerated persons with disabilities in the TLF MOD O are informed of the opportunities through direct engagement with program staff and the ADA Compliance Unit (e.g., during the 30-day ADA Compliance Unit check-ins).

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Each inmate covered under the ADA must be reasonably accommodated where necessary to ensure safe and meaningful access to the Jail's services, programs and activities, such as modified housing for wheelchair access, use of assistive devices, Effective Communication, or closed captioning on the television for someone with a hearing impairment. There is not a fixed list of appropriate accommodations or assistive devices. Provision of reasonable accommodations and assistive devices should be based on a case-by-case, individualized assessment of the needs of the person with a disability." The policy further states, "Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level. Qualified inmates with disabilities will have access to visiting, church services, inmate programs, dayroom/recreation, etc. consistent with their classification level. Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate."

The Expert notes that work supervisors and program facilitators interviewed stated they would provide disabled incarcerated persons with assistance. The work supervisors and program facilitators receive a copy of the "ADA Tracking List" and are aware of the disabled incarcerated persons assigned to their area or their needed accommodations. All incarcerated persons with disabilities who are assigned and participate in programs (educational, work, religious, visiting, etc.) reported that staff provide assistance and accommodations.

The Programs staff reported that OCSD Programs staff receive and have access to the "ADA Inmate Tracking List," which has the Effective Communication accommodations listed. Effective Communication accommodation would be provided by the Rancho Santiago Education staff. However, there was no documented proof-of-practice that accommodations have been provided. The Programs staff reported that a process would be developed for the Rancho Santiago Education staff to document the provision of the Effective Communication.

Additionally, custody staff stated they provide assistance to disabled incarcerated persons based on their accommodation needs listed on the "ADA Inmate Tracking List."

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Disabled inmates who cannot read and/or write might have difficulty gaining access to disability-related services if needed. Staff will provide these inmates with assistance with reading and writing to access services and programs. Examples include, but are not limited to, filling out inmate message slips, grievances, and commissary forms. If an inmate cannot read or write and the inmate has a disability, that information will be indicated on the inmate's J-105A form, ADA Tracking List or CHS Functional Needs List."

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Jail staff shall assist inmates who require accommodations to submit a grievance or to appeal a grievance response (e.g., people who are blind, have an Intellectual/Development Disability, have a learning disability, or who have physical disabilities that make it difficult or impossible for them to write, or are illiterate)."

Staff interviewed stated they would provide assistance to disabled incarcerated persons who require assistance with reading and writing. During the incarcerated person interviews, five (5) incarcerated persons with reading/writing needs stated they do not need staff's assistance and that they rely on other incarcerated persons for reading and writing assistance. The Expert was not able to confirm these claims.

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

- Offered to help fill out commissary sheet. Refused. Said he can see and read without assistance.
- States he can read and did not require any assistance with reading or filling out paperwork. Was told to ask Module Deputies or ADA compliance if he needs any assistance.
- Said he is right-handed but is still able to write. ADA Deputy told him to ask staff to help with writing if/when needed.
- ADA Deputy asked if she needed any assistance with filling out any forms. Said "no." ADA Deputy also asked if she had asked any staff members for assistance with filling out forms. She said she has not needed any forms filled out.
- Requested assistance in writing a message to show his attorney on his court date 4-3-23. ADA Deputy assisted in writing the message.

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same

classification level. Some examples of reasonable accommodations include Assistance in reading or scribing documents (legal, medical, request forms, grievances, due process etc.). Staff shall not provide assistance in reading legal mail, reference CCOM Policies 1900.3 and 1900.4."

The Expert notes that the County's policies provide requirements for staff to provide disabled incarcerated persons who cannot read and/or write and who might have difficulty gaining access to disability-related services with reading and writing assistance to access services and programs, and staff is aware of the RP requirements.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The County reported that the tablets have been rolled out system wide. However, during the tablet demonstration the Expert noted there may be some difficulty for incarcerated persons who are blind or low vision to access the tablets. The login process is convoluted requiring an individual to navigate this process every time they want to access the tablet. The tablets also automatically log a person out after a short period of inactivity (approximately 30 seconds). When this occurs, the person must go through the multi-step login process again. Though the tablets have built-in accessibility features through the operating system, the tablets are very difficult to use through the login process. Because some incarcerated persons have money loaded onto the tablets, it would not be appropriate for incarcerated persons to rely on other incarcerated persons for assistance in logging into the tablets as this may compromise the login passwords and may lead to victimization concerns. To address this concern, the County will need to develop a process for staff to provide assistance to certain incarcerated persons with disabilities. This assistance is especially necessary if the County is going to rely on the tablets as a means for providing essential information about Jail policies to incarcerated people with disabilities.

Additionally, OCSD reported that the vendor for the tablets has advised OCSD that easy reading books are not available to be included on the tablets. OCSD will continue to provide easy reading books to persons with Intellectual/Developmental disabilities. If providing a physical book instead of providing an eBook on the tablet is not considered equal access, OCSD will need to review discontinuing access to all books on the tablets. OCSD will also discuss with the vendor the availability of programming for persons with Intellectual/Developmental disabilities. Further attention is needed to ensure that incarcerated persons with disabilities are provided meaningful access to the tablet programming. The hard-to-navigate interface of the current tablet system raises real concern that the tablets are not sufficiently accessible to this population.

As reported in section F.F., easy-reading books are available for disabled incarcerated persons. Additionally, the Expert notes that large print reading materials are also available for disabled incarcerated persons. The Expert also notes that the County provides "Books on Tape" for the incarcerated persons with vision disabilities. The Expert notes that the County implemented the tablet program in November 2023. The County provided a hands-on demonstration of the tablets. During the hands-on demonstration the Expert noted that screen can be enlarged for disabled individuals with vision disabilities and accommodation needs. The Expert also noted that the tablets have a talk-back function as an accommodation. The County reported they would provide DRC with access to a tablet to further examine the accessibility capabilities for disabled incarcerated persons.

Related to the implementation of this provision, the Expert previously suggested that the County explore Braille and Audio Reading Materials (BARD) Access through the National Library Service for the Blind and Print Disabled to ensure sufficient and equitable provision of reading materials for individuals with vision disabilities.

<https://www.loc.gov/nls/braille-audio-reading-materials/bard-access/>.

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

The County reported that OCSD is finalizing a scope of work and pricing for Guardian RFID (for tracking out of cell time, among other functions). After contract signing, we can expect at least a six-month implementation.

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

- August 27 to September 2, 2023
- September 3-9, 2023
- October 8-14, 2023
- November 19-25, 2023

- December 17-23, 2023

The Daily Activity Logs included the following housing locations:

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

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

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

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

Not Implemented (Previous Rating Not Implemented)

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

In a review of the 788 ADA Interview/Activity Logs the County produced, the Expert notes that the ADA Compliance Unit staff interviews the disabled incarcerated persons on a monthly basis as required by the RP. (This monthly interview has proven to be a generally useful and constructive process for addressing disability accommodation and related issues.) The Expert notes the ADA Compliance Unit staff documented in 18 cases the incarcerated person's response to the staff's query about the reason for not going to the yard. A sample of the log entries are listed below:

- states he has refused outdoor rec three or more times in a row this month because he just doesn't want to go.
- states he has refused dayroom/rec three or more times in a row because he has no desire to go.
- claims outdoor rec is offered too early, therefore he has refused several times.
- states he has refused outdoor rec 3 or more times in a row because he doesn't want to go. Asked if he wanted to speak to medical or mental health. Inmate stated he did not.
- states he has refused outdoor rec 3 or more times this month because he has no interest in going.

The Expert notes that the ADA Compliance Unit provides disabled incarcerated persons with a message slip addressed to the ADA Compliance Unit and documents "given an inmate message slip addressed to the ADA Compliance Unit in case he has any disability needs" on the ADA Interview/Activity Log. The Expert also notes that the ADA Interview/Activity Logs reflect that the ADA Compliance Unit staff meets with the incarcerated persons with disabilities when they become aware that an incarcerated person with a disability may need a disability accommodation, mental health referral, or other action to afford meaningful access to out-of-cell opportunities. During the ADA initial and monthly interviews, the ADA staff addresses the following programs:

- Mode of transportation
- Visiting
- Dayroom and showers
- Outdoor recreation
- Programs
- Religious services
- Work opportunities
- CWP opportunity

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

During the previous monitoring tour, the County reported that the Correctional Programs created an ADA Survey in an effort to engage with ADA clients to discuss programming and services that are available, explain procedures for enrollment, and enroll clients upon request. All ADA clients who request programs/services are screened through classification, and if they qualify to attend in-person programs, transportation to the classroom where the services are facilitated is provided. Programs staff conduct the surveys on a monthly basis. The ADA clients with whom

Program staff engage to complete these surveys are randomly selected from the list that is received from ADA deputies.

The County reported that Programs staff has received the DRC team's input and will work to implement this requirement.

The County has not conducted a review that includes an assessment of whether the County is offering structured programs and activities, including, but not limited to, religious, educational, vocational, reentry, and substance abuse programs, on an equal basis to people with disabilities or whether there are access/accommodation barriers that need to be addressed. The ADA Survey only advises ADA clients to discuss programming and services that are available, explain procedures for enrollment, and enroll clients upon request.

Based on this, the Expert has determined that this requirement is not implemented.

Not Implemented (Previous Rating Not Implemented)

J. Access to Worker Opportunities (Section X)

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

The County reported that OCSD staff will continue to inform persons with disabilities who meet eligibility criteria of work opportunities. CHS advises that CHS is reviewing behavioral health clinician staffing to identify staff to add to the ADA Case Management team.

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

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

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

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

Staff reported that health care clearance assessments are logged in the health record as a progress note. As part of document production, the County produced a report "No Work While In Custody." The report includes 13 cases.

The Work Deputies interviewed stated that only sentenced incarcerated persons whose classification score is GP 4-7 are eligible for work assignments. In addition, incarcerated persons with specific charges and in-custody misconduct are ineligible for work. The Work Deputies stated that a list of eligible workers is provided to medical staff, who then provide the medical determination of the incarcerated person's clearance for work. The information provided to the Work Deputy includes responses that include a "yes," "no," "checkback" (for cases who may be detoxing), "cleared for light duty only," or "not cleared for kitchen." Once the medical determination is received, they contact the ADA Nurse for a list of the incarcerated person's physical limitations. The Work Deputies report that they then place the incarcerated person into a work position based on the essential functions of the job and the incarcerated person's physical limitations.

The CWJ Work Deputy stated that when a disabled incarcerated person is interested in being assigned to a work position, the ADA Deputies advise the incarcerated person to send him a message slip. In the review of the 788 ADA Interview/Activity Logs, the Expert notes that during the initial and monthly interviews, the ADA Deputies ask the incarcerated person if they are interested in being assigned to a work position. The CWJ Work Deputy stated that incarcerated persons housed in ADA-accessible housing, including P-Dorm can be assigned to work positions if they meet the eligibility criteria. The ADA

Interview/Activity Logs reflect 33 incarcerated persons were assigned to work positions during the rating period.

The County reports that currently, incarcerated persons in TLF Mod O can be assigned to kitchen and laundry positions. The TLF work deputy has recruited three times in Mod O for kitchen and laundry positions and had no takers. The TLF Work Deputy stated that on three (3) separate occasions, he recruited disabled incarcerated persons housed in TLF Mod O (GP 6-7) for kitchen and laundry positions, and during all recruiting efforts, there were no takers. It is encouraging to observe these efforts, but further outreach and education is necessary so that disabled persons understand and can meaningfully access the work opportunities available.

The TLF Work Deputy stated the work positions that he is responsible for hiring include:

- Kitchen
- Laundry
- Clothing Exchange
- Mod P Workers
- Orderlies
- Compound Sweeper
- Landscaping
- Paint crew (currently not filled)

The TLF Work Deputy stated all Mod workers (except Mod P) are hired by the Housing Unit Deputies. The duties include:

- Feeding
- Cleaning
- Clothing exchange
- Laundry sorting

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

The ADA Interview/Activity Logs reflect that 33 incarcerated persons were assigned to work positions during the rating period. The County also reported that there are 643 incarcerated persons that were assigned to work positions during the rating period.

During the previous monitoring tour, the County reported the following incarcerated person worker positions are available at the OC Jails:

- TLF
 - AM Kitchen Crew 60
 - PM Kitchen Crew 60-65
 - Mod Workers (Clothing Exchange, Orderlies, Compound Sweepers, Cleaning Crews, Laundry Sorters) 74
- IRC
 - Mod N Female Workers (Mod Worker, Clothing Exchange, Feeding, Cleaning) 8
 - Mod J Male Workers (Mod Worker, Clothing Exchange, Feeding, Cleaning) 16
- CMJ
 - 100 Inmate Workers
- CWJ
 - 25 workers
- Grand Total: 343-348

To achieve equity in work opportunities for people with disabilities, the Expert recommends that the County continue to recruit disabled incarcerated persons who are housed in TLF MOD O and who meet eligibility criteria to be assigned to laundry and kitchen worker positions. This will allow for more work opportunities for the disabled incarcerated persons.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

The County produced the following job descriptions:

- Main Jail Runners/ IRC Runners/Operations/Cleaning Crews
- Kitchen Workers
- IRC/Men's Paint Crew
- Laundry Crew

The job descriptions include the essential functions of each job.

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit An individualized interactive

process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate."

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

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

The Expert notes that the County produced HCA CHS Policy and Procedure 1022 Inmate Workers (Draft). DRC provided feedback on the draft policy in September 2023, which is under review by CHS. The policy includes the medical criteria and also includes specific health conditions that require a sick call appointment for clearance. The Expert also notes that the policy requires that medical staff confer with the ADA nurse coordinator, and after the evaluation is completed, for temporary or permanent disability related to mobility, dexterity, vision, hearing, or speech, an ADA Nurse Coordinator will communicate the necessary reasonable health accommodations to OCSD ADA Compliance Unit and enter Work Program Clearance Status in the patients EHR. For cognitive, intellectual, and developmental disabilities, medical staff must confer with a CHS psychologist. For mental health diagnosis, medical staff must confer with a mental health clinician. For unstable medical conditions, medical staff must confer with a CHS medical provider.

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

A medical provider interviewed stated that all incarcerated persons are eligible to work and that in conducting the review, he does not automatically exclude disabled incarcerated persons with chronic medical conditions. He stated that he interviews the incarcerated person and identifies the physical limitations and duty restrictions. He also stated that the Work Status (Work With Restrictions/No Work) is documented on an HCA Medical Message Slip, which is provided to custody staff and is also provided to the incarcerated person and in the progress notes.

Mental health staff reported that the Behavioral Health Clinician (ADA Coordinator) or assigned case worker would conduct the in-custody work and CWP mental health clearance. Mental health staff reported that they would conduct a chart review and if the case is not in mental health acute or chronic housing, they would be eligible to work. For cases that were housed in the chronic and acute mental health units, they would be considered 30 days after release from the mental health units. Medical and mental health staff reported that a medical message slip would be provided to custody staff listing the physical limitations.

Medical and mental health staff reported that health care clearance assessments are logged in the health record as a progress note. As part of document production, the County produced a report, "No Work While In Custody." The report includes 13 cases.

In review of the electronic medical record it was difficult for the Expert to identify the progress note for the work clearance review.. The report does not identify the date of referral or the date of the review. In two (2) cases, the Expert was able to locate the progress note, and the progress notes reflect the following:

- Not clear MH will reconsider 30 days
- 5150 Hold

The HCA CHS Policy and Procedure 1022 Inmate Workers states:

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

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

As in the last monitoring tour, no information was provided as to what guides the medical provider's or mental health clinician screening, including whether providers have been trained to consider and recommend reasonable accommodations that would allow individuals with medical conditions/disabilities to participate in work opportunities.

The County must ensure that the work evaluations/reviews are documented in the individual's health record.

In the next monitoring round, the Expert is requesting that the County produce medical documentation (medical and mental health progress notes including dates of the review) for completed work assignment medical evaluations that were denied by CHS staff (medical and mental health).

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

Post tour, CHS reported that documentation for completed work assignment medical evaluations that were denied by healthcare staff will be produced during the next monitoring round.

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

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

The seven (7) incarcerated persons with disabilities interviewed who were assigned to job positions stated that work supervisors provide accommodations for them to perform the work assignment, such as modified duties and, in two cases, allowing them to take a break and rest as needed.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

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

The County reported that OCSD is developing a log for staff to log instances of assistance and adaptive supports provided to persons with Intellectual/Developmental disabilities.

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

The Expert notes that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states that work supervisors/teachers shall be informed as appropriate as to the incarcerated persons with Intellectual/Developmental Disabilities, their individualized plan, related accommodations, adaptive support needs, and staff responsibilities to provide for such needs. The Expert provided a sample "Adaptive Support Log," and the County reports that the log will be modified and include a process for staff to identify the accommodations and supports (e.g., additional supervision and training, modified production expectations, expanded timeframes for completion of projects, etc.) that work supervisors must provide and document. No individuals with Intellectual/Developmental Disabilities had an individualized plan, nor were any assigned worker positions during the monitoring period.

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

Partially Implemented (Previous Rating Partially Implemented)

K. Access to Community Work Program (Section XI)

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

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

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

In a review of the 788 ADA Interview/Activity Logs the County produced, the Expert notes that the ADA Compliance Unit staff notes if the incarcerated person is ineligible for CWP assignment based on classification or security case factors (type of charges and time to serve). The CWP deputy stated that all incarcerated persons are screened for placement into the CWP. If the incarcerated person meets the custody/classification criteria (no violence, weapons, sex, or gang commitment offenses), the deputy initiates a full background screening. All incarcerated persons who meet this initial screening criterion move on in the process. However, all potential candidates must meet the time-to-serve criteria (i.e., between 5 and 240 days to serve). All candidates who meet the custody and time-to-serve criteria are referred to medical, mental health, and warrants check. If the candidate is cleared by medical and mental health and the warrants check, they are interviewed by the CWP deputy. During the previous monitoring tour, the CWP deputy stated that 40 to 50 percent of the eligible candidates refuse to participate in the CWP. The CWP deputy also stated that all candidates must have a permanent address and transportation to be considered for CWP.

The County produced the CWP DRC Activity Tracker, which reflects that five (5) disabled incarcerated persons have been assigned to the CWP (4/7/23 to 2/26/24).

The County must ensure that individuals with medical and mental health conditions that are qualified disabilities are not excluded from the CWP based on their medical and mental health condition and are allowed to participate in the CWP with the necessary accommodations.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

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

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

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

The Expert addresses this requirement in detail in Section J. A. above. Medical and mental health staff reported that health care clearance assessments are logged in the health record as a progress note. As part of document production, the County produced a report "CWP Disqualification Log." The report includes six (6) cases. In four (4) of the cases, the Expert could not locate the progress note.

In the two (2) cases, the progress notes reflect the following:

- Inappropriate for CWP
- Not cleared at this time

During the on-site monitoring tour, the Expert interviewed a disabled incarcerated person assigned to the CWP. In this case, the County identified work duty restrictions and/or physical limitations and ensured reasonable accommodations were provided for his CWP assignment.

The County reports that CHS will continue to provide training to staff on policy 1022 and provide completed work assignment medical evaluations for the August 2023 Sabot tour.

In the next monitoring round, the Expert is requesting that the County produce medical documentation (medical and mental health progress notes) for completed CWP medical evaluations that were denied by CHS staff (medical and mental health) with the specific reasons for the denial.

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

The County reports that OCSD continues to offer CWP to all persons who qualify, including persons with disabilities. CWP is a voluntary program, and individuals are not forced to participate.

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

During the on-site monitoring tour, the Expert interviewed a disabled incarcerated person assigned to the CWP. In this case, the County identified work duty restrictions and/or physical limitations and ensured reasonable accommodations were provided for his CWP assignment.

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

Post tour, CHS reported that documentation for completed work assignment medical evaluations for CWP will be produced during the next monitoring round.

Adequately Implemented (Previous Rating Partially Implemented)

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

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

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

The County reports that OCSD currently has in place the ADA Worker form for CWP (referred in this Report as "Attachment B"), which includes any accommodations needed for the participant. The Expert notes that OCSD has developed and implemented a form for the CWP Supervisor to document that the accommodations have been provided. The form, which is completed daily, states, "I have ensured that this inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided." The form is signed and dated by the supervisor daily and submitted to the CWP Deputy.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

The County reports that OCSD understands the issue of exclusion of individuals based on their medical and mental health condition has been addressed by CHS.

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

The County must ensure that the CWP evaluations/reviews are documented in the individual's health record to show proof of practice and to ensure that appropriate reasonable accommodations are provided on a consistent basis.

In the next monitoring round, the Expert is requesting that the County produce medical documentation (medical and mental health progress notes) for completed CWP medical evaluations that were denied by CHS staff (medical and mental health) with the specific reasons for the denial.

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

Post tour, CHS reported that documentation for completed work assignment medical evaluations for CWP will be produced during the next monitoring round.

Partially Implemented (Previous Rating Partially Implemented)

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

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

The County reports that OCSD currently has in place the ADA Worker form for CWP (referred in this Report as "Attachment B"), which includes any accommodations needed for the participant. The Expert notes that OCSD has developed and implemented a form for the CWP Supervisor to document that the accommodations have been provided. The form, which is completed daily, states, "I have ensured that this inmate's accommodations listed on the Work Restrictions and ADA Accommodations for CWP Worker Form have been provided." The form is signed and dated by the supervisor daily and submitted to the CWP Deputy.

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

During the on-site monitoring tour, the Expert interviewed a disabled incarcerated person assigned to the CWP. In this case, the County identified work duty restrictions and/or physical limitations and ensured reasonable accommodations were provided for his CWP assignment.

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

Adequately Implemented (Previous Rating Partially Implemented)

L. Disability-Related Grievance Process (Section XII)

A. *The County shall ensure that grievance policies and procedures are readily available and accessible to all persons.*

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Inmates with disabilities shall be informed of the disability grievance process. This will be done by posting this policy throughout the Jail, and relevant information provided in the orientation packet, and discussing the policy during the meeting with staff from the ADA Compliance Unit that occurs within seven days of an inmate being identified as having a disability."

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

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "The disability grievance process shall be effectively communicated to inmates with disabilities affecting communication."

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

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

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

The Expert previously noted that the draft Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "All grievances that request disability accommodations and/or raise any disability-based discrimination or violation of the ADA, this RP, or Jail ADA-related policy will be tracked in the Grievance System."

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

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

Note: Although monitoring has been suspended, the Expert has some concerns that not all grievances that request disability accommodations and/or raise any disability-based discrimination or violation of the ADA, this RP, or Jail ADA-related policy are being tracked. One responsive grievance was not produced, and two ADA grievances were not listed on the Grievance Log. The Expert will monitor this provision during the next monitoring round.

C. The County shall ensure that all persons, including people with disabilities, have meaningful access to the grievance process and to grievance forms.

1. *The County shall ensure that grievance forms are readily available to people in custody, either by placing grievance forms in the housing units in areas accessible to people in custody or ensuring that staff provides grievance forms promptly upon request, irrespective of the type of grievance raised.*

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "All inmates, including inmates with disabilities, will have meaningful access to the grievance process and to grievance forms. Grievance forms will be readily available to inmates, either in the housing units or provided by staff promptly upon request."

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

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

2. *Jail staff can and should attempt to address grievances informally but may not, under any circumstances, refuse to provide a requested grievance form, destroy a grievance form, or otherwise obstruct or interfere with a person's ability to submit a grievance form.*

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Jail staff can and should attempt to address grievances informally but may not, under any circumstances, refuse to provide a requested grievance form, destroy a grievance

form, or otherwise obstruct or interfere with an inmate's ability to submit a grievance form."

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

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

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

The Custody & Court Operations Manual (CCOM) 1600 Grievance policy states, "Illiterate, disabled, or non-English speaking inmates shall be provided assistance, upon request."

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Disabled inmates who cannot read and/or write might have difficulty gaining access to disability-related services if needed. Staff will provide these inmates with assistance with reading and writing to access services and programs. Examples include, but are not limited to, filling out inmate message slips, grievances, and commissary forms. If an inmate cannot read or write and the inmate has a disability, that information will be indicated on the inmate's J-105A form, ADA Tracking List or CHS Functional Needs List."

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Jail staff shall assist inmates who require accommodations to submit a grievance or to appeal a grievance response (e.g., people who are blind, have an Intellectual/Development Disability, have a learning disability, or who have physical disabilities that make it difficult or impossible for them to write, or are illiterate)."

Custody staff interviewed stated they would assist incarcerated persons with assistance in completing grievances. Some of the incarcerated persons interviewed stated that, at times, they rely on other incarcerated persons to assist them in accessing the grievance process.

The Expert notes the ADA STC PowerPoint includes information on staff requirements to provide assistance (filling out paperwork/forms) to intellectually/Developmentally Disabled and Visually Impaired incarcerated persons.

Although there were no specific cases to review, the County has policies in place, and staff are aware and have been trained on the RP requirements.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

D. Responses to Grievances

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

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

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

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

- TL121223/2308 – States he is being denied a cane. States he slipped and fell yesterday in the shower trying to transfer from his wheelchair to shower chair. The response states, "You were seen by the medical provider regarding your concern on 12/12 and were scheduled to be seen by the specialist on 12/19 for further evaluation. You refused that appointment and are currently pending reschedule. You are currently provided with accommodations as determined by the provider and have received patient education regarding your request for a cane. You are currently pending reschedule to the specialist and follow up with the medical provider. Please submit a pink health message slip to return to care for this or any future concern."
- TL090123/2100 – Requesting a wrist brace and lower bunk chrono. States he is at risk of falling from top bunk as he cannot grip with his hand and arm in

fear of further injury. The response states, "You were seen most recently by the medical provider on 9/6 and your concerns were addressed at that time. Your diagnostics were discussed, you received medical treatment and Chronos were issued at that time."

- TL081323/0841 – Requesting medical housing states he needs support from toilet and shower to hold on to rail so he doesn't fall. The response states, "You were seen by health care personnel on 8/17 regarding your concern. At that time medical housing options were discussed but stated you wished to remain in your current housing. Please submit a pink health message slip should you wish to return to care for this or any future concern."
- MJ090423/2100 – Requesting a cane. States he slipped and fell trying to transfer from wheelchair to shower chair. The response states, "IM released prior to disposition of grievance. IM was evaluated by ADA nurse on 9/4, educated on safety of cane request, and shower chair was requested to be provided by OCSD ADA personnel."

There are no dates reflected on the grievances of when the OCSD addressed the safety concerns for the Expert to determine if the County resolved the grievance promptly.

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

A review of the 27 disability-related grievances produced found that the County did not document the date the grievance response was provided to the incarcerated person in 26 of the cases.

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

Not Implemented (Previous Rating Not Implemented)

3. *In limited circumstances where the County is unable to resolve the grievance within fourteen days (e.g., the incarcerated person must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel*

complaint), the County should still provide a response within fourteen days. The response should communicate why the County cannot resolve the grievance within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.

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

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

The Expert notes there were five (5) grievances where the responses state that "you are currently scheduled for follow-up." The response does not communicate why the County could not resolve the grievance within the fourteen-day deadline and, nor did the response provide relative information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, the provision of interim accommodations pending resolution.

The Expert notes that the staff interviewed were aware of the RP requirements. Based on this, the Expert finds the County has partially implemented the RP requirement.

Partially Implemented (Previous Rating Partially Implemented)

4. *If the grievance is a request for an accommodation, the response must articulate whether the County is granting the requested accommodation, providing an alternative accommodation, or is declining to provide any accommodation. If the County is not providing the requested accommodation, the response must explain the reasoning for the decision. If the County is providing an accommodation (either the requested accommodation or an alternative), the County must document that it has provided the granted accommodation.*

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

or an alternative), staff will document that the granted accommodation has been provided."

Listed below is a summary of the 27 grievance responses:

- TL0011723/0700 – CDCR 2275-CJ Requesting single person cell, Mental Health Evaluation, and Medical Evaluation. The response states, "Inmate was evaluated by medical provider on 8/30 regarding requests for shoes, knee brace, and extra mattress. Provider determined no medical indication at that time. Health care personnel evaluated for double mattress upon patient request on 10/15, no medical indication for request determined at that time. IM released 10/26." Not compliant with RP requirements.
- IR072723/0920 – CDCR 2275-CJ Requesting Assistive Mobility Device - Knee Brace and Shoes, Extra Mattress, Mental Health Evaluation, Medical Evaluation. The response states, "Patient is currently in health care housing with daily contacts from health care personnel, including the provider. He is currently receiving health care treatment and medication as ordered by the provider and scheduled for follow ups with health care personnel." Not compliant with RP requirements.
- MJ060223/1230 – CDCR 2275-CJ Requesting Assistive Mobility Device - Knee Brace, Assistive Visual Device – Eyeglasses, Mental Health Medication and Medical Evaluation. The response states, "You are grieving CDCR Parole for losing your knee brace and glasses. It has been arranged to have someone drop off glasses that will be delivered to you. Concerning the knee brace medical has been notified and will evaluate." Not compliant with RP requirements.
- TL090223/0508-- Alleging unjust treatment and denial of medical care. The response states, "Theo Lacy ADA Compliance Team Deputy met with XXX. XXX states he is not receiving his medication from Medical nor his transportation to his medical appointments. I contacted OCSD Transportation in regards to XXX's concerns and confirmed he will be attending a medical appointment on 9/25/23. I addressed XXX's grievance to Transportation, so his appointment can be arranged accordingly. This grievance has also been shared with Medical." Not compliant with RP requirements.
- TL061023/2020 – Grieving: he has to argue with the nurse to get medication for his condition and has not seen the doctor regarding his chronic back pain. He is also requested glasses stated his "came apart." The response states, "You were seen by health care personnel on 6/10 regarding your concern, received medication a treatment plan, and advised to submit a pink health message slip to return to care as needed. You are currently scheduled to be seen by the specialist for your glasses concern." Not compliant with RP requirements.
- TL072823/0720– Requesting a cane or walker. The response states, "As of 6/12/23 @ 1210 hours, Correctional Health Services cleared you for regular housing and cleared you from the use of any ADA devices." Not compliant with RP requirements.
- MJ083123/0850 – CDCR 2275-CJ Requesting Assistive Mobility Device – Cane and Medical Evaluation. The response states, "Patient's concerns have

been addressed by health care personnel. Patient is currently issued a wheelchair. Most recently seen by medical provider on 8/30. At that time, the patient was informed there was no medical indication for his request for shoes and cane. He has been referred to the specialist for further evaluation. Patient's request for glasses was forwarded to the optometrist to review, as recently examined on 6/12/23." Compliant with RP requirements.

- TL092323/0430 – Requesting a wheelchair for long distances. The response states, "Your request has been forwarded to the medical provider for review." Not compliant with RP requirements.
- TL092323/1427 – Requesting a proper prosthetic sock for his prosthetic leg. Stated it's been almost five (5) months that he has been wearing a sock that is not meant for his leg and it's hurting him real bad. The response states, "You were seen by health care personnel regarding your request on 6/8 and received your request on 6/14. Please submit a pink health message slip to return to care as needed." Compliant with RP requirements.
- TL110923/0400 – Requesting front-wheel walker. The response states, "You were seen by health care on 11/15 and your concern was addressed at that time." Not compliant with RP requirements.
- TL111623/2124 – Requesting compression socks. The response states, "You were most recently seen by health care personnel on 11/17. You were provided with patient education, treatment offered, and informed there was no medical indication for your request at this time. You are currently scheduled for follow up with the medical provider regarding your request." Compliant with RP requirements.
- TL121223/2308 – States he is being denied a cane. States he slipped and fell yesterday in the shower trying to transfer from his wheelchair to shower chair. The response states, "You were seen by the medical provider regarding your concern on 12/12 and were scheduled to be seen by the specialist on 12/19 for further evaluation. You refused that appointment and are currently pending reschedule. You are currently provided with accommodations as determined by the provider and have received patient education regarding your request for a cane. You are currently pending reschedule to the specialist and follow up with the medical provider. Please submit a pink health message slip to return to care for this or any future concern." Not compliant with RP requirements.
- TL062223/0735 – Requesting a cane. The response states, "Please see response to TL061923/0805." Grievance and response for TL061923/0805 not produced. Not compliant with RP requirements.
- TL071423/0740 – Requesting his personal cane. The response states, "Was not booked in with personal cane. Currently has an HCA provided cane. Sgt. Zamora confirmed with ADA R.N. that the cane provided is sufficient for his disability." Compliant with RP requirements.
- TL081223/2001 – Requesting a wrist brace and lower bunk Chrono. The response states, "You submitted a pink health message slip on 8/6 and 8/11 requesting to be seen regarding your concern. You were seen by health care personnel on 8/8 and 8/12 and were provided patient education and treatment at that time. You were advised to submit a pink health message slip to return to care as needed for this concern. You submitted a health message slip on

- 8/12 requesting a chrono and brace and are currently scheduled to be seen by health care personnel." Not compliant with RP requirements.
- TL090123/2100 – Requesting a wrist brace and lower bunk chrono. States he is at risk of falling from top bunk as he cannot grip with his hand and arm in fear of further injury. The response states, "You were seen most recently by the medical provider on 9/6 and your concerns were addressed at that time. Your diagnostics were discussed, you received medical treatment and Chronos were issued at that time." Not compliant with RP requirements.
 - TL121923/2016 – Grieving the removal of ADA devices by medical staff. The response states, "The medical provider determined there was no medical necessity for wheelchair cushion, you have an active order for wheelchair use for distance only. Please submit a pink health message slip to return to care for this or any future concerns." Compliant with RP requirements.
 - IR100323/2000 – Requesting leg wrap and knee brace. The response states, "You were seen by health care personnel on 9/30 and your concerns were addressed at that time. Please submit a pink health message slip to return to care regarding this or any future health concerns." Not compliant with RP requirements.
 - TL120723/2231 – Requesting renewal of compression sock Chrono. The response states, "You are currently scheduled to be seen by the medical provider regarding your concern. Please submit a pink health message slip to return to care as needed for this or any future concern." Not compliant with RP requirements.
 - MJ062323/2104 – Requesting transfer to Veterans Mod or ADA housing. The response states, "You were evaluated by the medical provider on 6/16 regarding your request to reinstate your ADA status. Upon assessment, the medical provider determined there was no indication for your request at this time. Please submit a pink health message slip to return to care or communicate concerns to health care personnel." Compliant with RP requirements.
 - MJ063023/2112 – Requesting permanent ADA status. The response states, "Will process as inmate request and forward to medical provider to review your requests. You are currently pending follow up appointments with the health care providers. Please submit a pink health message slip to communicate health care concerns or return to care as needed." Not compliant with RP requirements.
 - MJ082123/2025 – Requesting wheelchair and cane. The response states, "You were most recently evaluated by the medical provider on 8/30 and your concerns were addressed at that time. The provider discussed your medication treatment plan, referred you to the specialist, and informed you that there was no medical indication for your request for a cane at this time. You are currently scheduled for follow up with the medical provider. Please submit a pink health message slip to return to care as needed for this or any future health care concerns." Compliant with RP requirements.
 - TL081323/0841 – Requesting medical housing states he needs support from toilet and shower to hold on to rail so he doesn't fall. The response states, "You were seen by health care personnel on 8/17 regarding your concern. At that time medical housing options were discussed but stated you wished to remain

in your current housing. Please submit a pink health message slip should you wish to return to care for this or any future concern." Compliant with RP requirements.

- TL120723/2232 – Requesting medical shoes. The response states, "You were seen by the specialist on 12/7 regarding your concern. You are scheduled for follow up with the provider regarding your concern." Not compliant with RP requirements.
- MJ090423/2100 – Requesting a cane. States he slipped and fell trying to transfer from wheelchair to shower chair. The response states, "IM released prior to disposition of grievance. IM was evaluated by ADA nurse on 9/4, educated on safety of cane request, and shower chair was requested to be provided by OCSD ADA personnel." Compliant with RP requirements.
- TL061923/0805 – Requesting a cane. States he cannot stand or walk for long periods. The response states, "You were seen by the medical provider on 6/23 and your concern was addressed at that time." Not compliant with RP requirements.
- MJ091323/1005 – Requesting a wheelchair and shower chair. The response states, "You were seen by health care personnel on 9/13 reference your concern. You received patient education regarding your request, reviewed your active orders and notified of shower accommodations in place. Please submit a pink health message slip to return to care as needed for this or any future concerns." Not compliant with RP requirements.

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

- 1) Document whether the grievance is granted, in whole or part.
- 2) Include the date of the grievance response and the date the issue was resolved (if applicable).
- 3) Include clear language as to what the resolution is (e.g., "the device was delivered on [DATE]" rather than "your concern was addressed").
- 4) Document whether the County is providing the requested accommodation, an alternate accommodation or declining to provide an accommodation.
- 5) If the County is not providing the requested accommodation, document the reasoning for the decision.

The County reports that training will be developed on how to provide grievance responses that meet the requirements of the Remedial Plan. The County also reported that CHS will communicate the grievance response recommendations to the ADA team and managers overseeing the grievance process. CHS will produce all requested documentation for the February 2024 Sabot tour.

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

Post tour CHS reported that the above recommendations will be incorporated into the grievance policy and provide training to all involved CHS team members.

Partially Implemented (Previous Rating Partially Implemented)

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

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

In a review of the grievances, the Expert notes that of the 27 grievances produced, grievances MIJ060223/1230, TL090223/0508, TL072823/0720, and TL071423/0740 were assigned to the ADA Compliance Unit for review and response. The grievances submitted as a result of a CDCR 2275-CJ Form-Request For Reasonable Modification Or Accommodation For Access To Housing and/or Program(s) In A County Jail were addressed to the ADA Coordinator; however, they were not assigned to the ADA Compliance Unit for response.

The County reports that OCSD will revise policy to address these requirements.

Based on the review of the grievances and grievance responses, the Expert finds the County has not implemented the RP requirement.

Not Implemented (Previous Rating Not Implemented)

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

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

A review of the grievances found that in 23 of the 27 cases, the ADA Compliance Unit staff did not interview the incarcerated persons regarding their requests for accommodations.

The County reports that OCSD will revise policy to address these requirements.

Based on the review of the grievances and grievance responses, the Expert finds the County has not implemented the RP requirement.

Not Implemented (Previous Rating Not Implemented)

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

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

In a review of the 27 grievance responses, the Expert found that all 27 did not include an explanation of the process for appealing the grievance response.

The County reports that the County will be revising the grievance form to address this requirement.

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

Not Implemented (Previous Rating Not Implemented)

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Staff shall ensure that they effectively communicate all grievance and appeal responses to the inmate. For inmates with disabilities affecting communication, staff will also complete the Effective Communication form per Policy 8000.11 for responses to grievances and appeals."

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

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

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

Not Implemented (Previous Rating Not Implemented)

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "When an inmate files a grievance or appeal of a grievance response, the inmate will be provided a copy of the grievance or appeal."

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

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Inmates will not be subject to any retaliation for requesting accommodations or submitting grievances."

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

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

M. Alarms/Emergencies/Announcements (Section XIII)

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level. Some examples of reasonable accommodations include: Including the special needs of inmates in emergency evacuation plans and drills."

All staff interviewed stated they accommodate incarcerated persons with disabilities during alarms, emergency evacuation drills, and emergencies. The accommodations they stated they would provide include assisting mobility, deaf and hard of hearing, and visually disabled incarcerated persons during the evacuation process and modifying the requirement for the incarcerated person to "get down" during an alarm. In addition, staff stated they would conduct face-to-face notifications to deaf and hard-of-hearing disabled incarcerated persons during the evacuation process. During the incarcerated person

interviews, there were no reports of staff not providing accommodations during emergencies and alarms.

However, in review of the 788 ADA Interview/Activity Logs the Expert notes in one case the incarcerated person claimed he cannot hear over the in-cell speaker when announcements are made. Housing staff was reminded to make announcements to hard of hearing inmates face-to-face, either at their cell door in celled housing or in the housing area of a dorm.

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

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

The County produced the following documents, which are used to provide information on the services available to incarcerated persons with disabilities as well as the incarcerated person rules and regulations:

- Orange County Sheriff's Department Custody Operations ADA Information Brochure
- ADA Inmate Qualifications Acknowledgement of Rights/Programs
- Correctional Programs Inmate Orientation Brochure
- ADA Inmate Interview Worksheet
- Orange County Sheriff's Department Custody Operations Inmate Orientation

In a review of the documents, the Expert found the ADA Inmate Qualifications Acknowledgement of Rights/Programs, Orange County Sheriff's Department Custody Operations ADA Information Brochure includes a section on Emergencies and Alarms.

The Expert notes that all incarcerated persons are provided with this information, and a review of a random sample of 30 ADA Interview/Activity Logs reflects that the ADA staff address the emergency procedures by asking and documenting the following, "Emergency procedures: Went over emergency procedures. No questions or concerns." The Expert also notes that Effective Communication was provided during the ADA Orientation.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, "Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level. Some examples of reasonable accommodations include: Including the special needs of inmates in emergency evacuation plans and drills."

All staff interviewed stated they accommodate incarcerated persons with disabilities during alarms, emergency evacuation drills, and emergencies. The accommodations they stated they would provide include assisting mobility, deaf and hard of hearing, and visually disabled incarcerated persons during the evacuation process and modifying the requirement for the incarcerated person to "get down" during an alarm. In addition, staff stated they would conduct face-to-face notifications to deaf and hard-of-hearing disabled incarcerated persons during the evacuation process. During the incarcerated person interviews, there were no reports of staff not providing accommodations during emergencies and alarms.

However, in review of the 788 ADA Interview/Activity Logs the Expert notes in one case the incarcerated person claimed he cannot hear over the in-cell speaker when announcements are made. Housing staff was reminded to make announcements to hard of hearing inmates at their cell door.

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

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

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

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 Inmates with Disabilities policy states, “Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level. Some examples of reasonable accommodations include: Including the special needs of inmates in emergency evacuation plans and drills.”

All staff interviewed stated they accommodate incarcerated persons with disabilities during alarms, emergency evacuation drills, and emergencies. The accommodations they stated they would provide include assisting mobility, deaf and hard of hearing, and visually disabled incarcerated persons during the evacuation process and modifying the requirement for the incarcerated person to "get down" during an alarm. In addition, staff stated they would conduct face-to-face notifications to deaf and hard-of-hearing disabled incarcerated persons during the evacuation process. During the incarcerated person interviews, there were no reports of staff not providing accommodations during emergencies and alarms.

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

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

Adequately Implemented (Previous Rating Adequately Implemented)

- F. Staff shall ensure that they effectively communicate all verbal announcements to persons with disabilities that affect communication. For example, staff may need to communicate verbal announcements in writing or electronic means (e.g., pager) to deaf incarcerated people.*

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

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

Staff interviewed stated they would effectively communicate verbal announcements to disabled incarcerated persons with disabilities that affect communication by conducting face-to-face communication, writing notes, speaking louder, etc. The Expert also noted

that staff has "whiteboards" available in the housing units for staff to communicate announcements to the incarcerated persons. However, four (4) incarcerated persons with a disability that affects communication stated that staff does not always provide the accommodations necessary for them to hear the verbal announcements. The incarcerated persons stated that they must rely on other incarcerated persons and or watch for the movement of others when announcements are made. The Expert was not able to confirm these claims.

Additionally, in review of the 788 ADA Interview/Activity Logs the Expert notes in one case the incarcerated person claimed he cannot hear over the in-cell speaker when announcements are made. Housing staff was reminded to make announcements to hard of hearing inmates at their cell door. During the incarcerated person interviews, two (2) incarcerated persons housed in the TLF dorms, reported they are not receiving announcements due to staff not coming on to the floor to communicate the announcement directly (e.g., a person's appointment, etc.). More attention and staff training is necessary to ensure the required accommodations are provided.

The Expert also notes that proof-of-practice documentation was not available for review.

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

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

- Read the written notice.
- Provide the notice in large print.”

However, ten (10) disabled incarcerated persons with disabilities that affect communication stated that staff does not always provide the accommodations of reading documents and providing large print notices/material. Some stated they must rely on other incarcerated persons to fill out pink slips and commissary forms, and one (1) incarcerated person stated that staff tells him "No" when he asks for assistance. One (1) incarcerated person stated that the ADA Deputy is the only staff that provides assistance. The Expert could not confirm these claims.

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

The County reports that staff will be reminded to document where they effectively communicated written notices to persons with disabilities that affect communication.

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

Partially Implemented (Previous Rating Partially Implemented)

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

- A. *The County shall ensure that incarcerated people with disabilities, including those with prosthetic limbs, receive reasonable accommodations with respect to the following:*
1. *All searches, including pat searches and searches without clothing;*
 2. *Application of restraint equipment; and*
 3. *During counts.*
- B. *Incarcerated persons with disabilities who cannot be restrained, searched, or counted using the standard methods/processes, including but not limited to persons with certain mobility or upper extremity disabilities, using HCA/AD/DME, using prosthetic limbs, and in need of Effective Communication accommodations, must be provided reasonable accommodations.*

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, “Inmates with disabilities, including but not limited to those with certain mobility or upper extremity disabilities or prosthetic limbs, will receive reasonable accommodations with respect to the following:

- All searches, including pat searches and searches without clothing;
- Application of restraint equipment; and
- During counts.”

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

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

O. Transportation (Section XV)

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

The Expert notes there were no complaints from disabled incarcerated persons regarding accommodations during transport.

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

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, “Staff shall ensure that an inmate’s assistive device or tapping cane is transported with the inmate whenever the inmate is transferred in between facilities, to court, or other outside appointment. The assistive device will be available to the inmate at all times (absent a specific security concern that is documented).”

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

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

- C. *The County shall use accessible vehicles to transport persons whose disabilities necessitate special transportation, including by maintaining a sufficient number of accessible vehicles. For scheduled transportation (e.g., court appearances and non-emergency outside medical appointments), the County shall schedule the accessible*

transportation in advance. The County shall ensure that to the greatest extent practicable, persons who require accessible transportation are not required to wait longer for transportation than people who do not require accessible transportation. The County shall ensure that transportation staff does not ask persons who require accessible transportation to accept inaccessible transportation.

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities addresses the accommodations required for incarcerated persons who require accessible transportation.

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

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

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

The Expert previously noted that the revised and implemented Custody & Court Operations Manual (CCOM) 8000 - Inmates with Disabilities states, "Staff will assist inmates with disabilities getting on and off transport vehicles whenever necessary."

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

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

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

- A. The County shall ensure all custody, health care, and other Jail staff receive annual ADA training appropriate to their position.*
- 1. The County shall provide to all staff appropriate training on disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA and other federal and state disability law.*
 - 2. The County shall provide to all staff appropriate training on Trauma-Informed Care, which will be included in the ADA training and Crisis Intervention Training (CIT).*
 - 3. The ADA training shall include: formalized lesson plans and in-classroom or real-time virtual training for staff (including managers, supervisors, and rank-and-file staff) provided by certified or otherwise qualified ADA trainers. Self-directed study may be paired with real-time ADA training.*
 - 4. CHS and OCSD staff shall receive periodic training on the range of potential accommodation and adaptive support needs of people with Intellectual/Developmental Disabilities.*

The County produced the following OCSD training documents:

- ADA Class Handouts
 - ADA Inmate Tracking List
 - ADA Tracking List/Log Instructions
 - ADA Effective Communication Form
 - Housing Unit Orientation
 - Safety and Security Assessment Form
- Americans With Disabilities Act (2-Hour Lesson Plan)
- Americans With Disabilities Act STC PowerPoint Presentation (78 slides)

The training material includes training on disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA and other federal and state disability law. Trauma-informed care is also included in the ADA training curriculum. The Americans With Disabilities Act PowerPoint Presentation includes a segment on the adaptive support needs of incarcerated people with Intellectual/Developmental Disabilities. The Expert notes that the ADA training is provided as formal classroom training.

In the review of the "Training Taken by Course Category Report," "ADA Training" produced by the County reflects that 490 staff completed the training. The Training Summary Report reflects custody and program staff attended the training. The County also produced "Training Attendance Sheets" for ADA Training that was attended by OCSD cooks, transportation and commissary staff. The Attendance Sheets reflect that 137 staff attended the training.

The County produced the following CHS/HCA training documents:

- ADA Training Correctional Health Services (PowerPoint 75 slides)
- ADA Training Correctional Health Services (PowerPoint 76 slides)
- ADA Training Correctional Health Services (PowerPoint 80 slides)
- CHS ADA Lesson Plan (2 hours)
- CHS Triage Screening for ADA Patients (PowerPoint 53 slides)
- CHS Triage Screening for ADA Patients (PowerPoint 52 slides)
- Effective Communication (EC) (Deaf/Hard of Hearing, Speech, and Cognitive/Developmental Disability) (PowerPoint 21 slides)
- Effective Communication for Hearing Impaired Patients Quiz
- Effective Communication in Healthcare Settings (PowerPoint 57 slides)
- Effective Communication With Hearing Impaired (Deaf/Hard of Hearing Patients) (PowerPoint 7 slides)
- Effective Communication workflow
- UbiDuo 3: Deaf, Hard of Hearing, & Hearing Webinar - January 26, 2023
- Language Line Solutions Instructions
- Triage to Release Continuum workflow
- UbiDuo Training Session (46 slides)
- ADA Triage to Release workflow
- ADA Status Change workflow
- ADA Training Bulletin (PowerPoint 8 slides)

- Guidelines for ADA Process
 - CHS ADA Training Handouts
 - ADA Effective Communication Form workflow
 - ADA Effective Communication Form (SBAR)
 - ADA Steps Triage workflow
 - Assessment for ID or Cognitive or Effective Communication Deficit
 - Trauma Informed Care Training PowerPoint Presentation (28 slides).
-
- The County produced training sign-in sheets that reflect a total of 347 CHS staff have attended "Trauma Informed Care In a Correctional Setting" training. During the observation of the medical intake process, the Expert found that the medical staff engaged the individuals, allowing them to voice their concerns in a safe environment.

In the review of all training material listed above, the Expert notes that the training includes information on the following:

- Disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA and other federal and state disability law.
- Trauma-Informed Care.

The Expert also notes that the training includes formalized lesson plans and in-classroom or real-time virtual training for staff. Staff who have attended the training include managers, supervisors, and rank-and-file staff. The Expert notes that the training is provided by certified ADA trainers. The Expert also notes that the training includes the information on accommodations and adaptive support needs of people with Intellectual/Developmental Disabilities.

The Course Completion History - ADA Effective Communication; ADA Effective Communication Form SBAR; Americans with Disabilities Act CHS; CHS Triage Screening for ADA Patients; Cognitive or Developmentally Disabled Patients and other ADA training sign-in sheets reflects 1,281 CHS staff have attended the formal and informal ADA trainings.

The Expert notes that the following CHS staff have attended and completed the ADA Coordinator certification.

- Marco Batres, Supervisor RN Case Management
- Michelle Kelly, RN Staff Development/Education
- Adrianna Navarrete, RN ADA Case Manager
- Lena Chung, RN ADA Case Manager

All staff interviewed reported they had attended the annual 2-Hour Americans With Disabilities Act training.

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

Adequately Implemented (Previous Rating Adequately Implemented)

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

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

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

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

The County reported that OCSD will coordinate with its Professional Standards Division to develop a proposal for this item.

The Expert notes that the County previously produced the following documents:

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

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

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

CHS also produced the ADA-CGS Accountability Log that includes one (1) entry for 15 staff who did not complete the ADA training by the due date.

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

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

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

Partially Implemented (Previous Rating Partially Implemented)

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

The County reported that OCSD will coordinate with its Professional Standards Division to develop a proposal for this item. Additionally, the County reported that CHS would produce a tracking log and draft a policy on staff accountability.

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

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

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

CHS also produced the ADA-CGS Accountability Log that includes one (1) entry for 15 staff who did not complete the ADA training by the due date.

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

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

Partially Implemented (Previous Rating Partially Implemented)



V. Signature

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

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

Julian Martinez
Director
Sabot Consulting

June 6, 2024

Date