



Agreement Between County of Orange and Disability Rights California

Expert's Report (Fourth Round)

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

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

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I. Introduction

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

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

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

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

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

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

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

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

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

While Sabot Consulting's assessment and the Parties' negotiations were necessarily slowed by

the circumstances of the COVID pandemic, the Parties' negotiations have proceeded as expeditiously as possible towards a resolution and formal agreement. In consultation with DRC and its authorized agents, the County has already begun to implement several of Sabot Consulting's recommendations and related remedial actions during the period of negotiations.

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

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

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

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

II. The Expert's Monitoring Role and Monitoring Activities

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

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

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

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

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

B. Monitoring Process

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

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

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

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

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

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

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

III. Executive Summary

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

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

The fourth round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail (CWJ), and the Intake Release Center & Transportation (IRC). The on-site Monitoring Review was conducted from February 26 – March 1, 2024. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); general on-site observations were conducted, interviews of sworn and non-sworn personnel (e.g., housing deputies, PMU deputies, HCA CHS healthcare staff (medical and mental health), Inmate Services staff, and interviews of LGBTQI incarcerated persons housed at the OC jails. In total, the Expert interviewed approximately 34 incarcerated persons (individual/confidential interviews), also collectively interviewed the PRIDE Program participants (approximately 12 individuals) and approximately 11 staff members from multiple disciplines and areas of responsibility. The Monitor also reviewed several randomly selected electronic unit health records of a few randomly selected individuals identified as transgender.

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, 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 interviews.

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

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

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

As this was the fourth monitoring tour, all elements of the SA and RP were evaluated for compliance as the County strives to achieve and maintain "Adequately Implemented" status in the rated areas. For the current and future monitoring tours, rated items that are found as "Adequately Implemented" in two (2) consecutive rounds of monitoring will be moved to "Monitoring Suspended Based on Previous Findings of Compliance." The Expert will continue to review whether the County has adequately implemented a component for which monitoring has been suspended if such review is necessary for determining whether the County has adequately implemented other components of the Remedial Plan for which monitoring has not been suspended. Additionally, the Expert will follow the RP requirements and resume monitoring if areas that have been found as "Adequately Implemented" are identified by DRC as no longer adequately implemented and the County agrees with DRC's position. In the event the County disagrees, the Expert will review the Parties' positions and provide a written decision regarding the Expert's final decision.

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

The Expert recommends that the County focus on the following areas:

- Complete revisions of comprehensive OCSD LGBTQI Policy (and other policies as applicable, e.g., CHS Policy 6206).
- Upon completion of policies, develop and roll out LGBTQI training (including refresher training) for sworn and non-sworn personnel.
 - Note: This includes a review and comment process with the Expert and DRC.
 - Note: Provide the Expert with clarification regarding current OCSD and CHS training material and proof of practice documentation to show the numbers/percentages of staff that have received the training.
- Develop and roll out LGBTQI/transgender/intersex-related staff accountability plan.
- Ensure the SOMA tracking system (once implemented) includes all appropriate related LGBTQI information.
- Disseminate jail and community resource information to all LGBTQI incarcerated persons (that are interested) as related to LGBTQI programs and services.
- Make LGBTQI reading materials accessible to LGBTQI individuals such as hard copy or via electronic tablet (regardless of housing unit) if interested (even for housing units that are not predominately LGBTQI).
- Develop (or revise) the written "script" for Classification staff to follow to emphasize the requirement and importance to explain all housing options to LGBTQI new arrivals, to

ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications.

The Expert also makes the additional recommendations:

- Follow-up on feasibility (from recent on-site discussions between the Expert, DRC, PMU, and Inmate Services personnel) of adding an additional program(s) including for qualified PC-2 individuals to include similar programming and monitoring elements to that of the PRIDE Program (or other programming as deemed sufficient).
- With the understanding that PMU makes final determinations, follow-up on feasibility (from recent on-site discussions between the Expert, DRC, PMU, and Inmate Services personnel) to permit the LGBTQI Coordinator (Inmate Services) to interview new potential participants into the PRIDE Program and have a voice as to LGBTQI incarcerated persons gaining admittance into the program and potentially being removed from the program.
- Ensure orientation information is provided to LGBTQI incarcerated persons to ensure they understand related rules and understand their access to programs, services, and activities (as pertaining to LGBTQI and otherwise).
- Ensure that staff conducting key encounters (e.g., intake, classification, orientation, healthcare encounters, etc.) effectively communicate with LGBTQI incarcerated persons and fully explain related concerns (e.g., housing, programming, clothing, hygiene, etc.).
- Develop a process to be able to track and identify (for review purposes) grievances filed by LGBTQI incarcerated persons (regardless of topic, LGBTQI related or not) and to track and identify grievances related to LGBTQI related issues (regardless of who submitted the grievance [whether a self-identified/known LGBTQI individual or otherwise]).
- Ensure equal access to all programs, services, and activities for LGBTQI incarcerated persons equal to other incarcerated persons (e.g., for work assignments, in-person education [including Rancho Santiago Community College], yard/recreation (including Green Sector for MOD I Sectors I, II, and III), etc.).
- Ensure classifications/re-evaluations of classification, placement, and programming assignments (for transgender or intersex incarcerated persons) are conducted at least twice annually.
- Provide (through commissary, medical, or indigent kits) hair removal tools, creams, or related products.
- Provide copies or proof of internal periodic reviews (for quality improvement purposes) or information pertaining to denials of a transgender or intersex individual's stated preference for housing, including classification staff's and supervisor's rationale for the decision.
- Ensure staff issue properly sized clothing, including undergarments/underwear of choice, to transgender (and all LGBTQI) individuals.
- Provide more allowances for razors for transgender/intersex individuals.
- Classification deputies must fully explain applicable classification and security options and ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications.

- Provide confirmation (examples) that Classification Unit intake staff explain to new arrivals (as applicable):
 - They will not be punished if they choose not to provide requested information pertaining to their gender identity, pronoun, honorific, and search preference.
 - Staff, contractors, and volunteers shall use a person's stated pronoun and honorific, and the failure to do so may be grieved and reported.
- Continue to update the Expert regarding any program expansion and specific recruitment efforts.
- Continue to apprise the Expert of further progress including access to jobs and programs for TLF Mod I Sectors I, II, and III, as well as for other LGBTQI incarcerated persons in various housing units and classification levels.
- Continue to examine all feasible options to allow LGBTQI individuals to attend in-person Rancho Santiago Community College classes.
- Ensure LGBTQI individuals who submit a grievance receive a copy (to enable them to appeal if not satisfied with the grievance response).

The above-listed bulleted points of recommendation are not an exhaustive list. For additional information, please refer to each section of the report.

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

The following reflects the overall ratings given for the 38 major areas rated:

- Adequately Implemented - 1
- Partially Implemented - 30
- Not Implemented - 3
- Un-ratable - 3
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance – 1

It is the Expert's belief that as the County implements vital components of the SA, including those outlined in this report, the areas found other than Adequately Implemented will progress to an Adequately Implemented rating.

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

IV. Findings

A. LGBTQI Non-discrimination Policy, Staff Accountability

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

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

The Expert notes the most recent OCSD Action Plan for this provision: "OCSD takes allegations of staff misconduct very seriously and will fully investigate the allegations. If any allegations are founded, staff will be held accountable. OCSD investigated the allegations against the identified deputy and was not able to substantiate the allegations. OCSD did not have enough information about the other allegations against unidentified staff members to investigate those allegations. With respect to the religious volunteer, OCSD has terminated that person's service."

"OCSD's revised LGBTQI policy is currently with County Counsel for review."

The Expert also notes previous OCSD Action Plan language that the policy being revised is CCOM policy that will reportedly address this requirement of the RP.

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

The Expert acknowledges and appreciates the efforts OCSD made stemming from a few serious allegations that were made by individuals identified as LGBTQI (including transgender) against some staff members during the previous monitoring tour (Third Round). The Expert further understands there was not enough evidence to support substantiation for any of the claims, but reportedly staff due diligence was performed by investigative staff during the investigation/inquiry processes. As stated above, one (1) of the individuals stated that one of the CSA staff members that previously had complaints against him, has been notably better (though there are still some concerns according to the incarcerated person).

Custody and non-custody staff interviewed (e.g., from Inmate Services, housing unit and PMU staff, and CHS healthcare) stated they treat all incarcerated individuals (including LGBTQI) respectfully, are professional, and do not discriminate against them. Staff indicated they refer to all incarcerated persons by their last names and/or preferred pronouns. Deputies and CSA staff (e.g., from TLF Mods I, O, Q) stated the J-119s/Mod cards include information such as preferred pronouns and their individual search

preference. The Expert randomly selected several names of individuals identified as transgender, to view their respective J-119s/Mod cards. All Mod cards reviewed contained their gender identity, preferred pronoun(s), name or preferred name, and their search preference gender (for staff).

Most of the 34 LGBTQI incarcerated persons interviewed stated that custody and non-custody personnel treat them respectfully and fairly. Many did not voice any related concerns, while others indicated some staff are professional and others are not and/or do not help them when asked. The Expert notes there was notably less related complaints for this RP Provision as compared to previous monitoring tours. However, although not substantiated or refuted (by the Expert), some of the concerns as well as positive feedback voiced included the following:

- “Finally, staff are more respectful” (IW)
- “Deputy xxxxxx is very good”
- “Deputies xxxxxx,, xxxxxx, and xxxxxx are amazing, they are really good”
- “Overall, staff are ok”
- “Staff are respectful”
- “Healthcare staff are good”
- “Healthcare staff use our preferred pronouns”
- “Classification staff are ok”
- “Deputies refer to us by our last names, which is fine”
- “The rapport with the deputies has improved” (TL-I)
- “Overall, staff interactions have improved” (TL-I)
- “Sometimes deputies are ok, but CSAs are rude and disrespectful, they tell us to go away” (TL-I)
- “Some staff are respectful, and some are jerks, it’s 50-50”, and we have to pick and choose who to ask questions to, and we have to beg for forms” (TL-Q)
- “The B-side crew is very professional, but A-side is not” (TL-I)
- “One of the CSA’s that was investigated is now more careful with his words, but he still seems uncomfortable with us” (TL-I)
- “Most staff are good and they use our pronouns, but some staff still need training” (TL-I)
- “Staff are disrespectful and aggressive” (IW)
- “Staff are not respectful”
- “Staff are not in-tune with our gender identity and are disrespectful. I have submitted grievances” (TL-I)
- “There is a female deputy that gets angry and screams and curses” (TL-I)
- “Loop deputies are brutal”
- “The night crew still slams doors”
- “Some staff don’t acknowledge our preferred pronouns, and sex-play us” (TL-Q) (Note: no specific details were provided)
- “There are some homophobic staff” (TL-I)
- “Staff need to be trained on how to deal with us and our needs” (LGBTQI) (TL-I)
- “I have had issues with homophobic slurs from a deputy in the Loop, even though a second deputy intervened stopped it. I grieved the issue and was offered to pursue the matter further, but I didn’t have faith in the process.” (TL-I)

As stated above, language for the OCSD Action Plan stated, “OCSD’s revised LGBTQI policy is currently with County Counsel for review.” The Expert also notes previous OCSD Action Plan language that the policy being revised is CCOM policy that will reportedly address this requirement of the RP.

The previous Expert report (Third Round LGBTQI Report) cites some specific applicable (previously revised – though no revision dates listed) related language within Policies 375, 328, and 402, and CCOM 2900. However, the Expert notes there has not been any revisions since the previous monitoring review.

The Expert continues to be hopeful that further development of policy/procedures and related staff training will assist in improving communication and understanding between LGBTQI-incarcerated persons and staff of all disciplines. But again, progress appears to have been made in this area.

The Expert has the following recommendations:

- Provide revised comprehensive OCSD LGBTQI Policy to the Expert (and DRC) for review (once County Counsel has completed internal review).

Partially Implemented (Previous Rating - Partially Implemented)

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

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review. Custody staff will meet with OCSD’s Professional Standards Division to discuss the accountability plan required by the Remedial Plan. OCSD complies with the requirements of Senate Bill 2 (related to reporting complaints of serious misconduct to the Commission on Peace Officers

Standards and Training), and tracks and reports any complaints of serious misconduct by peace officers. Included in Penal Code section 13510.8's definition of serious misconduct is the following: "Demonstrating bias on the basis of race, national origin, religion, *gender identity or expression*, housing status, *sexual orientation*, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner."

The Expert reviewed HCA Policy 1007 Staff Accountability (Effective Date: October 13, 2023). The policy/procedure covers the following sections: Expectations, Reporting, Review and Discipline, and Auditing. Section D. Auditing, states the following, in part:

- 1) CHS Administration and Supervisory staff or assigned designee(s) conduct audits of and track occurrences of staff violations of policy.
 - a. Examples of audits include but are not limited to policy and legal violations related to Americans with Disabilities Act (ADA) requirements, provision of disability accommodations and effective communication, and prevention of LGBTQI/transgender/intersex-based discrimination.

The CHS also provided an Excel spreadsheet titled, "LGBTQI+ CHS Accountability Log," which contained three (3) entries (all by the same incarcerated person [non-binary] housed at TL). The spreadsheet fields include columns for Date, Booking Number, Last Name, First Name, Facility, Concern, Disposition, and Notes. The three (3) dates were between December 18, 2023 – January 13, 2024. Allegations included:

- 1) "....RNSC nurse not respecting gender identity. States discrimination."
- 2) "....med pass LVN referred to patient as "guy". Pt states they are non-binary."
- 3) "....RNSC nurse misgendered them. Alleges nurse and deputy mocked them when told they were non-binary."

The "Notes" column indicates (for each of the three [3] cases) the personnel complaint was addressed per CHS, and "forwarded to Supv CCN to review and investigate." Additionally, it was indicated (for each of the three [3] cases) the "Supv CCN will brief staff regarding addressing patients and consult with Staff Development for personal education."

To date, OCSD has not provided any related staff accountability log(s) or spreadsheet(s). OCSD was previously provided with a blank sample accountability log that CDCR uses for incidents involving staff violation of ADA/Disability policies, as a resource for consideration for use or modification/use as related to this RP Provision. As the Expert previously reported, a comprehensive accountability plan should feasibly include a mechanism to track related discrimination complaints, investigations/inquiries, progressive discipline, and ultimate dispositions/outcomes; and to provide related management quality improvement reviews, including data review information which may help to identify any negative trends showing staff violating or otherwise not following requirements of the RP provisions. The OCSD has not provided any anticipated timelines for implementation. In the future, OCSD must provide examples of draft tracking form(s) to track related complaints, a copy of any draft plan and/or draft forms that outline

management or quality assurance reviews, and draft plans of action to be used for applicable cases.

As stated above, the Expert acknowledges OCSD's revised LGBTQI policy is reportedly currently with County Counsel for review, and that Custody staff will meet with OCSD's Professional Standards Division to discuss the accountability plan required by the RP. Once OCSD has a draft staff accountability plan (inclusive of related forms/logs), they must provide it to the Expert and DRC for review, comments, and recommendations. Once an OCSD accountability plan has been approved and implemented, the County will need to provide all associated documents for the Expert's review, e.g., related policies/procedures, staff accountability plan/process, tracking mechanism to track discrimination complaints (inclusive of the investigation process and ultimate disposition/outcome), and information pertaining to OCSD administration personnel analyzing all related data for quality improvement for future monitoring tours.

From the Expert's previous report (Expert's Third Round LGBTQI Report) the Expert requested OCSD to provide the Personnel Complaint Procedure (Policy 1020) for review, but it was not provided as part of document production for this monitoring period.

The Expert reviewed grievances that contained allegations of related serious misconduct include, which include the following:

- 1) Individual xxxxxx (TLF Mod I Sector 1):
 - 11/6/23 - Transgender individual states staff (in Booking Loop) used racial derogatory, homophobic, and transphobic comments toward her.
 - 12/19/23 Disposition:
 - Investigation and review of video was done and was unable to substantiate offensive language was used.
 - Use-Of-Force investigation was done. Allegations of an incarcerated person being searched by a male deputy in violation of her search preference form was found to be unfounded (she was restrained due to non-compliance, but she was not searched).
- 2) Individual xxxxxx (TLF Mod I Sector 2):
 - 6/14/23 – Alleges staff misconduct (verbal).
 - 7/28/23 disposition:
 - Investigation and review of video was conducted. Unable to corroborate allegations.
- 3) Individual xxxxxx (TL Mod I Sector 2):
 - 6/14/23 – Alleges staff misconduct and threats (verbal).
 - 7/24/23 Disposition:
 - Investigation and review of video was conducted. Unable to corroborate allegations.
- 4) Individual xxxxxx (TL Mod Q Sector 53):
 - 9/27/23 – Staff sexual harassment.
 - 10/23/23 - Investigation and review of video was conducted. Allegations unfounded.

- 5) Individual xxxxxx (TL Mod Q Sector 53):
 - 10/8/23 – Staff sexual harassment and harassment.
 - 10/10/23 - Investigation and review of video was conducted. Allegations unfounded.
- 6) Individual xxxxxx (TL Mod Q Sector 53):
 - 11/13/23 – Staff harassment (misgendering).
 - 11/6/23 - Investigation and review of video was conducted. Allegations unfounded.
- 7) Individual xxxxxx (TL Mod R):
 - 11/21/23 – Claimed staff (CSA) used derogatory (homophobic) terminology.
 - 12/4/23 - Investigation was conducted. Allegations not substantiated.
- 8) Individual xxxxxx (TL Mod I Sector 2):
 - 11/18/23 – Staff harassment (misgendering) and discrimination.
 - 12/6/23 - Investigation was conducted. Allegations unsubstantiated.

The Expert has the following recommendations:

- OCSD keep the Expert apprised of progress toward developing and implementing a staff accountability component (e.g., similar to what CHS rolled-out in late 2023).
- Future OCSD training material content should include staff accountability-related information.
- Once the revised OCSD LGBTQI policy is drafted and related training is developed, the County must provide it to the Expert and DRC for review, comments, and recommendations.

Partially Implemented (Previous Rating – Un-ratable)

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

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

As the Expert previously reported (Third Round LGBTQI Report) Orange County Sheriff's Department Policy 375 Transgender Policy (Section 375.4) contains some brief related language. However, the Expert notes there has not been any revisions since the previous monitoring review.

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review." The Expert further notes that the previous CHS Action Plan for this RP Provision (Expert's Third Round LGBTQI Report)

also referenced that training will be implemented (post policy implementation) to address this requirement.

The Expert notes the number of verbal complaints made during the Expert's incarcerated person interviews related to staff disclosing an individual's LGBTQIA+ identity (or "outing" them) in the presence of other incarcerated individuals has been greatly reduced to about one (1) such complaint (in the IRC Loop). There were also two (2) grievances pertaining to misgendering (as outlined in Section IV. A. B.), although the staff investigators were not able to substantiate the claims.

This trend of reduction has been paramount over the course of the last three (3) monitoring reviews.

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

The Expert looks forward to reviewing the revised LGBTQI policy once County Counsel completes internal review. Once the revised policy (and training) is drafted, the County must provide it to the Expert and DRC for review/comments/recommendations.

The Expert has the following recommendations:

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

Partially Implemented (Previous Rating - Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review."

As the Expert stated in the previous report (Third Round LGBTQI Report) the previous OCSD Action Plan indicated that SOMA "will assist with this tracking", but there has not been any tentative timeline identified for activation for uploading LGBTQI-related information into the SOMA tracking system or when staff will be trained and have access to the information. As outlined in Section IV.A.A., deputies and CSA staff (e.g., from TLF Mods I, O, Q) stated the J-119s/Mod cards include information such as preferred pronouns and their individual search preference. The Expert randomly selected several names of individuals identified as transgender, to view their respective J-119s/Mod cards. All mod cards reviewed contained their gender identity, preferred pronoun(s), name or preferred name, and their search preference gender (for staff).

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

As has been the case during previous Expert tours, most of the staff members interviewed stated that they refer to all incarcerated persons by their respective last names (regardless of whether they are self-identified as LGBTQI, transgender, or otherwise). Some of the healthcare and other non-custody personnel have continued to maintain that they have use an individual's preferred name and pronoun (if known). As also identified in Section IV.A.A., most of the 34 incarcerated persons interviewed indicated staff are professional or otherwise there are not specific concerns as related to this RP Provision. However, there were some related positive comments as well as related concerns, including the following:

- "Healthcare staff use our preferred pronouns",
- "Most staff are good and they use our pronouns, but some staff still need training" (TL-I);
- "Staff are not in-tune with our gender identity and are disrespectful, and I have submitted grievances" (TL-I); and
- "Some staff don't acknowledge our preferred pronouns, and sex-play us" (TL-Q) (Note: no specific details were provided).

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

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

The Expert has the following recommendations:

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

Partially Implemented (Previous Rating - Partially Implemented)

- E. The County shall permit individuals (including people awaiting trial) to update their Jail ID names if they have obtained a legal name change and (in cases where there are pending charges) the criminal court has recognized the name change. The County shall permit*

individuals to seek legal name changes and to take appropriate steps to update legal documents. During the period of monitoring of remedial plan implementation, the County will notify DRC of any incarcerated person who obtains a legal name change.

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review." The Expert also notes OCSD's previous Action Plan item (as identified in the Expert's Third Round LGBTQI Report) in that this RP Provision has been "implemented in practice", though there are no related records.

As the Expert previously reported (Third Round LGBTQI Report) Court & Custody Operation Manual (CCOM), Section 1201.16 Identification Cards and Clothing, does not specifically address this requirement. The Expert also notes there has not been any revisions since the previous monitoring review.

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

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

The Expert has the following recommendations:

- Once the revised policy (and training) is drafted, the County must provide it to the Expert and DRC for review, comments, and recommendations. The training material content should include the updating of jail identification cards (post legal name change) related information.

Partially Implemented (Previous Rating - Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review." The Expert also notes (from the

previous OCSD Action Plan – as noted in the Expert’s Third LGBTQI Report) that OCSD indicated “this item has been implemented in practice, we will revise policy to address it and include the policy in training materials.”

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

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

There have not been any concerns or information related to this RP Provision was provided to the Expert during the staff and incarcerated person interviews during the past two (2) Expert monitoring reviews. As previously reported, during the Expert’s Second monitoring review, relevant information was provided describing the process for issuance of a new photo and identification card (with a name change), with updated information reportedly having been entered into the SDS system, I-TRAC, and the individual’s history card, with a copy of the new identification card issued to the individual.

The Expert has the following recommendations:

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

Partially Implemented (Previous Rating - Partially Implemented)

- G. *A person’s self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals, as set forth herein. Documentation of a medical diagnosis or legal documentation of an individual’s identity, including their gender marker or legal sex, is not required for staff to respect or confirm an individual’s gender identity, except in cases where there is specific evidence that a person has falsely asserted a gender identity:*
1. *The fact that a person has not completed a legal name change or has not obtained a government-issued identification that reflects their affirmed sex, gender identity, or name shall not constitute evidence to justify staff not respecting the individual’s gender identity.*

2. *The absence of the completed County's Voluntary Gender Identity Disclosure and Search Preference Form shall not constitute evidence to justify staff not respecting the individual's known gender identity.*

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review." The Expert also notes the previous OCSD Action Plan (after the Expert's Third Round LGBTQI Report) indicated *"We will revise policy and implement training to address this requirement."*

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

As was the case during the Expert's first three (3) monitoring reviews (including staff interviews), staff contend that they respect and protect individuals who self-identify as transgender or LGBTQI. During the recent monitoring review (fourth round) housing unit deputies indicated they would honor an incarcerated person's known gender identity (including their preferred pronouns, preferred name, and search preference) whether there was written supporting documentation (e.g., mod card and/or Voluntary Gender Identity Disclosure and Search Preference Form) or not. But as reported in Section IV.A.A., custody and non-custody staff indicated they refer to all incarcerated persons by their last names and/or preferred pronouns.

The Expert notes OCSD reportedly performed investigations for multiple cases (e.g., regarding misgendering and/or discrimination) that were previously reported by the Expert (as outlined in the Expert's Third Round LGBTQI Report). Note: OCSD has since reported that investigations were conducted but the claims could not be substantiated.

The Expert has the following recommendations:

- Once the revised comprehensive LGBTQI policy is reviewed by County Counsel, OCSD must provide it to the Expert and DRC for review, comments, and recommendations. Future training material must also be provided to the Expert and DRC for review, and its content should include respect, safety, and protection-related information for LGBTQI-incarcerated persons commensurate to the requirements outlined in this section.

Partially Implemented (Previous Rating - Partially Implemented)

B. Transgender and Intersex Intake & Classification Procedures

A. During intake and classification, Jail staff shall:

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Following the August monitoring tour, OCSD revised the Voluntary Gender Identity Disclosure and Search Preference Form, and it was reviewed by the DRC team and the Expert. The form is in use. OCSD has implemented a clear workflow for the form. The form and the workflow are included with the email transmitting this Action Plan."

The following policies/procedures and/or related forms/documentation contain applicable information as follows:

- CCOM, Section 1710.4 Body Searches of Inmates (Gender Restrictions).
- CCOM Section 1200.4 Location of Classification Interviews.
- CCOM Section 1200.10 Housing Assignments and Changes address housing for gender non-conforming or non-binary individuals.
- CCOM Section 1201.2
- CCOM Section 1201.4 Classification Reviews:
 - e) "If an inmate self-identifies as LGBTQI at any time and states a preference to be assigned to a different housing placement, a classification review to evaluate the inmate's housing preference shall be conducted within 24 hours of receipt of a Classification Review Form. For more information on LGBTQI inmates, refer to CCOM Sections 1201.2 (c), (d), and 1204.5."

The County provided approximately 55 completed Orange County Sheriff's Department Voluntary Gender Identity Disclosure and Search Preference Forms for the monitoring period for transgender/intersex individuals. Approximately 11 of the 55 forms were the

new revised version (Revised November 9, 2023). The revised version contains the following sections/information (including check boxes to indicate relevant information as appropriate):

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

There was a corresponding OCSJ Internal Memo titled, “Updated Procedures for Voluntary Gender Identity Disclosure and Search Preference Form, dated November 13, 2023, that was addressed to “All Custody Personnel.” The memo included an attached workflow chart/diagram; definitions (i.e., Transgender, Gender Identity, and Intersex); directions in the event there is staff uncertainty as to an arrestee’s transgender or intersex status after speaking with them and conferring with CHS; and directions if a TLF arrestee identifies as female and/or is determined to require female housing.

The following policies/procedures and/or related forms/documentation either were not provided or do not contain applicable information as follows:

- The County did not provide a Classification Plan or other Classification policies (other than what is identified above):

- It is unclear whether there is a separate existing Classification Plan other than the CCOM Sections as outlined in this section of the report.
- The County did not provide any policies/procedures related to items A.1, A.2, or A.3.

The Expert reviewed 30 randomly selected completed OCSD Specialty Housing Requests from Classification deputies. The Expert also reviewed various corresponding documents (e.g., Classification Review Forms, mental health staff input, medical staff input and PREA information).

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

During the previous Expert's monitoring review (Third Round LGBTQI Monitoring Review), Classification staff acknowledged that semi-annual classification reviews were not being conducted. It is still unclear whether semi-annual reviews are occurring.

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

From the incarcerated person interviews, there were multiple complaints (from nine [9] LGBTQI individuals) that Classification deputies did not discuss the meaning of general population versus protective custody (PC), including how gender identity impacts classification and how programming is different (including out-of-cell time and programming), and gender congruent housing (including how to ask for such). Many of the 34 LGBTQI individuals reviewed were not specifically asked about the Intake/Classification process as they arrived at the OC Jail system prior to the current monitoring period.

For Item A.2 (described above), the OCSD's production indicates in March 2023, OCSD began informing transgender individuals will not be punished if they choose not to provide

requested information pertaining to an individual's gender identity, pronoun, honorific, and search preference. However, there was no proof of practice documentation provided.

For Item A.3 (described above), the OCSD's production indicates there were some records (proof of practice) though not consistent (for transgender incarcerated persons), but the revised policy is reportedly being reviewed by County Counsel.

For Item A.4 (described above), the OCSD's production indicates there are some records (proof of practice) though not consistent, but the revised policy is reportedly being reviewed by County Counsel.

For Item A.5 (described above), the OCSD's production indicates there are some records (proof of practice), but the revised policy is pending County Counsel review. In a review of the Classification forms, the forms lend themselves to ensuring Classification deputies ask about the individual's preferred housing placement (e.g., male/female designated unit, general population/protective custody).

Once the revised policy is reviewed by County Counsel, forms, and training material are drafted, the County must provide them to the Expert and DRC for review, comments, and recommendations.

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

1. Pending the eventual roll-out of the formalized staff training curriculum, the County should ensure that staff is aware of and understand the OCSD Voluntary Gender Identity Disclosure and Search Preference Form, where/how to access the information documented on that form, and their responsibilities regarding the information contained. The form and process must be in place at all jail facilities.
2. Classification deputies must fully explain applicable classification and security options and ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications. For example;
 - Must include the meaning of PC at OC Jails in short- and long-term; how PC classification impacts programming, out-of-cell time, work assignments, etc.; and how PC classification may impact housing in other prisons and jails.
 - Gender-congruent housing availability and process (transgender).
 - Indicate an individual's right or ability to talk to a deputy and be referred-back to Classification in the event they felt the need to be rehoused or considered for such.
3. The County must ensure that Classification Unit staff comply with OCSD policies and refrain from having a blanket or across-the-board practice of housing transgender or intersex incarcerated persons in housing based on their assigned sex at birth (with appropriate consideration of classification factors, as well as the individual's own housing preference). More work is necessary, including revision of Classification policies that provide guidance on the consideration of gender

- congruent housing for transgender or intersex incarcerated persons at any period during incarceration.
4. To the extent the County can provide documented evidence for future monitoring tours, the County should provide confirmation (examples) that Classification Unit intake staff explain to new arrivals (as applicable):
 - They will not be punished if they choose not to provide requested information pertaining to their gender identity, pronoun, honorific, and search preference.
 - Staff, contractors, and volunteers shall use a person's stated pronoun and honorific, and the failure to do so may be grieved and reported.
 5. As related to Items A.4 and A.5, modify CCOM Section 1200.10 Housing Assignments and Changes (or other policy) to clarify that the policy and jail practices regarding addressing housing for gender non-conforming and non-binary individuals also include incarcerated persons who identify as transgender.
 6. Ensure semi-annual transgender or intersex individuals' Classification reviews are being conducted.
 7. Provide a script (for Classification staff use) that identifies the elements of this RP Provision that they are required for Classification staff to cover during a Classification encounter.

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

Partially Implemented (Previous Rating - Partially Implemented)

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

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

The Expert notes the OCSD Action Plan for this provision: "Following the August monitoring tour, OCSD revised the Voluntary Gender Identity Disclosure and Search Preference Form, and it was reviewed by the DRC team and the Expert. The form is in use. OCSD has implemented a clear workflow for the form. The form and the workflow are included with the email transmitting this Action Plan."

As described in greater detail in Section B.A., as part of document production, the County provided approximately 55 completed examples of the Voluntary Gender Identity Disclosure and Search Preference Forms (some of which were the revised version). The revised form and/or corresponding OCSD Internal Memo (introducing the revised form) which is also captured in greater detail in Section B.A. of this report, now captures the requirements for this provision (A.1 – A.3).

The Expert appreciates the work to revise and implement the revised form. However, as stated in Section B.A., only 11 of the 55 completed forms were the new version. The Expert will review the forms for the new monitoring period whereas it is presumed that all (or nearly all) the forms to be reviewed will be the revised version. The Expert notes and appreciates the comments and recommendations from both the County and DRC regarding the rating for this provision. The Expert increased the rating (from the Expert's Third Round Report) from 'Not Implemented' to "Partially Implemented". However, the Expert will consider increasing the rating to "Adequately Implemented" for the next monitoring review if documentation shows that the revised form is being used consistently.

The Expert has the following recommendations:

- Once related training material (or overall LGBTQI training curriculum) is developed, OCSD must provide to the Expert and DRC for review, comments, and recommendations.

Partially Implemented (Previous Rating - Not Implemented)

C. Least Restrictive Setting Appropriate for LGBTQI Population

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Classification will also be revising its "script" to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications."

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

The Expert previously requested that OCSD provide proof of practice or an explanation (e.g., via a brief general memo to the Expert) as to how the administration or Classification management personnel monitor Classification activities to ensure LGBTQI individuals are made aware of the jail dynamics associated with them being classified as general population versus protective custody and in being housed as such. The OCSD's document production (for the previous monitoring review – Expert's Third LGBTQI Review) indicated there is no formal process in place yet, and that policy and training are

in development. The Expert anticipates the revised LGBTQI policy (as referenced above for the OCSD Action Plan) or other related documentation will be provided in the future.

Though this specific question was not asked during the Expert's current monitoring review, Classification Unit staff previously stated they house LGBTQI incarcerated persons (as well as individuals whose appearance may not appear to conform to traditional gender expectations) in accordance with their classification level and factors, the housing matrix, and specialty housing requests (when applicable) and do not house these individuals in more restrictive housing settings (including program access) than their classification level and factors otherwise dictate. But as also previously reported, the Expert notes that housing in PC or LGBTQI PC generally results in reduced out-of-cell and programming opportunities.

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

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

Approximately 83 percent (71 individuals) of the approximate 86 identified LGBTQI individuals housed at the jail complexes (at the time of the fourth on-site tour) were housed in protective custody for various reasons. The Expert notes the approximate 83 percent (for LGBTQI individuals assigned to PC) is slightly lower than the previous 90 percent, which may be construed as somewhat of a positive sign. As previously expressed, in requesting housing placement, LGBTQI persons should not have to choose (if they have a choice about protective custody) between their own safety versus equal access to programs, services, and activities that non-LGBTQI and/or non-protective custody individuals are afforded. LGBTQI-incarcerated persons should have equal access to the jail's programs, services, and activities (e.g., re-entry services,

academic/vocational education, work assignments, religious services, etc.). As the Expert has also previously reported, the jail administration should consider expanding offerings for protective custody and/or the LGBTQI population (whether assigned to the general population or protective custody housing) to comply with equal access requirements under the SA and anti-discrimination laws. The Expert recognizes the County's position that incarcerated persons are classified as PC for various reasons, including criminal history and conduct while in custody. The Expert also acknowledges that most of the LGBTQI individuals assigned to PC are classified as such at least in part due to their own request or agreement. But again, the need for Classification staff to have a script to ensure they convey the jail dynamics associated with a PC versus GP designated is extremely important.

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

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

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

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

Partially Implemented (Previous Rating - Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Classification will also be revising its "script" to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications."

In the previous report (Expert's Third Round LGBTQI Report) the Expert noted (in more detail) that CCOM Policy 1200 (1201.2[c]) Inmate Classification Procedures and CCOM

Section 1200.10 Housing Assignment and Changes, and CCOM Section 1200.1 Classification Plan included some applicable language.

Based on a review of 30 randomly selected OCSD Specialty Housing, the Classification deputies appear to be housing LGBTQI incarcerated persons in accordance with their classification level and factors and consider an individual's request/preferred housing and not house these individuals in more restrictive housing settings than their classification level and factors otherwise dictate. The Classification staff housing recommendations are reviewed/approved by a Classification Sergeant. It is important to reemphasize the requirement and importance to explain all housing options to LGBTQI new arrivals.

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

- Dayroom/Pod:
 - 4-5 hours out of cell each day
 - Great, no concerns
 - Up to 6 hours of dayroom per day
 - 3 hours each day (multiple)
 - 2-3 hours each day
 - 2 hours each day, but we are supposed to have 3 hours (multiple complaints)
 - Maximum of 2 hours per day
 - 3 hours each day, but we have to clean (for about 1 hour) or the deputies will not let us watch television
 - 0600-2300 hours (PRIDE)
- Outdoor Recreation/Yard:
 - Sometimes on the roof, but most of us prefer dayroom
 - Offered a few times each week
 - Every other day (3 hours each), but sometimes we get stuck out there, even during early hours of the morning (multiple complaints)
 - Roof is boring
 - 3 hours each day
 - Have only been offered once in the last 2 weeks
 - Consistent, no concerns
 - Hit and miss (sometimes offered), usually 2-3 hours each
 - Some staff will also let us go to yard if we ask and the yard is vacant
 - Some staff let us come in early if we ask
 - 2-3 times weekly for 2-3 hours each
 - Can't come in early
 - Maybe 1 hour (once per week)

- Once per week (2-3 hours)
- Staff will recycle the yard group if available
- Once every 2 weeks (1.5 hours)
- Offered 3 times in the last 3 weeks
 - I opted to only go once, and they let me in early when I asked
- Cannot come in from yard early, unless it's raining
- Sometimes yards are left vacant
- 1 time weekly for 2-3 hours
 - We can come in early
 - Staff do a good job recycling the yards
- Several times per week (2-3 hours each)
- Every other day (1-2 hours each)
- Every other day (only got better recently)

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

The Expert will review the LGBTQI Policy once County Counsel completes the internal review. Once developed, the Expert will review the “script” for Classification staff to follow to emphasize the requirement and importance to explain all housing options to LGBTQI new arrivals, to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications.”

The Expert has the following recommendations:

- Future training material should include related information.

Partially Implemented (Previous Rating - Partially Implemented)

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

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

The Expert notes the OCSD Action Plan for this provision: “This item of the Remedial Plan pertains to the establishment of a “voluntary GBTQI Program Sector unit once the use of the housing unit is no longer necessary for social distancing, isolation, or quarantine of

incarcerated persons due to COVID-19. The unit will provide expanded out-of-cell time (i.e., doors open during daytime hours), access to jobs in the sector, and enhanced programming activities.” OCSD has complied with this requirement of the Remedial Plan.”

The Expert also notes the previous OCSD Action Plan (from the Expert’s Third Round LGBTQI Report) which indicated “We will revise policy and implement training to address this requirement. Class instruction potentially all going online via the tablets, instead of in-person, continues to be a point of discussion.”

The Expert also acknowledges that a revised LGBTQI Policy is undergoing internal review with County Counsel. The Expert has also identified existing policies (in greater detail) that contain at least some relevant material (e.g., CCOM 1201.2(c) and 1204.5.).

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

The Expert interviewed two (2) Inmate Services staff members regarding the PRIDE program. Some of the information provided included the following:

- Two (2) new classes include:
 - 1) Leadership 1 and 2 (commenced in mid-January, 2024)
 - 2) Art Therapy Program (commenced a couple of weeks ago)
- Book study program has been started
- PRIDE Program members can now control/operate their own television remote control
- APAIT is provided within the PRIDE program
- Regularly fill LGBTQI book requests (ultimately goes through the mailroom)
- The PRIDE Program still consists solely of PC-3 classified individuals (not enough PC-2 persons to warrant interest or that can mix with other custody levels)
- Ideal magic number (or capacity) for the program is 12 participants, but no recommendation or opinion as to a minimum number
- Without the numbers, even a 4-6 person PRIDE Program or some resemblance of such a program would be beneficial (even something such as a Pre-PRIDE Program):
 - For a therapeutic component, such a program would need to be within its own housing unit, or within a separate classroom
- It has been difficult getting would-be Case Managers to pass background investigations
- Consideration should be given to having a LGBTQI Coordinator at the Musick Facility (under the current OCJ LGBTQI Coordinator) in the future
- The PRIDE Program now has a midnight work crew of about 3-4 workers (main kitchen)

- Their incentive for working includes extra food
- Desires to have some sort of role (along with PMU) as to who gains admittance into the program and who leaves the program (including development of any associated policy)
 - Currently Inmate Services only has an email relationship with PMU
- PRIDE participants complain that day shift staff are “not-in-tune” and not helpful to them
- There have not been any recent complaints regarding clothing issues (for TLF)
- The hair removal product “Nair” is now available in the commissary
 - Note: The Expert discussed that many individuals interviewed indicated the product is very expensive. Inmate Services staff acknowledged the concern and indicated only one (1) can/container was sold and that the commissary vendor loses money on the product
- Concern that at least one (1) individual incarcerated person should not be in the PRIDE Program.
- We briefly discussed a model program from the State of Idaho (name of program was not clear) that includes protocols for staff interactions with detained individuals that reportedly works well, and program participants/incarcerated persons get a strong sense that they are being heard.

Inmate Services staff also provided the following information relative to TL Mod I Sectors (1 and 2) which are not part of the PRIDE program:

- Shanti OC conducts in-person classes once per week for LGBTQI individuals classified as PC-2 and PC-3
 - Inmate Services staff reportedly recruit, while OC Shanti personnel provides community resource information during the one (1-hour sessions)
- Mental health staff provide in-person APAIT services
- Regularly fill LGBTQI book requests (ultimately goes through the mailroom)
- Note: Post monitoring tour, the County also indicated in-person AA classes are provided as well.

Other topics discussed with Inmate Services staff included: the need to move the approximate four (4) remaining LGBTQI individuals from TL-Q (who were temporarily moved there), and a newsletter (presumably from Inmate Services) will be uploaded into the electronic tablets to advertise reentry services.

The Expert interviewed a PMU deputy that is familiar with the PRIDE Program placement process. The interview was a precursor to a subsequent meeting with multiple representatives from PMU, Inmate Services, and DRC.

The initial interview with the PMU deputy included the following information:

- He identifies candidates for PRIDE Program eligibility, and began those duties in October or November 2023
- Although only PC-3 LGBTQI individuals are currently eligible for the program, he has received requests from PC-2s

- He screens all PC-3s for eligibility, and has a current waitlist of five (5) individuals
- He exchanges emails with the LGBTQI Coordinator, who in-turn provides input (but emphasized PMU is ultimately responsible for the screening and placement)

The subsequent meeting with PMU, Inmate Services, DRC, and other personnel included the following information:

- PMU currently uses a set screening criteria (for PRIDE), reviews requests, and regularly runs a list of potential eligible incarcerated persons, and maintains a pre-screened list
- Inmate Services offered a recommendation that PMU staff inform the LGBTQI Coordinator (or Inmate Services staff) about a day prior to a respective individual's move to the PRIDE Program, so the LGBTQI Coordinator (or Inmate Services staff member) can interview the individual.
 - PMU staff acknowledged the recommendation and tentatively agreed to give the LGBTQI Coordinator (or Inmate Services staff) confirmation of PMU approval to give the LGBTQI Coordinator a chance to interview the person and assess for suitability for the program
- PMU indicated a new policy or guidelines (unclear as to which) regarding removal from the PRIDE Program was implemented a week prior, but emphasized it's always dealt with on a case-by-case basis. PMU staff examine an individual's history, disciplinary write-ups, incident reports, pertinent emails, etc. PMU also indicated that policy or guidelines will cover emergency and non-emergency removals.
- PMU staff indicated PRIDE Program participants make verbal complaints about other individuals to Inmate Services staff, but the information should also go to housing unit deputies who can follow-up with the Unit Sergeant via email (or disciplinary process if warranted) so the Sergeant can in turn notify PMU.
- The LGBTQI Coordinator mentioned possibly adding excerpts from the new LGBTQI Policy into the PRIDE Program Orientation material.
- Inmate Services staff spoke about the possibility of having appropriate personnel add the LGBTQI contact information to the electronic tablet and/or a hard copy document with the information, then any individual could send inmate message slips to her as needed.
- Lastly, brief discussions were made regarding the consideration of having a Pre-PRIDE Program or expanded out-of-cell time and dedicated programming activities for LGBTQ individuals classified as PC-2's.

OCSD provided several versions of the PRIDE Program Schedule – TLF Mod I Sector 3. It is believed the following is the current program:

PRIDE Program Schedule

Monday:

- 0800-1000: Check-In (Inmate Services)

- A group discussion, new updates on upcoming classes, current programming, rules, concerns, structure of the PRIDE Program.
- 1300-1500: Book Study
 - Read books of their choice, independently or as a group, and have structured conversations/presentations.
- 1800-2000 AA Panel
 - Alcoholics Anonymous is a fellowship of men and women who share their experience, strength, and hope with each other that they may solve their common problem and help others to recover from alcoholism.

Tuesday:

- 1030-1230: SMART Group/RECLAIM (APAIT Facilitators):
 - Addresses experiences prevalent within the LGBTQI community related to substance abuse/use, mental health, and trauma.
- Restorative Practices Group:
 - A space which focuses on the rehabilitation of participants that aims to get participants to take responsibility for their actions. In addition, this space allows participants to express issues surrounding substance abuse, relapse prevention, and life skills.
- 1800-2000 Rancho Santiago Community College District:
 - Offers Correspondence courses to all who are interested.
 - Classes are available upon request and include:
 - Money Matters
 - Substance Abuse
 - Effective Parenting
 - Food Service Handler/Manager
 - Basics of Leadership
 - High School Equivalency
 - Academic Skills
 - Attitudes for Success

Wednesday:

- 0800-1000: Affirmative Therapy Process Group (OCHCA clinician):
 - A space allowing LGBTQI-identifying participants to explore issues surrounding gender, relationships, and current events.
- 1300-1500: Mindfulness/Yoga (Yoga Project):
 - In-person yoga and mindfulness sessions guided by facilitators experienced in offering trauma-informed yoga and mindfulness practices.
- 1300-1500: Workforce Preparation (Rancho College):
 - Class topics include:
 - Vocational readiness
 - Assessments
 - Identifying career goals
 - Developing/enhancing skills
 - Labor market information

Thursday:

- 0800-1000: Art Therapy (The Phoenix):

- Provides enrichment to participants in artistic creativity, expanding their imagination and healthy expression using different forms of aesthetic principles.
- 1300-1500: Individual Case Management:
 - One-on-one case management to assist with pre-release planning that provides resources and referrals to a variety of community-based organizations and county agencies, including direct linkage to residential substance abuse treatment upon release, if needed.

Friday:

- 1100-1200: Street Law/ Life Skills (OC Pub Def):
 - Help to understand the criminal court process, criminal law, our Constitution, and addressing one's record. The class will also cover topics to help participants transition back to life out of custody.
- 1300-1500: Leadership 1 (Rancho College):
 - Introduces applied leadership and self-development skills. Information will be presented in academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.
- 1800-2000: Leadership 2 (Rancho College):
 - Builds on learned applied leadership and self-development skills from Leadership 1. Information will be presented in academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.

The Expert simultaneously interviewed both sworn and non-sworn staff assigned to TLF Mod I. Most of the information received pertained to the J-119 form/mod cards (including contained preferred names, pronouns, and search preference information for transgender individuals) privacy of shower partitions, grievance box and grievance process, healthcare requests, and message requests.

As stated earlier in the report, the Expert interviewed (individually and confidentially) numerous incarcerated persons in the PRIDE Program (including individuals formerly assigned to the program) and conducted a joint interview session (along with DRC representatives) collectively with all (or virtually all) current PRIDE Program participants. The Expert has not confirmed or refuted any of the comments. Some of the comments provided by LGBTQI-incarcerated persons assigned to the PRIDE Program include the following:

- Custody Staff
 - No issues, custody staff and other staff are respectful.
 - Staff response time for a recent seizure was slow.
 - Request that the PMU deputy should come in and get-to-know the program and the participants.
 - Rapport with custody staff has improved (multiple acknowledgments)
 - "Turmoil" that used to exist between some staff and some participants has been much better.

- B-Side crew are professional, respectful, and appear comfortable interacting with us, and they are responsive. However, A-side crew is a large contrast.
 - Staff appropriately removed the few individuals who were causing problems.
- Staff Complaints
 - Complaints against other incarcerated persons are responded to, but complaints against staff are not.
 - Staff often tell us the grievances against staff are invalid.
 - The same A-Side staff members (a deputy and a CSA) that were previously “talked to” (investigated) still are having problems working with us (multiple complaints):
 - For example, they are “short” with us, don’t answer or respond to us. Sometimes one of them is at least somewhat professional.
 - However, they have improved in terms of their choice of words toward us.
- Classification
 - Even in requesting and getting accepted into the PRIDE Program, Classification staff don’t explain PC versus GP and how that effects program and out-of-cell time.
 - Don’t think PMU staff should solely determine the program recruitment process.
- LGBTQI Coordinator
 - She is very good (Inmate Services staff are all very good).
 - Many incarcerated persons (outside of the PRIDE Program) don’t know the LGBTQI Coordinator exists.
- Orientation
 - Orientation is nonexistent outside of PRIDE Program.
 - The location is done in private setting (in a downstairs room) with the LGBTQI Coordinator.
 - Informed about LGBTQI books, resource information, and the Pride Program itself.
- Wait list for PRIDE Program is about one (1) month.
- Incarcerated persons (outside of PRIDE Program) find out about the PRIDE Program through other incarcerated persons.
- Dayroom daily (0600-2300 hours)
- Yard
 - Yard is offered several times each week (2-3 hours each).
 - We still do not get offered green yard (main yard), but the HUM-V, TAY, and Phoenix House programs all receive it (multiple complaints).
- Work
 - We now have a midnight kitchen crew (Friday and Saturday evening).
 - There is a worker’s request list (for the kitchen).
 - We are hearing they may soon allow PC-3s from TL Mod I Sectors 1 and 2 as well.
 - Deputies also now allow us to clean the hallways.
 - We still have laundry exchange and food server job responsibilities.

- Note: when the PRIDE group was asked as to how many of them currently have job responsibilities, nearly every individual raised their hands.
 - Some voiced that PC-2's in other units should be able to have jobs.
- Clothing
 - No concerns.
 - All "good" in PRIDE Program, we can get sweatshirts washed.
 - Getting clean towels and tee shirts is inconsistent.
 - We (in PRIDE) have access to clothes within our sector, but "not so much" in the other sectors (TL Mod I Sectors 1 and 2).
 - We (TL Mod I Sectors 1, 2, and 3) can all have gender-congruent clothing, including undergarments, now.
- Classes / Programs
 - There are more classes now.
 - We would like more structure in terms of how our individual progress is going.
 - We would like documentation showing completion for mental health diversion, DUI Court, and Drug Court.
 - Case Manager assistance would be helpful.
 - The variety and amount of programs are very helpful (multiple acknowledgments).
 - The instructors are nice and easy to get-along with, and are good (multiple acknowledgments).
 - Appreciate the resource information/materials (very comprehensive).
 - The SMART/RECLAIM APAIT
 - Instructor is "hit or miss" in terms of showing up to facilitate. Sometimes the classes are rescheduled and other times they are not.
 - Rancho Santiago College
 - Only permitted a limited amount of time to complete correspondence courses.
 - Not sure when sign-ups are.
 - We can complete classes in the community that were started in OCJ.
 - Project Rise (part of Rancho Santiago) provides us resource information.
 - Work Force Prep
 - The program is consistent, and we build a resume and obtain job skills.
 - Yoga
 - It's great, we have mats and blocks.
 - Street Law / Life Skills
 - Very good.
 - Leadership I & 2
 - We receive college credits.
 - OC Shanti Program
 - It's offered too early in the morning. It would be best if it was offered later in the day.
- Reentry Services / Information

- Helpful, and sets us up for success. We receive bus passes, reminders for appointments, free dental clinics, free food, help with finding employment.
- Religious Services
 - No concerns (2-3 times each week, upstairs in the classroom).
- Healthcare
 - Some individuals are hoarding and snorting Cebetex.
 - Healthcare staff do a good job responding to our requests (usually by the following day) (multiple acknowledgments).
 - Put in several healthcare requests and grievances to be seen about my medications, but I was never seen.
 - Healthcare staff conduct face-to-face encounters at the sector door or cell door.
 - I have filled-out two (2) dental requests (cavity and teeth cleaning) in the last two (2) months but they have not been responded to.
 - On the A-side of the week, there is no privacy. The Nurse station door is wide open with a deputy standing at the door or just a few feet away and can hear the exchange of information between the provider and patient. Other incarcerated persons are also in-line at the stairwell and can hear what is being said.
 - However, on the B-side of the week, the deputy does not stand so close and is unable to hear.
- Microwave and Dry-Erase Board
 - Microwave broke and had to be replaced through families of incarcerated individuals purchasing the microwave and bringing it to the jail (not through the Inmate Welfare Fund).
- Seating Tables
 - We were told tables and microwaves must be donated from outside sources, and that we could not have any in our unit.
 - We need fixed tables for our groups, but we were told the “County Board” will not approve them because there is a slight chance the PRIDE Program may be moved to the Musick facility (“The Farm”).
 - The HUM-V, TAY, and Phoenix House programs have had their former fixed tables removed and replaced with hard-plastic heavy tables (filled with sand) so that they the dayroom has more space for group activities.
 - The PRIDE Program participants have requested (verbally through the jail administration) to do the same but were told “no” because the program is being considered for possible relocation to the Musick facility.
- Inmate Message Slips (Request Forms)
 - They often go unanswered (e.g., for new basketballs on the yard).
 - Takes 1-2 weeks for responses.
 - Receive response within a week, but recently did not receive a response for a non-collect phone call request.
 - B-Side (day shift) is good about responding to our requests
 - A-Side (night shift) is not good about responding, and we have to submit multiple requests, and often have to go through B-Side staff.
 - The CSAs don’t respond.

- Grievances
 - No concerns.
 - The process is “a joke.” Nothing is substantiated (staff complaints).
 - Numerous grievances are handled as inmate requests, are not responded to, or no meaningful response.
 - Written responses are basically non-existent.
 - No meaningful responses (when responded to).
- Electronic Tablets
 - No concerns.
 - We receive them for half the week for the first part of the day, and the other half of the week for the second half of the day.
 - The A-side of the week the issuance of tablets is less consistent, but B-Side will issue them for about 8 hours.
 - For A-Side, we are supposed to have them from 8 AM – 3 PM, but we usually only get them from 11 AM – 3 PM (B-Side is from 3 PM – 11 PM).
 - We do not receive cleaning solutions/materials (cross-contamination) to clean them.
 - One of the crews gives us less time with the tablets (usually on Wednesdays).
- Intercom System
 - Difficult to understand.
- Razors / Hair Clippers
 - Razor exchange is every Saturday (1-for-1 exchange). For transgender individuals, the deputies will provide two (2) razors for individuals in the PRIDE Program, but transgender persons in TL Sectors 1 and 2 only receive one (1).
 - There is barbicide for the hair clippers, which is permitted to be brought inside the housing unit (not just the yard).
- Disciplinary - Write-ups / Safety
 - Staff are inconsistent with write-ups and how rules are enforced (multiple complaints).
 - Penalties for findings determined to be “founded” usually consist of removal of visits, commissary, and electronic tablets (often all three [3] combined).
 - Individuals are not getting written-up for fights.
 - A program participant was removed (after punching a window) and brought back into the program, then was later removed again.
 - Incarcerated persons that should be removed from the program are allowed to stay.
- PRIDE Program Participants (too much control)
 - When I was recently assigned to the unit (have since been removed) some individuals would tell staff not to open my cell door, and I missed Art class because of it.
 - Classes are enjoyable, but some participants “run” the program.
 - In general, some participants have too much “say-so.”
- Outside Donations
 - Asking how they (PRIDE Participants) can get outside community organizations to donate items.

- Showers
 - No concerns (multiple acknowledgments).

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

The Expert understands the LGBTQI Policy (which reportedly will encompass all or most of LGBTQI-related items) is under review by County Counsel. The Expert looks forward to reviewing the policy and providing any comments/recommendations that may be necessary. The Expert further understands once the revised LGBTQI policy is implemented, related training will be developed or revised accordingly. The issue (as cited above) pertaining to class instruction potentially all going online via the tablets, instead of in-person being a point of discussion, the Expert is not clear, but it appears that option is no longer being considered by the County.

The Expert has the following recommendations:

- Provide the revised LGBTQI Policy to the Expert (and DRC) for review (once review is completed by County Counsel).
- Provide clarification as to whether class instruction is potentially all going online via the tablets, instead of in-person.
- Though great strides have been made, continue to explore avenues to create more work and program opportunities for Pride Program participants and keep the Expert and DRC abreast of any further progress.
- Recommend the County consider creative methods to maintain in-person programming and to deliver it to LGBTQI individuals at the jail. For example, exploring the feasibility of PRIDE program participants to attend classes with other like-classified (i.e., PC) individuals from different housing units.
- Determine feasibility (from recent on-site discussions between the Expert, DRC, PMU, and Inmate Services personnel) of adding an additional program(s) including for qualified PC-2 individuals to include similar programming and monitoring elements to that of the PRIDE Program (or other programming as deemed sufficient)
- With the understanding that PMU makes final determinations, follow-up on feasibility (from recent on-site discussions between the Expert, DRC, PMU, and Inmate Services personnel) to permit the LGBTQI Coordinator (Inmate Services) to interview new potential participants into the PRIDE Program and have a voice as to LGBTQI incarcerated persons gaining admittance into the program and potentially being removed from the program.
 - Note: The County provided the following information:

- Current CCOM Policy 1205.2 (screening and placement), subdivision c.6. already provides for Inmate Services Staff (which includes the LGBTQI coordinator and case managers) to interview the potential participants for the Pride program:
 - 6. Potential Pride candidates will be identified by PMU via a screening of the entire inmate population against all criteria and guidelines listed above. PMU will also screen inmates who have submitted message slips requesting consideration for placement or re-entry. Once the approved candidates have been identified:
 - i. PMU will email the list of approved candidates to Inmates Services Staff, who will conduct interviews and determine if they are interested in participating in the program. During this interview, each candidate will be provided with an overview of the programs and services, as well as an explanation of the inmate's rights, privileges, and responsibilities as a program participant.
 - ii. Inmate Services Staff will then send an email to PMU with the final list of candidates to be moved into the program unit.
 - iii. PMU will generate a movement roster and coordinate with Classification and Housing Staff to move the candidates into the program unit.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan."

At the time of the on-site monitoring tour, 15 incarcerated LGBTQI female incarcerated persons were housed at the OCJ facilities (10 at IW, and 5 at WJ according to the tracking list produced while onsite).

The Expert interviewed eight (8) identified LGBTQI-incarcerated persons housed in IW (from two [2] separate pods, multiple sectors). The Expert could not substantiate or refute the information provided. Information provided included the following:

- Staff
 - Deputy xxxxxx is very good.
 - No concerns.

- Intake staff are now more respectful.
 - Most staff are not helpful (one deputy tears up our request slips and makes rude comments).
 - Staff are disrespectful and aggressive.
 - Staff need sensitivity training.
 - Night crew still slams doors.
 - Staff make bets with each other as to how long we will wait for staff to turn on our television after we ask.
- LGBTQI Coordinator
 - Not aware (multiple complaints).
- Orientation
 - No concerns.
 - None offered (multiple complaints).
 - Have to learn from other incarcerated persons.
- Classes / Programs
 - Rancho Santiago College offers classes.
 - APAIT is not offered here, but I am interested.
- Reentry / Resource Material
 - Have materials/information, but nobody explains.
 - No case worker assigned (multiple complaints).
 - No information is available.
 - LGBTQI resource information is now posted on the housing unit windows (multiple acknowledgments):
 - The information is helpful, includes outside housing options, and there is an LGBTQI book list (multiple acknowledgments).
 - Mental health information is included, including for tele-care.
 - There is no discharge planning (multiple complaints).
 - We can receive Medi-Cal and EBT assistance or information if we have 30 days or less left to serve.
- Self-Help
 - AA is available.
 - Church services are available.
- LGBTQI Program
 - No program for females, but I would be interested in any sort of program (multiple complaints).
- Electronic Tablets
 - One (1) per cell, per day:
 - Can always have access unless a disciplinary write-up is received (multiple acknowledgments).
 - Difficulties obtaining certificates for completed courses on the tablet.
 - No assistance or help from staff.
 - Christian music is free, but other types of music and movies cost money.
 - Note: The County has since confirmed (through ViaPath [the tablet vendor] there is no free music option available).
 - Jail staff don't coordinate, we have to do that ourselves.
- Education / Rancho Santiago College
 - Classes are available.

- Another individual had to request 3-4 times before getting enrolled.
 - No regular or Rancho Santiago College classes available.
- Yard
 - Sometimes we get the option of “roof” (yard) or dayroom, and most of us prefer dayroom.
 - A few times each week.
 - Every other day (3 hours each).
 - Offered once in the past two (2) weeks.
 - We get stuck out on the yard, sometimes as early as 5:30 AM.
 - It’s boring on the yard.
 - We are not allowed to come in from yard early.
- Dayroom
 - 2-3 hours each time offered (daily).
 - 4-5 hours each time offered (daily).
 - Usually close to 6 hours of dayroom a day (in 3 2-hour increments).
 - Good, no concerns.
- Reading Materials (LGBTQI)
 - Not aware (multiple complaints).
 - I requested a book through the Inmate Message Slip (request form) but I never received a response.
 - There is no book request process on the tablet.
- Reading Materials (General)
 - Book exchange on Tuesdays.
 - Custody staff take our books during cell/unit searches.
 - Not sure how the process works, but we have books inside out housing unit.
- Work
 - No work opportunities (multiple complaints).
 - Have a job as a pod worker.
- Inmate Message Slips (Inmate Requests)
 - They are not responded to.
 - Forms are not available.
- Grievances
 - Forms are not available.
- Healthcare
 - No concerns.
 - Conducted at cell door.
 - No confidentiality during nurse encounters (multiple complaints):
 - Nurses station is downstairs, a deputy is outside the Nurse Station door, and incarcerated persons are lined-up outside the door. The door is always left open. This makes us not want to go see medical staff.
 - “Barely see” them, and they “barely” make rounds.
 - Healthcare request forms are not available.
- Clothing / Linen
 - There are not enough sweatshirts, so staff won’t exchange them.
 - I have a sweatshirt, but it’s dirty and I can’t get it cleaned or exchanged.

- Clothing sizes are too small.
 - We don't have access to boxer shorts (the females in the "tanks" get them, but not us) (multiple complaints).
 - The jail does not wash our blankets, and our requests are not responded to.
 - My jumpsuit is dirty and have been in the same jumpsuit for two (2) weeks)
- Undergarments
 - Often receive incorrect sizes.
 - I have put in four (4) Message requests for men's boxer shorts, but I have not received a response.
- Feminine Hygiene Products
 - There are more available now, and a supply is stacked outside of the unit.
- Searches
 - I was never asked about my search preference, and never signed a search preference form (non-binary individual).

The Expert will review the revised LGBTQI Policy once County Counsel completes the internal review. As stated above, the incarcerated person claims could not be substantiated or refuted. However, the Expert encourages OCSD to be mindful of the general concerns and positive acknowledgments listed as related to general access. The Expert further recommends the LGBTQI Coordinator meet with all LGBTQI incarcerated persons (including individuals housed in the female housing units) and provide related information (resource information, LGBTQI Coordinator contact information, and information regarding LGBTQI approved reading materials); consider providing access to APAIT or other programs and consider incorporating pertinent LGBTQI-related information into the electronic tablets.

The Expert has the following recommendations:

- Once the revised policy is completed (as well as subsequent related training material), the County must provide it to the Expert and DRC for review/comments/recommendations.

Partially Implemented (Previous Rating – Un-ratable)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Classification will also be revising its "script" to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications."

The Expert acknowledges there is currently not a consent form that informs LGBTQI individuals as to the requirement not to place LGBTQI individuals in LGBTQI-specific

housing without the individual's consent. OCSD has committed to addressing this item within pending policy, and to revise the Classification "script" to explain applicable classification and security options and ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications.

Classification staff have maintained they would refrain from forced placement into LGBTQI-specific housing without consent to do so from identified LGBTQI individuals.

As was also the case during the previous monitoring review, there were no LGBTQI incarcerated person complaints regarding forced LGBTQI housing placement or regarding housing without the individual's consent. Documentation (OCSD Specialty Housing Requests) continues to demonstrate Classification staff are asking the LGBTQI incarcerated persons about their housing preference, whether PC mainline, PC LGBTQI, or GP, and staff are strongly considering an individual's request and seeking and ultimately gaining approval from a Classification sergeant. Multiple incarcerated persons interviewed expressed concerns that if they had to do it over again, they would have opted to remain quiet as to their sexual identity/LGBTQI status to not be compelled to be labeled and classified as protective custody, and/or would have opted for general population housing.

The Expert has the following recommendations:

- The Expert will review the revised LGBTQI Policy once it is reviewed by Class Counsel and other internal sources, and will review the revised Classification deputy "script."

Partially Implemented (Previous Rating – Partially Implemented)

D. LGBTQI Housing/Classification Review Procedures

- A. *The County shall house LGBTQI individuals in LGBTQI-designated housing only if an individual requests such housing. If an individual requests such housing, the County may deny such a request if the individual would present specific, articulable threats to the security or safety of other individuals in such a placement.*
1. *The County shall conduct individual housing/classification assessments for each transgender and intersex individual. The County shall give "serious consideration" to each individual's views of their own safety regarding the prospective housing placement (i.e., male vs. female housing for transgender and intersex individuals; LGBTQI-specific housing vs. non-LGBTQI housing) and classification (i.e., general population vs. protective custody).*
 2. *Denial of a transgender or intersex individual's stated preference is permissible only where there is a determination that the individual's stated preference presents specific and articulable management or security concerns, and that the County's alternative placement ensures the individual's health and safety."*

3. *The County shall document decisions described in subsection (2) above, and the Classification Sergeant will review and approve the decision.*
4. *The County shall not consider an individual's status of transition or inquire into the individual's genitalia when determining housing placement.*
5. *The County shall document all denials of a transgender or intersex individual's stated preference for housing, including the classification staff and supervisor's rationale for the decision. Such denials shall be reviewed periodically for continuous quality improvement purposes.*
6. *If the County denies a transgender or intersex individual's preferred housing placement, the County shall inform the incarcerated individual of the right to file a grievance about the decision.*
7. *The County shall prohibit retaliation against LGBTQI individuals who grieve or appeal housing placement or classification decisions.*

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Classification will also be revising its "script" to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications."

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

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

As indicated earlier in the report, the Expert randomly selected and reviewed 30 Specialty Housing Requests (and additional Classification Review Forms). Most examples reviewed demonstrated LGBTQI individuals were provided the opportunity and informed Classification deputies as to their sexuality, gender identity, housing preference, and any reasons of concern (as applicable). Likewise, documentation showed that the Classification deputies discussed any concerns (whether from the individual or respective the Classification deputies) and ultimate housing recommendations (to bring forth to a Classification Sergeant). Some of the reviewed documentation included an individual's preferred name and pronouns (transgender individuals). Though most cases resulted in assigned PC housing, there were cases of GP housing requests accommodations. The documentation showed Classification Sergeant housing approval on all 30 sample cases reviewed.

None of the 30 sample cases reviewed included any information to specifically demonstrate that Classification staff inform the individual as to differences between GP versus PC housing, how that will affect their programming (e.g., limited programming) and how PC status will (or likely will) follow them throughout current and future incarceration (if applicable). Most Classification deputies that have been interviewed to date have indicated they provide some general information (though not through a written script) in that it's often difficult to be changed from PC to GP. Classification staff have also continually maintained that individuals can talk with staff at any time to be referred-back to Classification for rehousing/reclassification consideration if needed. Although the question was not specifically asked during the current monitoring review, in the Expert's previous monitoring review (Third Round LGBTQI Monitoring Review) there were conflicting Classification staff accounts as to whether gender-congruent housing is considered or offered if requested for transgender individuals. That confusion seems to have been eliminated based on the current Classification staff interviews. Note: none of the 30 randomly selected cases contained a request (or approval or denial) for gender congruent housing.

For the next monitoring tour, the County should provide the following:

- The revised LGBTQI Policy (once reviewed and approved by County Counsel):
 - Note this should include any other pertinent revised policies (e.g., CCOM 1200).
- The Classification script (or revised script) that informs the Classification deputies as to the requirements of this RP Provision to be covered during the classification process with LGBTQI individuals:
 - Note: this should include general information or reminder as to the jail/prison dynamics associated with PC versus GP classification, how that will (or likely will) affect access to programming, and that a PC classification or label will (or likely will) follow the individual for current and future incarcerations (If applicable).
- Copies or proof of internal periodic reviews (for quality improvement purposes) or information pertaining to denials of a transgender or intersex individual's stated preference for housing, including classification staff's and supervisor's rationale for the decision.
- Any related draft training materials (once developed).

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Classification will also be revising its “script” to ensure LGBTQI self-identified individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications.”

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

The Expert has the following recommendations:

- For the next monitoring review period, the County must provide the revised LGBTQI Policy (currently under review by County Counsel), and proof of practice documentation that semi-annual reviews for all transgender and intersex individuals are occurring (or have at least commenced).

Not Implemented (Previous Rating – Not Implemented)

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

The Expert notes the OCSD Action Plan for this provision: “If an individual has self-identified as LGBTQI at any time after intake and stated a preference to be assigned to a different housing placement, OCSD will provide documents in the next document production to show that the classification review was done within 24 hours of receipt of a classification review form. “

As stated in the paragraph above, OCSD has committed (in accordance with this RP Provision) to provide documentation showing that classification reviews are done within 24 hours of receipt of a classification review form (post intake when an LGBTQI incarcerated person requests to be assigned to a different housing location or different type of housing placement). As the Expert pointed-out in the previous monitoring report (Expert’s Third Round LGBTQI Report), it is anticipated that the Expert will need to reconcile class review documents (time-stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement. However, SDS purges time stamps after 30 days post-release (but keeps the dates), so certain records may be incomplete. This will need to be reviewed.

CCOM 1201.4(e) contains relevant information (please see the Expert’s Third Round LGBTQI Report for more details). It is presumed the relative information will also be addressed in the revised LGBTQI Policy. Additional information is also contained in

CCOM Sections 1201.2(c) and (d) – Inmate Classification Form and CCOM Section 1204.5 – LGBTQI Inmates.

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

As stated earlier in this report, the Expert reviewed 30 randomly selected Classification review documents (e.g., Specialty Housing Requests). There were multiple examples for transgender incarcerated persons whereas there were requests for LGBTQI-PC housing. There were two (2) cases that appeared to satisfy the RP Provision requirement (24-hour Classification review from referral). However, there were multiple cases whereas there was no sufficient documentation to conclude this was done within a 24-hour time-period from referral (if applicable).

For the next monitoring tour, OCSD should provide the following:

- The revised LGBTQI Policy (once reviewed by County Counsel).
- The necessary documents to enable the Expert to reconcile class review documents (time stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement and/or a log or spreadsheet with pertinent information.

Partially Implemented (Previous Rating – Not Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan."

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

For the next monitoring tour, OCSD should provide the following:

- Revised LGBTQI Policy (once County Counsel completed interna review).
 - Note: Safety Plan (in accordance with this RP Provision) information should be contained.

Not Implemented (Previous Rating – Not Implemented)

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan.”

OCSD maintains this is done in practice for all incarcerated persons and documented in Classification Reviews. Of the 30 randomly selected Classification-related documents (e.g., Specialty Housing Requests, Classification Review Forms, and Miscellaneous Information Forms) there were multiple examples that demonstrated staff are referring individuals to Classification for re-housing considerations.

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

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

For the next monitoring tour, OCSD should provide the following:

- Revised LGBTQI Policy (once County Counsel completes internal review).

Partially Implemented (Previous Rating – Not Implemented)

E. LGBTQI Access to Programs, Services, and Activities

- A. *The County shall ensure that all LGBTQI persons are informed of and have equal access to programs, services, and activities available to similarly situated individuals, consistent with their health and security needs and classification level. Such programs, services, and activities include, but are not limited to:*
1. *Dayroom and out-of-cell time;*
 2. *Outdoor recreation and exercise equipment;*
 3. *Showers;*
 4. *Telephones;*
 5. *Television;*
 6. *Reading materials;*
 7. *Religious programming;*
 8. *Educational, vocational, re-entry, and substance abuse programs;*
 9. *Work Assignments, including the Community Work Program;*
 10. *Self-help groups and similar programs;*

- 11. Medical, mental health, and dental services and treatment;*
- 12. Public visiting;*
- 13. Attorney visiting;*
- 14. Commissary.*

The Expert notes the OCSD Action Plan for this provision: “OCSD has added a second face-to-face Rancho Santiago Community College (Rancho) program to the PRIDE mod – Leadership I and II (2 separate classes that result in a certificate upon completion of both). This program will begin the week of January 16, 2024, and will take place Friday afternoons and evenings. OCSD will be continuing the Workforce Readiness program through Rancho in the PRIDE mod as well.”

“In an effort to provide additional LGBTQI-specific programs to the population (non-PRIDE), OCSD established a new partnership with Shanti OC which is an organization that provides a number of services including Mental Health and Wellness, HIV Care, and Community Education to the LGBTQI community. They are now coming in to provide weekly classes to the PC2 and PC3 groups in Mod I, Sectors 1 and 2. These groups run on 6-week increments and occur on Friday mornings and afternoons. APAIT and AA groups are also still being offered to Sectors 1 and 2 as well.”

“Inmate Programs staff are currently working with the OC Public Library to procure additional LGBTQI-specific books/reading materials that will be accessible to all LGBTQI incarcerated persons.”

“OCSD will discuss internally the Expert’s recommendations about Green Sector.”

The Expert also notes OCSD’s previous Action Plan language (in response to the Expert’s previous monitoring report (Third Round LGBTQI Report) “We have developed an interview questionnaire for an orientation by our LGBTQI coordinator; the questionnaire is being reviewed by DRC. After we have their comments, we will share with Sabot.”

The Expert (in previous reports – Expert’s Second and Third Round Reports) provided information pertaining to CCOM Sections 1600, 1710, 2002, and 6206 regarding policy information, and addressed the OCSD Custody Operations Orientation Pamphlet/booklet (and Orientation video), Orange County community provider information available to in-custody LGBTQI incarcerated persons, and the list of available resources for LGBTQI individuals.

For the current monitoring period, OCSD produced approximately 205 examples of completed LGBTQI+ Interview Worksheets (orientation). Note: there were additional examples provided that showed an attempt by the LGBTQI Coordinator, or the individuals had since been released from custody. About 158 of the approximate 205 forms were from TL Mod I. Specifically, about 100 from Sector 1, 53 from Sector 2, and 5 from Sector 3 (PRIDE unit). It is unclear why there were so few from the PRIDE Program (although all individuals interviewed from the PRIDE Program acknowledged

receiving program orientation). However, the County indicated that the LGBTQI Coordinator advised that many incarcerated persons refuse to do the interview. There were approximately 37 completed forms from TL Mod J, and about 10 from TL Mod Q. There were no completed forms for any other unit, including nothing from the OC Main Jail Complex. The Expert acknowledges the concerns with potentially “outing” individuals in non-LGBTQI housing units by doing face-to-face orientation (regarding LGBTQI-related concerns, programs, etc.), but the County should strongly consider uploading general information onto the electronic tablets, such as the LGBTQI Coordinator contact information, information regarding LGBTQI books, and community and jail LGBTQI resource information).

Note: The Expert’s previous report (Third Round LGBTQI Report) contained a detailed list of information and available programs and services available (including through Rancho Santiago Community College correspondence courses. The only notable change is that ESL is no longer listed as an option.

Earlier, in separate sections of this report, the Expert identified numerous concerns and positive acknowledgments from the transgender and non-binary population, the PRIDE Program participants (including individuals that were formerly housed in the PRIDE Program), and LGBTQI persons housed in female housing (IW). As previously indicated, the Expert could not confirm or refute the accuracy of the comments.

Listed below are some of the related complaints and positive acknowledgments made by LGBTQI incarcerated persons who are not housed in the PRIDE Program (or were not formerly housed in the PRIDE Program), are not identified as transgender or non-binary, or are not housed in female housing (IW or WJ) (Note: The Expert was not able to confirm or refute the complaints):

- Staff
 - Some are respectful, and some are “jerks, it’s 50/50.” We must pick and choose who to ask questions to, and we have to beg for forms.
 - The deputies in TL Mod I Sector 1 are good.
 - Staff are respectful (TL Mod I Sector 2).
 - Some deputies are “ok.” CSA’s are rude, horrible, disrespectful. We wave at them (to get their attention) and they ignore us. They talk to us like we are “scumbags.” They are short with us and don’t want to be bothered. (TL Mod I Sector 2).
- Classification
 - Nobody explained PC versus GP differences for programming (multiple complaints from multiple housing units):
 - Note: some individuals stated that had some related knowledge due to prior incarceration stints, while others did not have any related knowledge.
- LGBTQI Coordinator
 - I am not aware (TL Mod O, TL Mod Q) (multiple complaints).
 - We know the LGBTQI Coordinator (TL Mod I) and receive orientation information.

- She is only helpful to PRIDE Program participants. She “barely responds”. I have asked 2-3 times for LGBTQI books. I no longer ask, “I just gave up.” (TL Mod I Sector 2).
 - LGBTQI Coordinator does orientation at the cell door with a deputy standing there. There is no privacy, and it’s uncomfortable (TL Mod I Sector 2).
 - Note: The County indicated LGBTQI interviews are conducted in the “beach” area of the sectors, not at the cell doors.
 - Only PC-3s get to see her and receive LGBTQI-related orientation (PC 1s and 2s don’t get interviewed at all (TL Mod I Sector 2)).
- LGBTQI Program/Programming
 - I would be interested in PRIDE Program (or similar program), but I am classified as PC-2.
 - TL Mod I Sector 2 had Great Escape classes (multiple acknowledgments).
 - APAIT Program not offered in TL Mod Q, but offered in TL Mod I, and HIV Awareness and Prevention (3 sessions) and Counseling and Group Therapy (6 weeks).
 - OC Shanti comes and AA is also provided (upstairs) once per week (TL Mod I Sectors 1 and 2).
 - No APAIT
 - I was told about the PRIDE Program and I received LGBTQI resource information (TL Mod I Sector 2).
- Orientation
 - No verbal orientation.
 - There is a video in the Intake Loop.
 - The tablet has the jail rules manual.
- Reading Books (LGBTQI)
 - Not aware of LGBTQI books (might be interested) (multiple complaints from different housing units, e.g., TL Mod Q).
 - I know about them only because I used to live in TL Mod I (I have checked books out before).
 - We need them on the tablet.
 - I sent message slips for LGBTQI books and regular books to the deputies, but never received a response (TL Mod I Sector 2).
 - I just found out about the books through OC Shanti (not the LGBTQI Coordinator) (TL Mod I Sector 2).
- Reading Books (Non-LGBTQI)
 - Done on Tuesdays, sometimes staff go to the main door (slot), and sometimes they put the books on top of the table. We have no choice of selection for a 1-for-1 exchange (TL Mod I Sector 2).
- Work Assignments
 - No jobs available for PC’s (TL Mod O, TL Mod Q) except for pod workers (multiple complaints).
 - TL Mod I staff allow PC-3s to work, and PRIDE Program workers conduct clothing exchange and food serving.
 - No work opportunities (TL Mod I Sector 2) (Multiple complaints).

- Education
 - I believe there is distance education available on the tablets.
 - None was available (TL Mod O, TL Mod Q, TL Mod I Sector 2) (multiple complaints).
 - Not sure (TL Mod Q).
 - TL Mod I had distance learning available.
 - Nothing available on the tablets (TL Mod I Sector 2).
 - Rancho Santiago College has distance learning. I have earned numerous certificates and received job training (TL Mod I Sector 2).
- Yard:
 - Three (3) hours daily
 - Have only been offered outdoor recreation one (1) time in the last 1-2 months, and the time was cut short due to rain.
 - One (1) time weekly for two (2) hours (TL Mod Q).
 - Offered three (3) times in three (3) weeks (I choose not to go, but I went once).
 - Less yard groups and more individuals per yard group has helped us get a little more yard time (TL Mod I Sector 2).
 - We cannot lock-up early unless it is raining (TL Mod I Sector 2).
 - Sometimes the yard is left vacant (TL Mod I Sector 2).
 - No set yard schedule (TL Mod I Sector 2).
 - Once per week, and we can come in early. Staff are quick to recycle yards (more frequent yard opportunities) (TL Mod I Sector 2).
- Dayroom
 - Three (3) hours daily (multiple acknowledgments).
 - Note: some individuals indicated that sometimes staff allow for extra dayroom time.
 - Three (3) hours daily, but one (1) of those hours we have to clean.
 - “It’s consistent, two (2) hours daily, but it’s supposed to be three (3) hours” (TL Mod Q).
 - Staff “flex their muscle and keep us on the yard after we are ready to come inside (TL Mod I Sector 2).
 - Staff recycle the yard for extra yard groups when the yards are empty (TL Mod I Sector 2).
- Grievances
 - We must remove the top white sheet of the grievance form to retain proof of a submitted grievance. Some are processed, but others are not processed or denied because the top sheet is missing.
 - Note: The OCSD confirms that CCOM Section 1600.5(d)(4) covers this issue, but the grievance form will be revised and it will be made clear to the incarcerated person population that the top sheet should not be removed.
 - Some incarcerated persons don’t get written responses, or they are rejected.
 - I have seen some incarcerated persons persuade other incarcerated persons not to submit grievances (TL Mod O).
 - I don’t submit because I hear they don’t get answered (TL Mod Q).

- Two (2) or three (3) months ago I grieved a disciplinary issue and never received a response (TL Mod I Sector 2).
- Message Slips (request forms)
 - Staff usually respond in writing, but it's difficult obtaining blank forms from staff. They say they are too busy, and they get frustrated with us (TL Mod O).
 - Note: Multiple complaints regarding staff being too busy to provide blank forms (TL Mods O and Q).
 - I have seen some incarcerated persons persuade other incarcerated persons not to submit message slips (TL Mod O).
 - I have not received any written staff responses.
- Electronic Tablets
 - We get them for 12 hours each day.
 - No help from staff, I had to learn from other incarcerated persons when I was housed in J Mod.
 - There are less fights between incarcerated persons now that have the tablets.
 - Not enough free stuff on tablets.
 - Incarcerated persons from "each side" receive the tablets daily, either in the morning/afternoon, or afternoon/evening (TL Mod Q).
 - We get them daily, but there is no capability to message family.
 - We went from getting two (2) 5-minute free phone calls to only one (1) 3-minute free call.
 - Daily 4-6 hours (TL Mod I Sector 2).
- Religious Services
 - No chaplain available for chronic care patients.
 - TL Mod I Sector 2 had religious services.
 - I have not seen a Chaplain in the unit (TL Mod O), but I am aware I can submit a request.
 - No church services for my yard/dayroom group "ever" (TL Mod Q).
 - They just offered church services yesterday, for the first time in four (4) months.
 - None (TL Mod I Sector 2).
 - I requested Christian Services, and we finally received them (TL Mod I Sector 2).
- Clothing/Gender-Affirming Clothing Products/Grooming/Hygiene:
 - We get "dingy" clothing. The PRIDE Program workers exchange the clothes, but the carts are sent to TL Mod I from GP incarcerated persons (TL Mod I Sector 2).
 - No concerns (TL Mod I Sector 2).
 - No problems getting bras, panties, and there are no issues with sizes (TL Mod I Sector 2).
 - We can't get one (1) if we don't have one (1) for a 1-for-1 exchange.
- Healthcare
 - Conducted at cell door (no privacy).
 - No privacy or other concerns (multiple acknowledgments – TL Mods O and Q, and Barracks).

- Healthcare staff respond to healthcare requests (no concerns).
 - Nurses station door is left open with a deputy standing about five (5) feet away and can hear (TL Mod I Sector 2).
- Food:
 - Regular PC incarcerated persons “mess with” the food they prepare/provide to PC-LGBTQI incarcerated persons (TL Mod Q), such as spitting in food and keeping our special diet food.
- Self-Help Groups:
 - None offered.
 - TL Mod I Sector 2 had AA.
 - No self-help groups (TL Mod I Sector 1).
 - Offered in classroom upstairs (TL Mod I Sector 2).
- Reentry Services:
 - Nobody has talked to me, maybe because I have a hold to another county.
 - Have not received anything in TL Mod Q, but previously received some information in TL Mod I.
 - No reentry information/services except for what is contained in the orientation packet (TL Mod I Sector 1).
 - They are offered. They check with people before they are released and provide bus passes at least 2-3 days prior to release (TL Mod I Sector 2).

As part of document production, OCSD provided the following new information:

- OCSD Memorandum - The LGBTQI Resource Guide and LGBTQI Book
 - List is posted within the OCSD jails in the following areas:
 - 1. Theo Lacy – Mod I, Sectors 1-3
 - 2. Women’s Jail – Recreation area on the roof on the Resource Board
 - 3. IRC – Mod N, all dayrooms
 - 4. IRC – Mod K, all dayrooms
- Excel Spreadsheet: LGBTQI+ Books:
 - 60 entries of various LGBTQI-related books that have been checked out (and checked back in) between 3/7/23 – 1/11/24.
 - 40 incarcerated persons checked them out (from multiple housing units).
- OCSD Memorandum - LGBTQI+ Available Reading Material (1 page list):
 - Lists 21 different books
 - If you are interested in checking out a book from the list below, please put in an Inmate Message slip to Programs with the name of the specific book you would like to request.
 - Only one book may be checked out at a time.
- OCSD Memorandum - The LGBTQI books are accessible for those housed in the following areas:
 - 1. Theo Lacy – Mod I, Sectors 1-3
 - 2. Theo Lacy – Mod Q, Sector 53, top tier
 - 3. Women’s Jail

- 4. IRC – Mod N
 - 5. IRC – Mod K
- OCSD Memorandum - We are now including Nair as a second option.
- Excel Spreadsheet (1/12/24) – LGBTQI Inmate List:
 - Lists 83 LGBTQI incarcerated persons (includes housing, classification level, and whether transgender or not).
- OCSD Internal Note (no date):
 - Inmate Programs is working to establish additional classes in the Pride Program:
 - 1. Shanti OC – Mental Health and Wellness, HIV Care, and Community Education – this 6-week program would rotate with the current Book Study.
- PRIDE Program Schedule – TLF Mod I Sector 3 (no date).
- OCSD Internal Memo Note (no date):
 - Inmate Programs also offers the following in-house opportunities:
 - 1. Great Escape correspondence packets – life skills.
 - 2. Back on Track correspondence packets – employment readiness.
 - 3. Tablets – Courses offered through Cypherworx.
 - Work opportunities available within Mod I and the kitchen via security staff.
 - OCSD Sheriff's Department Inmate Services Division Correctional Programs LGBTQI+ Resource Guide (No date).
- Excel Spreadsheet – All Inmate Workers (1-20-24):
 - Contains the names of approximately 644 incarcerated persons (IRC, MJ, TL, & WJ) for sentenced and unsentenced incarcerated persons.
 - Note: Does not list dates, or whether jobs are current or previous (assumed to be all).
- Excel Spreadsheet – LGBTQI Inmates (no date):
 - Lists approximately 529 names
 - Approximately 79 names had one (1) or more assigned classes/programs.
 - Lists approximately 29 different programs:
 - Pride Program
 - Workforce Prep (Pride Program)
 - Shanti OC
 - Accounting Home Based Business
 - All In Program
 - Attitudes for Success
 - Back on Track
 - Bible Study Discipline
 - Computers
 - Food Services
 - GED
 - Great Escape
 - Leadership

- Malachi Women
 - Money Matters
 - Patenting
 - Substance Abuse
 - TAY Program
 - Academic Skills Correspondence Packets
 - Attitudes for Success Correspondence Packets
 - Back on Track Correspondence Packets
 - Food Services Correspondence Packets
 - GED Correspondence Packets
 - Great Escape Correspondence Packets
 - Leadership Correspondence Packets
 - Money Matters Correspondence Packets
 - Parenting Correspondence Packets
 - Substance Abuse Correspondence Packets
 - Workforce Prep Correspondence Packets
- Housing Units that had one (1) or more classes/programs:
 - MJ
 - R-33
 - TL
 - C-BA
 - H
 - I-01
 - I-02
 - I-03
 - J-07
 - J-12
 - N-31
 - N-32
 - N-36
 - Q-53
 - IM
 - IN
 - IW
 - N-28
 - N-29
 - WJ
 - G-01
 - G-04
 - H-07
 - H-08
- OCSD Internal Note:
 - List of programs/classes that PRIDE Program participants are not permitted or given the opportunity to attend or participate in:
 - Cell Dogs program

- Virtual Reality Headset program – offered through OC Workforce Solutions
- Participation in the cell dogs program and the virtual reality headset program is dependent on classification. LGBTQI incarcerated persons are not excluded from these programs.
- OCSD Internal Memo Note:
 - Inmate Programs also offers the following in-house opportunities:
 - 1. Great Escape correspondence packets – life skills
 - 2. Back on Track correspondence packets – employment readiness
 - 3. Tablets – Courses offered through Cypherworx
- Excel Spreadsheet: - Inmate Services – Correctional Programs Facility Schedule:
 - TLF:
 - Tuesdays
 - Classroom #3 – Computers
 - Mod I Multipurpose Room - AA Panel (LGBTQI)
 - Mod K AA Panel
 - Mod N Multipurpose Room – Catholic Services (Vietnamese / Bi-lingual)
 - Mod O Multipurpose Room - Protestant Bible Study (English)
 - Mod R Multipurpose Room - Protestant Bible Study (English)
 - Fridays
 - Classroom #2 – Catholic Services (English)
 - Classroom #2 – Protestant Services (English)
 - Classroom #4 – Great Escape (F, G, H)
 - Classroom #4 – Workforce Readiness
 - Classroom #5 – All In Program
 - Classroom #5 – AA
 - Mod I Multipurpose Room – Shanti (PC3 LGBTQI) (PC2 LGBTQI)
 - Mod M – AA Panel
 - Mod O – CASAS Testing
 - Mod O – AA Panel
- OCSD Internal Memo Note:
 - LGBTQI Community Groups delivering programming in the jail facilities:
 - 1. APAIT (Access to Prevention Advocacy Intervention & Treatment).
 - 2. Shanti OC – Mental Health and Wellness, HIV Care, and Community Education.
 - 3. OCHCA (Orange County Health Care Agency).
- OCSD Internal Memo Note:
 - New programming/work opportunities for the LGBTQI population:
 - 1. Tablets: Courses offered through Cypherworx

- 2. Shanti OC classes: PC2's and PC3's
- 3. Pride Program: Work opportunities available within Mod I and the kitchen via security staff
- 4. Pride Program: 2 new in-person Rancho Santiago Community College classes (Leadership 1 & Leadership 2)
- 5. Pride Program: Board & card games
- 6. Pride Program: Art Therapy class through The Phoenix
- Various Flyers (APAIT, OC Community Service Center, CAL Optimal Health)

For the next monitoring tour, OCSD should provide the following:

- Revised OCSD LGBTQI Policy (once County Counsel has reviewed internally).
- Listing of dates, times, and for which housing units that programs such as Shanti OC APAIT, and AA (particularly if they are offered outside of TL Mod I).
- Update on status of ordering and receiving additional LGBTQI-specific books/reading materials from the OC Public Library and are accessible to all LGBTQI incarcerated persons.
- Update on access to Green Sector yard for PRIDE Program participants.
- Consideration and status of the availability of LGBTQI Coordinator contact information, LGBTQI resource information, and LGBTQI book availability information to all self-identified LGBTQI incarcerated persons in all OCSD jail facilities (even if only on the electronic tablet).
- Provide update as to the opportunities available for all programming, including work, education, self-help, and other programs for self-identified LGBTQI incarcerated persons in all units, and ensure they receive unit orientation or are otherwise made aware as to programming available and not available to them, based on their classification level, and housing unit.

Partially Implemented (Previous Rating – Partially Implemented)

B. The County shall offer regular in-custody programs and support groups specifically serving the needs of LGBTQI individuals (e.g., APAIT).

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

The Expert notes the OCSD Action Plan for this provision: "Please see OCSD's response above beginning on page 51." Note, this references the language applicable to the OCSD Action Plan pertaining to Provision E.A.

Section E. A. lists (in more detail) multiple Excel Spreadsheets that identify various LGBTQI-specific and other programs including: APAIT (Access to Prevention

Advocacy Intervention & Treatment), Shanti OC – Mental Health and Wellness, HIV Care, and Community Education, and OCHCA (Orange County Health Care Agency) that are offered to LGBTQI incarcerated persons. The Expert acknowledges the increase in available programs now offered, and that OCSD continues to actively work with outside LGBTQI community organizations to continue to provide valuable programs and resources to LGBTQI incarcerated persons.

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

The Expert provides the following recommendations:

- Provide the Expert with the revised LGBTQI Policy (once reviewed by County Counsel).
- Provide clarity as to which programs are or are not available to LGBTQI individuals, particularly those that live outside the PRIDE Program, and outside of TL Mod I as-a-whole.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: “We have received the DRC team’s input on the brochure and will be updating the brochure. Once updated, the brochure will be shared with the DRC team and the Expert.”

“OCSD’s revised LGBTQI policy is currently with County Counsel for review.”

The Expert also Notes the CHS Action Plan for this provision: “CHS produced the LGBTQI-related resource packet in CHS’s document production for the August 2023 Sabot tour. This resource packet, which contains LGBTQI-related community resource information, is provided by CHS healthcare staff to LBTQI-incarcerated persons. CHS will produce another copy of the LGBTQI-related resource packet in CHS’s document production for the February 2024 Sabot tour.”

The Expert believes the resource packet referred to by CHS (paragraph above) is the information that the Expert cites in Section E.B. of this report, including information

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

As has been the case for previous Expert monitoring reviews, LGBTQI-incarcerated persons interviewed had differing responses as to whether outside community LGBTQI information is provided or available. Some stated there is good information available, while some indicated there is minimal or no related information provided to them at all.

The Expert provides the following recommendations:

- Provide OCSD's revised LGBTQI policy once it is reviewed internally by County Counsel.
- Provide clarity as to how CHS provides updated resource information to LGBTQI individuals and confirm that this information is provided to all LGBTQI persons:
 - For example, to the extent it might exist, provide documentation showing issuance/distribution of said pamphlets containing resource information, e.g., at discharge/release or at any other time.
 - Note: Post monitoring tour, CHS indicated that CHS is working with OCSD Inmate Programs to cross reference their resource packets and create a single master packet. CHS will reportedly be providing the packets to this population during health encounters. CHS reportedly will provide an updated packet (for the Expert's review) once finalized. This will be examined further for the next monitoring review.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert notes the OCSD Action Plan for this provision: "Inmate Programs staff are currently working with the OC Public Library to procure additional LGBTQI-specific books/reading materials that will be accessible to all LGBTQI incarcerated persons."

As previously outlined in this report, OCSD provided a list of 21 currently approved LGBTQI+ available reading materials/books. However, the Expert was previously

informed by OCSD that a total of approximately 35 books have now been approved. Note: The Expert has not received or viewed the updated list. Individuals may request a book by completing an Inmate Message Slip through Inmate Program/Inmate Services. Only one (1) book may be checked-out at-a-time.

OCSD also provided an Excel spreadsheet in March 2024, listing approximately 30 proposed book orders (for the OC Public Library) for LGBTQI-related paperback books by various authors. The Expert and DRC reviewed the list and did not have any noted concerns with OCSD moving forward with the order process.

There is more detailed information (from LGBTQI incarcerated person interviews) earlier in this report pertaining to concerns and positive acknowledgments regarding LGBTQI books. But numerous individuals (from various housing units at all OC jails) were unaware there is a request process to check-out LGBTQI-related books, there were claims that requests were not responded to by staff (and orders not filled), and that some would be interested if such reading material was available on the electronic tablet.

The Expert provides the following recommendations:

- Provide OCSD's revised LGBTQI policy once it is reviewed internally by County Counsel.
- Provide the current approved list of approximately 35 LGBTQI-related materials/books.
- Inform the Expert when the most recent request (as described in this RP Provision, above) of approximately 30 additional LGBTQI-related materials/books are received from the OC Public Library and are available to be checked-out.

Partially Implemented (Previous Rating – Partially Implemented)

E. Showers

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review."

Prior to the current monitoring review, OCSD confirmed that all previous concerns as related to privacy/modesty screens for showers/bathrooms were resolved with new screens. As previously reported (Expert's Third Round LGBTQI Report) previously reported concerns had been trending downward to very few related complaints, as new privacy/modesty screens were installed.

For the current monitoring review, most individuals interviewed did not have any concerns regarding the showers. However, there were three (3) related complaints included:

- Both showers (upstairs and downstairs) only have half of a partition door which only covers the lower half of the body (TL Mod Q, and TL Mod I Sector 1).
 - Note: The Expert observed the shower doors but did not examine them from the housing unit stairways or from the staff “bubbles” adjacent to the units.
 - Note: OCSD has since confirmed they resolved the issue in TL Mod Q.
- Shower door needs to be adjusted or rehanged (TL Mod I Sector 1).

As has been the case with the previous Expert reviews, staff, and transgender individuals acknowledged that transgender persons shower individually, and all have the option of showering at times of the day that may be different from the time-period that others shower (if they so choose).

The Expert provides the following recommendations:

- Provide OCSD’s revised LGBTQI policy once it is reviewed internally by County Counsel.
- Identify the status of the shower door in TL Mod I Sector 1), or otherwise Clarify which units/mods/sectors/tanks (if any) are pending construction. replacement, or the addition of shower barriers/modesty or privacy screens.

Partially Implemented (Previous Rating – Partially Implemented)

F. Commissary

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review. It should be noted that no makeup is offered by Commissary.”

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

Earlier in this report (in multiple sections) the Expert identified (in greater detail) related complaints from transgender, non-binary, and other LGBTQI persons pertaining this RP Provision. In general, there were numerous complaints regarding the lack of quality razors (unless purchased at the commissary), and the lack of an

adequate amount of razors that can be maintained for razor exchange, the expensive price of “Nair” at the commissary, and the lack of a legitimate opportunity to obtain gender-affirming commissary items, hygiene products, or beauty products.

Inmate Services staff indicated that only one (1) can/container of “Nair” (for hair removal) has been sold through the commissary as incarcerated persons have indicated the price is too expensive. Reportedly the commissary vender is losing money just to carry the product in stock.

The Expert provides the following recommendations:

- Provide OCSD’s revised LGBTQI policy (once it is reviewed internally by County Counsel).
 - Note: The Policy should address gender-affirming commissary items, hygiene products, or beauty products, and the allowance of razors for transgender and intersex individuals.
- Identify allowances OCSD is making (or will make) once the revised LGBTQI Policy is rolled-out, regarding allowances of extra razors for transgender/intersex individuals and to gender-affirming commissary items, hygiene products, or beauty products:
 - Note: The Expert acknowledges OCSD’s position that no makeup is offered by Commissary.
- The County should consider a process to ensure that transgender individuals have access to hair removal products (including through reduced prices or no-cost provision of the product if recommended by clinical staff) when it is determined that such access supports their clinical needs.

Not Implemented (Previous Rating – Not Implemented)

G. Clothing

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review.”

The Expert also acknowledges OCSD’s previous Action Plan in that “Footwear is already provided in all sizes. Chest compression garments have already been ordered.”

OCSD staff now contend incarcerated persons can request and be provided undergarments of their choice. Most LGBTQI persons interviewed stated the same. The Expert provided more detail from the LGBTQI incarcerated person interviews (and regarding revised policy [not the more-broad revised LGBTQI Policy]), regarding the contents of this RP Provision in earlier sections on this report. In general, there were some complaints that undergarments/underwear of choice were not available, and there is a problem with obtaining undergarments/underwear in correct sizes. There were specific complaints that there are sometimes delays and concerns with obtaining gender-affirming clothing that they had previously been approved for. The OCSD since reiterated that individuals may choose boxers or underwear, regardless of their gender identity, and has issued a training bulletin about related policies and that staff will know and follow the policies. The Expert notes DRC’s concern that there were several complaints among women at IRC Mod N about denials of their requests for boxers (not an issue at CWJ). The concern was raised on site. The Expert and DRC is hopeful that it has since been addressed. This will be examined further at the next monitoring review.

The Expert acknowledges that OCSD has begun providing approved chest compression garments. The Expert (and DRC) previously viewed an example of a chest compression garment and did not have any concerns. The Expert also acknowledges that footwear is being provided in all sizes.

The Expert provides the following recommendations:

- Provide OCSD’s revised LGBTQI policy (once it is reviewed internally by County Counsel).
- To the extent there may be validity to the allegations as mentioned above, staff must issue properly sized undergarments/underwear of choice to transgender (and all LGBTQI) individuals.

Partially Implemented (Previous Rating – Partially Implemented)

H. Visitation

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review.”

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

The Expert provides the following recommendations:

- Provide OCSD's revised LGBTQI policy (once it is reviewed internally by County Counsel).

Partially Implemented (Previous Rating – Partially Implemented)

F. Searches

A. Policy

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

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan. Following the August monitoring tour, OCSD revised the Voluntary Gender Identity Disclosure and Search Preference Form, and it was reviewed by the DRC team and the Expert. The form is in use. OCSD has implemented a clear workflow for the form. The form and the workflow are included with the email transmitting this Action Plan."

As also noted earlier (in greater detail) in this report, OCS provided 11 completed copies of the revised Voluntary Gender Identity Disclosure and Search Preference Form, with

all appropriate information and incarcerated person's signatures. The Expert (and DRC) previously reviewed the revised form and corresponding workflow chart (when in draft state) and did not have any concerns.

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

As addressed in greater detail earlier in this report, the Expert interviewed several pod officers from TL. In general, there has been marked improvement with overall staff knowledge as related to this RP Provision, since the previous monitoring review. The staff interviewed are aware of the OCSD Voluntary Gender Identity Disclosure and Search Preference Form, the purpose of the form, and that it is generated from the Intake Classification process. Staff are knowledgeable that search preference information (and gender identity information [inclusive of preferred pronouns and names]) are input into the form (at Classification), staff can access the information within the I-TRAC system, and the information is also located on a respective incarcerated person's mod card (as applicable). Staff indicated they would ensure they honor a transgender or non-binary individuals gender search preference (if they have a documented preference, or if they verbally identify a preference). At minimum a verbal request would trigger documentation confirmation. The Expert also identified earlier in this report that the Expert randomly selected several mod cards and confirmed search preference information (and preferred name and pronoun) was contained for at least three (3) transgender persons. The Expert also interviewed several deputies from other housing units and asked questions regarding the process and information to which all staff were equally knowledgeable. As also explained earlier in the report, a couple of concerns voiced during the incarcerated person interviews was that there was at least one (1) search concern (gender) at Intake, and there a couple of claims (by transgender or non-binary persons) that they were not asked about the search information or don't recall signing the form.

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

The Expert provides the following recommendations:

- Provide OCSD's revised LGBTQI policy (once it is reviewed internally by County Counsel).
- Staff must be trained (after the revised LGBTQI Policy is rolled-out).

Partially Implemented (Previous Rating – Partially Implemented)

G. Medical and Mental Health Care

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

The Expert also notes the CHS Action Plan for this provision: "CHS produced the LGBTQI training logs, training calendars and training outline in CHS's document production for the August 2023 Sabot tour. CHS will produce another copy of the LGBTQI training logs, training calendars and training outline in CHS's document production for the February 2024 Sabot tour."

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

CHS provided the following documentation as part of document production:

- CHS Policy 1007 Staff Accountability (effective date October 13, 2023)
- CHS Policy 1013 Grievance Process (effective date July 28, 2023)
- CHS Policy 6101 Receiving Screening (effective date January 11, 2024)
- CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care (effective date July 28, 2023)
- CHS Hormone Therapy Accessibility for LGBTQIA+ Patients (May-August 2023 QM Study (Process))
- CHS Clinical Staff LGBTQIA+ Trainings from APAIT 2023
- LGBTQIA+ 101 Training Outline
- Staff Sign-In Rosters (2 sheets) for Course Titled, "LGBTQIA+ CHS Training" (8/24/21)
- Staff Sign-in Roster (1 page) for Course Titled, "LGBTQIA+ CHS Training" (mandatory training by APAIT) (11/16/23)
- Staff Sign-In Rosters (2 sheets) for Course Titled, "LGBTQIA+ CHS Training" (8/22/21)
- Excel Spreadsheet Titled, "LGBTQIA+ DRC Audit 06-01-23 to 12-31-23"
- LGBTQI+ CHS Personnel Accountability Log
- OCHCA Mental Health Screening Sample Document (dummy version)
- OCHCA Receiving Screening Sample Document (dummy version)
- PowerPoint Presentation Titled, "LGBTQ+ 101 (46 slides)

Note: Staff training-related information (for CHS personnel) is outlined in Section G.C. (below) of this report.

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

The Expert interviewed multiple transgender (and non-binary) individuals specific to questions as related to WPATH Standards. Most of the questions elicited positive responses (some general examples are cited in other provisions within this section of the report [below]). However, there were some concerns (or possible concerns) from the following questions and responses:

- Q #4: (Asked of a non-binary individual) (Pursuant to WPATH Standard 8.2) (*How have healthcare staff understood your gender? Have you asked for any gender affirming treatment, including hormones or hair removal? Please describe your experiences. Did healthcare staff differentiate transgender from non-binary identities?*). How? Why? Do you feel that healthcare staff treat you differently because of your gender? Do you receive less gender affirming items than transgender people? (e.g., chest binders, sports bras, shaving supplies, gaffs for tucking, bra inserts, etc.).
 - A: "I didn't know I could ask for or not. But staff was helpful regarding differentiating transgender and non-binary identities. Healthcare staff treat me differently (in a bad way), it's gender discrimination as to how they refer to me. They refer to me as "he", "mister", even after I tell them please don't do that. I have submitted grievances on this issue.
 - Note: The Expert confirmed (through pre-tour document production) that this individual has submitted multiple related grievances, and there are three (3) written entries within the CHS Staff Accountability log (investigations/inquiries) all pertaining to this issue from healthcare personnel.
- Q #16: (Pursuant to WPATH Standard 15.5) (*We recommend healthcare professionals discuss and address aging-related psychological, medical, and social concerns with transgender diverse people*). Has staff discussed this with you?
 - A: "No."
- Q #17: (Pursuant to WPATH Standard 15.6) (*We recommend healthcare professionals follow local breast cancer screening guidelines developed for cisgender women in their care of transgender and gender diverse people who have received estrogens, taking into consideration the length of time of hormone use, dosing, current age, and the age at which hormones were initiate*). Has staff discussed this with you?
 - A: "No."
 - Note: the same response was given by multiple individuals.
- Q #18: (Pursuant to WPATH Standard 15.8) (*We recommend healthcare professionals apply the same respective local screening guidelines (including the recommendation not to screen) developed for cisgender women at average and elevated risk for developing ovarian or endometrial cancer in their care of transgender and gender diverse people who have the same risks*). Has staff discussed this with you?
 - A: "No."
- Q #21: (Pursuant to WPATH Standard 15.13) (*We recommend healthcare professionals discuss bone health with transgender and gender diverse people including the need for active weight bearing exercise, healthy diet, calcium, and vitamin D. supplementation*). Has staff discussed this with you?

- A: “No.”
 - Note: the same response was given by multiple individuals.
- Q #22: (Pursuant to WPATH Standard 15.14) (*We recommend healthcare professionals offer transgender and gender diverse people referrals for hair removal from the face, body, and genital areas for gender-affirmation or as part of a preoperative preparation process*). What options do you have for hair reduction/removal? How do you know that? What options have you asked for? What were you told?
 - A: “Nothing.”

The Expert was unable to confirm or refute the responses (above); however, for one of the individuals interviewed, the EUHR was also reviewed. Between this individual’s EUHR and the other EUHRs reviewed, there was no information contained that would indicate that any of the information from the concerns noted (above) are being logged into the healthcare progress notes (or within other documents) contained within the EUHRs.

During the current monitoring review, the Expert interviewed the new CHS Services Chief responsible for healthcare training as related to this RP Provision. He has been in the position for about three (3) months, and reportedly has a background managing the OC Accept Clinic, and training APAIT. He provided clinical supervision at the OCSD jail facilities. He indicated he is currently developing affirmative training for CHS, which it will undergo the approval process once he is finished developing the curriculum (PowerPoint presentations). He anticipates implementation of training in June 2024. He is reportedly building in Affirmative Theory into the training, with a focus on myths, how to work with patients, working with families, and providing resources. The material will teach CHS staff how to engage with the LGBTQI community. The material will include communication skills. Regarding the current APAIT training, it’s a 2.5-hour PowerPoint presentation that includes terminologies, minority model, influencing the LGBTQI community, community resources, myths, role play, a pre-test, and understanding the LGBTQI community.

The Expert provides the following recommendations:

- Provide the new curriculum (tentatively to be completed in June 2024) to the Expert (and DRC) for review.
 - Note: Post monitoring tour, CHS indicated new curriculum will be provided once completed (anticipated date - June 2024). CHS will create a Guidance Form for use by providers and clinical staff that will include WPATH standards on patient education and a place to document that the patient education was provided. CHS also will create staff training documents on the Guidance Form. The Guidance Form and training documents will be provided once completed.
- Consider logging (into EUHRs) and/or having a checklist of other source to accurately depict the various types of information and education that healthcare professionals provide to transgender and non-binary patients.

- Note: The Expert acknowledges that healthcare staff appear to be doing a thorough job of documenting certain aspects of information and education being provided that are consistent with UCSF guidelines and WPATH Standards of Care.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert also notes the CHS Action Plan for this provision: "CHS produced policy 6206, the LGBTQI training logs, training calendars and training outline in CHS's document production for the August 2023 Sabot tour. CHS will produce another copy of policy 6206, the LGBTQI training logs, training calendars and training outline in CHS's document production for the February 2024 Sabot tour."

Note: The documents CHS provided for the monitoring review period are cited in Section G.A. of this report.

The Expert's previous reports cite HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care in greater detail. The most recent revision date is July 28, 2023. Section E. Gender Affirming Health Care Management states in part, "Documentation or evidence of prior gender affirming health care will not be a prerequisite for patients receiving gender-affirming health care while in-custody."

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

From review of four (4) EUHRs (for transgender or non-binary individuals) while onsite at the OCJ, there was documented evidence of gender-affirming care and education provided by medical professionals to the patients. However, there were some concerns as noted in Section G.A. of this report.

Multiple transgender individuals interviewed confirmed they have received gender-affirming care and education while at OCJ (and in the community). There were no related complaints.

The Expert provides the following recommendations:

- Please see the Expert's recommendations as outlined in Section G.A. of this report.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert also notes the CHS Action Plan for this provision: “CHS produced policy 6206, the LGBTQI training logs, training calendars and training outline in CHS’s document production for the August 2023 Sabot tour. CHS will produce another copy of policy 6206, the LGBTQI training logs, training calendars and training outline in CHS’s document production for the February 2024 Sabot tour.”

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

Note: The documents CHS provided for the monitoring review period on cited in Section G.A. of this report.

The Expert’s previous reports cite HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care in greater detail. The most recent revision date is July 28, 2023. Section E. Gender Affirming Health Care Management contains related staff requirements and information.

HCA CHS Policy 6206 also indicates all CHS clinical staff receive refresher training on gender dysphoria and its treatment. However, there was no proof of practice documentation provided (for refresher training).

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

The Expert reviewed the following documentation as part of document production:

- CHS Clinical Staff LGBTQIA+ Trainings from APAIT 2023:
 - Indicates APAIT scheduled to train new CHS staff and missed employees (from initial training) on August 22 and 24, 2023 (2-hour course).
 - Future training dates to be determined.
 - Proposing a calendar with APAIT for quarterly trainings to capture all new CHS employees (proposed months of February, May, August, and November).
 - The training is to be provided to “MH, med, dental, pharmacy” every two (2) years and for new hires.
 - The requirement is “live/real-time training.
- LGBTQIA+ 101 Training Outline (2-pages)
 - Objective:
 - In this training, participants will learn about the lesbian, gay, bisexual, transgender, queer, intersex, and asexual (LGBTQIA+) community, improving their knowledge and skills on how to better

serve the health needs of the LGBTQIA+ population. This active learning environment will engage participants in a discussion about their experiences with engaging individuals who identify as LGBTQIA+, including successes and challenges. Participants will learn about the intersectionality of gender identity and expression, sex assigned at birth, and sexual, physical, and emotional attraction. Participants will understand the impact of discrimination against LGBTQIA+ individuals experiencing incarceration and ways to improve systems of care, and behavioral health.

- General Overview
 - What is the LGBTQIA+ community?
 - Language
 - Terms and definitions
 - Spectrum of orientation
 - Spectrum of gender identity
 - Spectrum of gender expression
 - Gender Dysphoria
 - Importance of Pronouns
 - Gender Inclusive Dialogue
 - Impact of LGBTQ+ experiences
 - Outing & Misgendering
- Mental healthcare & Well-being
 - Minority Stress
 - Barriers to Gender-specific Care
 - LGBTQIA+ Trauma Statistics
 - Trauma-informed Care
 - 4 Key Assumptions
 - WPATH Transgender Standards of Care Overview
 - HRT
- Guidelines when Engaging LGBTQIA+ clients
 - Effective communication
 - Respectful dialogue prompts
 - Using pronouns appropriately
 - Removing gender verbiage from clinic setting
- Personal Considerations
 - Stereotypes
 - Assumptions/Implicit Bias
 - Power of self-education
 - Cultural Humility
- PowerPoint Presentation titled, “LGBTQ+ 101 (46 slides):
 - It coincides with the course outline (bulleted above).
- CHS Staff Sign-In Rosters for “LGBTQIA+ CHS Training on 8/24/21 (29 attendees):
 - Included the following classifications: RN, LVN, NP, SC I, BHC, BHC II, Service Chief II, CCN, Clinical Psychologist, MAS, DNP, and MA.

- There is confusion as to whether this date is accurate (the document indicates 8/24/21, but title of the electronic version uploaded in to the document folder indicates 2023).
- CHS Staff Sign-In Rosters for “LGBTQIA+ CHS Training on 11/16/23 (15 attendees).
- CHS Staff Sign-In Rosters for “LGBTQIA+ CHS Training (35 attendees):
 - Note: it is unclear as to the date of the class. The form shows a printed date of 8/22/24 (which obviously isn’t accurate). It appears to have originally been typed in as “8/22/21” but someone handwrote over the print to read as “8/22/24”, but that also cannot be accurate.
- Excel Spreadsheet titled, “LGBTQIA+ DRC 06-01-23 – 12-31-23:
 - Lists about 123 incarcerated person names, and has other brief information regarding triage, receiving screening, OCSD incarcerated person classification, HRT medication, referrals to the medical prescriber for HRT, HRT ordered, and other information pertinent to HRT.
- Excel Spreadsheet titled, “LGBTQI+ Personnel Accountability Log:
 - Note: Detailed earlier in this report.
- OCHCA Mental Health Screening (sample dummy version).
- OCHCA Receiving Screening (sample dummy version).
- CHS Clinical Staff LGBTQIA+ Trainings from APAIT 2023:
 - APAIT will provide the following training dates in August for new CHS staff and missed employees from our prior initial training.
 - August 22nd from 3-5 pm at the OCSD Main Jail briefing room.
 - August 24th from 3-5 at the OCSD Theo Lacy Jail briefing room.
 - Pending training dates for the months of October and November to be determined from APAIT. Proposing a calendar with APAIT for quarterly trainings to capture all new CHS employees. Calendar dates to be determined. Proposal months for 2024: February, May, August, and November. The training time will be from 3-5 pm.
 - Please see below for the specific verbiage for the LGBTQIA trainings:
 - We are to provide this training to our clinical team (MH, med, dental, pharmacy) every 2 years and for new hires . We had discussed having a set schedule of quarterly trainings every year from APAIT to capture new hires and those who weren’t able to attend a scheduled training to meet their biennial requirement.
 - The requirement is “live/real-time” training.

The Expert interviewed several transgender persons. Much of the same concerns were expressed during the Expert’s interviews regarding what is important for staff to know about working with transgender and gender-diverse people (WPATH Standard 4.1 – 4.3). All transgender individuals interviewed indicated they have been diagnosed with gender dysphoria. Most of the individuals indicated they must not be discriminated against, to be treated equally and fairly, for staff to use their preferred pronouns and names (most said they are accepting of the use of their last names), for staff to acknowledge their identity, ensure their safety, for staff to be trained to work with them and understand their issues and concerns, and for staff to honor their search preference requests (if applicable). All individuals interviewed (except for one [1]) staff indicated healthcare staff are professional

and do not show discrimination. One (1) indicated she has been misgendered, even after she has informed them of such. She claims she has filed grievances on this issue.

The Expert provides the following recommendations:

- Provide the new curriculum (tentatively to be completed in June 2024) to the Expert (and DRC) for review and clarify confusion regarding CHS staff training sign-in sheets (bulleted above).
 - Post monitoring tour, CHS indicated new curriculum will be provided once completed (anticipated date- June 2024). Sign in sheets, logs and schedules will be provided.
- Provide CHS LGBTQI refresher training logs and schedules.

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

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert also notes the CHS Action Plan for this provision: “CHS produced the LGBTQI-related resource packet in CHS’s document production for the August 2023 Sabot tour. This resource packet, which contains LGBTQI-related community resource information, is provided by CHS healthcare staff to LBTQI-incarcerated persons. CHS will produce another copy of the LGBTQI-related resource packet in CHS’s document production for the February 2024 Sabot tour.”

Note: The documents CHS provided for the monitoring review period are cited in Section G.A. of this report.

CHS provided information that an agreement for referral services with UCI Gender Clinic is based on a case-by-case Letter of Agreement. Email communication on this referral process will be provided in CHS’s document production for the February 2024 Sabot tour.

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

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

From review of four (4) EUHRs (for transgender or non-binary individuals) while onsite at the OCJ, there was documented evidence that multiple transgender individuals reviewed had been diagnosed with gender-dysphoria by medical and mental health professionals.

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

CHS indicated a staff training memo will be sent out to all staff regarding using Gender Dysphoria or Gender Incongruence terms. The memo will be produced in CHS's document production for the February 2024 Sabot tour. The documents were not contained within the current document production. However, post monitoring tour, CHS provided a one-page training bulletin regarding diagnosis for patients identifying as transgender or non-binary for charting and documentation. The bulletin informs staff to use correct diagnosis to use in Gender Dysphoria (DSM-V) or Gender Incongruence (ICD-10). The bulletin instructs staff to not use "Gender Identity Disorder." The reason is listed as, "Gender Identity Disorder" diagnosis is no longer used because it places the pathology on the existence of a non-cisgendered identity rather than the distress that comes from having a gender-identity that does not match one's sex assigned at birth.

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

The Expert's previous report (Third Round LGBTQI Report) described (in greater detail) information obtained through interviews with multiple CHS healthcare professionals. Topics included the following: hormone therapy, gender-affirming surgery, medical encounters, non-binary individuals, hair removal, and mental health referrals. For the current monitoring review, the Expert interviewed two (2) healthcare professionals. The following information was provided: CHS has a new Medical Director; patients receive great care; medical staff retrieve medical request forms daily, they are triaged and logged daily; HRT injections are individualized treatment, with some occurring weekly and bi-weekly for others; for release planning, the patients receive two (2) weeks of medication for jail release (pill form), and they receive an injection right before they are released; they also receive a 2-week supply of HIV medications (if needed); and the Provider talks with the patients about sperm-freezing and refers them to UCI as an option.

The Expert provides the following recommendations:

- Provide the agreement with UCI Gender Clinic

- Provide confirmation that the staff training memo has been sent to all staff/seen by all staff regarding using Gender Dysphoria or Gender Incongruence terms.

Partially Implemented (Previous Rating – Partially Implemented)

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

The Expert notes the CHS Action Plan for this provision: "CHS produced policy 6206, the LGBTQI training logs, training calendars and training outline in CHS's document production for the August 2023 Sabot tour. CHS will produce another copy of policy 6206, the LGBTQI training logs, training calendars and training outline in CHS's document production for the February 2024 Sabot tour."

CHS produced a spreadsheet regarding Quality Assurance audits being conducted on LGBTQI requests and to ensure timely access to care for hormone replacement therapy.

Note: The documents CHS provided for the monitoring review period on cited in Section G.A. of this report.

From review of four (4) EUHRs (for transgender or non-binary individuals) while onsite at the OCJ, there was documented evidence that multiple transgender individuals reviewed had received hormone therapy and education from medical professionals.

Multiple transgender individuals interviewed confirmed they receive hormone therapy at the OCJ. They all also indicated they have received education (either in the community and/or at the OCJ) regarding hormone therapy, including side effects, possible concerns/dangers, understanding the medication and doses, as well as information pertaining to future reproduction (e.g., freezing sperm). There were no related complaints.

For the previous monitoring review, the Expert interviewed six (6) medical professionals who provided the related information. The Expert's previous reports (Second and Third Round LGBTQI Reports) provided greater detailed information, including regarding hormone therapy, and mental health. For the current monitoring review, the Expert interviewed two (2) healthcare professionals. The only new related information that was discussed (as outlined in Section G.D. of this report) is that HRT injections are individualized treatment (some weekly, and some are administered bi-weekly); there is some release planning which includes two (2) weeks of medication in pill form (for jail release); and an injection is given just prior to release; and fertility (sperm-freezing) is discussed as well as an option for referral to UCI.

The Expert provides the following recommendations:

- Provide the new curriculum (tentatively to be completed in June 2024) to the Expert (and DRC) for review.

- Provide CHS LGBTQI refresher training logs and schedules.

Adequately Implemented (Previous Rating – Partially Implemented)

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

The Expert also notes the CHS Action Plan for this provision: “CHS will produce the Quality Assurance audit being conducted on LGBTQI requests and to ensure timely access to care for hormone replacement therapy in CHS’s document production for the February 2024 Sabot tour.”

Note: The documents CHS provided for the monitoring review period on cited in Section G.A. of this report.

“CHS produced Policy 6206 in CHS’s document production for the August 2023 Sabot tour. CHS will produce 6206 in CHS’s document production for the February 2024 Sabot tour.”

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

The Expert’s previous report (Third round LGBTQI Report) contained information (in greater detail) obtained through healthcare staff interviews, regarding gender-affirming surgery. No new information was obtained from the interviews conducted during the current monitoring review.

None of the transgender persons interviewed indicated they were contemplating consideration of gender-affirming surgery or had requested or received any related information.

The Expert provides the following recommendations:

- Provide the new curriculum (tentatively to be completed in June 2024) to the Expert and DRC for review.

Note: Post monitoring tour, CHS indicated new curriculum will be provided once completed (anticipated date- June 2024). Sign in sheets, logs and schedules will be provided. UCI referrals attached.

- Provide CHS LGBTQI refresher training logs and schedules.
- Provide any past referrals to UCI (if applicable).

Partially Implemented (Previous Rating – Not Assessed)

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

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

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

H. LGBTQI Training for Staff

- A. *The County shall provide at least biennial live/real-time training to staff and contractors, including anyone who has contact with LGBTQI individuals in custody, on LGBTQI policy, procedures, and legal requirements, including the following topics and as appropriate to their position:*
- 1. The County's non-discrimination policy.*
 - 2. The County's complaint and grievance process for reporting alleged incidents of abuse and harassment.*
 - 3. The Prison Rape Elimination Act.*
 - 4. How to communicate with LGBTQI individuals professionally, effectively, and consistently with this Agreement.*
 - 5. The impact of discrimination against LGBTQI incarcerated people.*
 - 6. Classification, housing, programming, education, work opportunities, and integration of LGBTQI individuals in the jails.*
 - 7. Basic information about gender identity, sexual orientation, gender expression, and privacy rights.*

The Expert notes the OCSD Action Plan for this provision: "OCSD's revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan."

The Expert also notes the previous OCSD Action Plan which indicated, "Once the policy is finalized, we will work on revisions to the training."

The Expert also notes the CHS Action Plan for this provision: "CHS produced the LGBTQI training logs, training calendars and training outline in CHS's document production for the August 2023 Sabot tour. CHS will produce another copy of the LGBTQI training logs, training calendars and training outline in CHS's document production for the February 2024 Sabot tour."

Related training materials produced were:

- Calendar schedule for Custody Incident Management Course (October 23 – 27, 2023).
- PPT – OCSD Custody Incident Management (CIM) Course - Jail Compliance (updated October 2023) – 68 slides:
 - About six [6] relevant to LGBTQI.
- Excel Spreadsheet "In-Person STC Schedule 2023 – 2024:
 - Lists calendar dates of Block Training from 7/6/23 – 5/13/24.

- Lists LGBTQI component as “2 hours”
- New Class Deputy STC Course
 - OCSD Classification Course (83 slides) (no date)
 - Inmates That Must Receive a J-119 (1 page document)
 - Transgender:
 - a) Include search preference, preferred pronoun (he/she/they/them). Must match Voluntary Search Preference form.
- STC Course Lesson Plan (Outline) (Classification Course STC)
 - Instructional Time - 24 hours
 - Date Prepared – 5/16/23
 - Includes:
 - Intake MH
 - Housing – LGBTQI, MH
 - IRC – LGBTQI, PRIDE Sector, MH
 - MH housing at CMJ, CWJ, James A. Musick Facility (JAMF)
 - JMS SDS & ITRAC (e.g., PREA concerns, safety concerns, security risks, MH needs, Classification level), override requests.

The Expert provides the following recommendations:

- Provide OCSD’s revised LGBTQI Policy (once County Counsel completes the internal review).
- Provide a staff training schedule (other than for CHS personnel) and proof of staff training completed (other than for CHS personnel, once completed).
- Clarify the specific related staff training course/materials.
 - If new material is being developed, please apprise.

Un-ratable (Previous Rating – Un-ratable)

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

The Expert notes the OCSD Action Plan for this provision: “OCSD’s revised LGBTQI policy is currently with County Counsel for review. OCSD will revise other applicable policies to comply with these requirements of the Remedial Plan.”

The Expert also notes the previous OCSD Action Plan which indicated, “Once the policy is finalized, we will work on revisions to the training.”

The Expert also notes the CHS Action Plan for this provision: “CHS produced the LGBTQI training logs, training calendars and training outline in CHS’s document production for the August 2023 Sabot tour. CHS will produce another copy of the LGBTQI training logs, training calendars and training outline in CHS’s document production for the February 2024 Sabot tour.”

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

The Expert provides the following recommendations:

- Provide OCSD's revised LGBTQI Policy (once County Counsel completes the internal review).
- Provide a staff training schedule (other than for CHS personnel) and proof of staff refresher training completed (other than for CHS personnel, once completed).
- Clarify the specific related staff refresher training course/materials.
 - If new material is being developed, please apprise.

Un-ratable (Previous Rating – Un-ratable)

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

The Expert notes the OCSD Action Plan for this provision: "Once the policy is finalized, OCSD will work on revisions to the training. The draft policy will be shared with the DRC team and the Expert for their input."

The Expert also notes the CHS Action Plan for this provision: "CHS produced the LGBTQI training logs, training calendars and training outline in CHS's document production for the August 2023 Sabot tour. CHS will produce another copy of the LGBTQI training logs, training calendars and training outline in CHS's document production for the February 2024 Sabot tour."

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

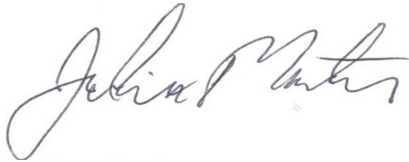
The Expert provides the following recommendations:

- Provide the Expert (and DRC) the draft training materials for review (once the LGBTQI Policy had been reviewed internally by County Counsel, and training material has been drafted and ready for Expert review).

Un-ratable (Previous Rating – Un-ratable)

V. Signature

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

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

Julian Martinez
Director
Sabot Consulting

June 6, 2024

Date