

A decorative graphic consisting of a blue, comet-like shape with a long, thin tail pointing to the right, positioned above the main title.A large, vertical decorative graphic on the right side of the page, featuring concentric, overlapping circles in shades of green and white, creating a tunnel-like effect.

Agreement Between County of Orange and Disability Rights California

Expert's Report (Sixth Round)

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

On-Site Review: February 24 – February 28, 2025

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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 people with disabilities, the treatment of people with mental health care needs, the use of restrictive housing, and the treatment of people who identify as LGBTQ.

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

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

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

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

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

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

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

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

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

DRC's March 2019 findings letter and Sabot Consulting's Assessment Report each identified concerns regarding the treatment of 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 sixth Expert Review to measure Orange County's compliance with the Settlement Agreement (SA) and the RP, which addresses:

- 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 sixth 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 (IRC). The on-site Monitoring Review was conducted from February 24 – February 28, 2025. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); general on-site observations were conducted, and interviews of sworn and non-sworn personnel (e.g., housing deputies, PMU deputies, HCA CHS healthcare staff (medical and mental health), Inmate Services/Correctional Programs staff), OCSD administrative staff, and interviews of LGBTQI persons housed at the OC jails. In total, the Expert interviewed approximately 30 persons (individual/confidential interviews), and approximately 15 staff members from multiple disciplines and areas of responsibility. The Monitor also reviewed three (3) electronic unit health records of individuals identified as transgender.

An entrance meeting was conducted with representatives from the County of Orange (Orange County Jail Administration and staff from the County Counsel's Office). DRC Representatives were also present during the meeting and during the monitoring tour. An exit meeting was conducted via Zoom on March 12, 2025, with representatives from the County of Orange (Jail Administration and staff from the County Counsel's Office) and DRC.

The Expert would like to thank all OC Jail staff for their assistance in facilitating access to the Jails, coordinating all interviews, and the production of the pre-monitoring documents. As has been the case throughout monitoring, the Expert found that the staff continue to be open and transparent in their responses during the interviews.

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

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

LGBTQI policy is implemented, relevant training material is developed and implemented, an accountability plan is provided, 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 the SA and RP requirements and how they pertain to their respective job duties.

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

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

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

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

- Adequately Implemented – 9
- Partially Implemented – 24
- Not Implemented – 2
- Un-ratable – 1
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance – 2

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

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

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

PROVISION		CURRENT RATING	PRIOR RATING
IV.A.	LGBTQI NON-DISCRIMINATION POLICY, STAFF ACCOUNTABILITY		
IV.A.A.	<p>OCSD Policy 375 (Transgender Policy) Provide the revised comprehensive draft OCSD LGBTQI Policy to the Expert (and DRC) for review.</p> <p>Recommendations (Although rated as AI): 1) For confirmation of effective date, provide the effective date for the recently rolled-out Policy 7300 LGBTQI Inmates, 2) Once developed, training curriculum must include relevant Policy 7300 information for OCSD staff, 3) Provide revised CCOM Policy Classification (and script) to the Expert for review and comment once the draft revision is completed.</p>	AI	PI
IV. A.B.	<p>Develop and implement procedures to ensure accountability for LGBTQI non-discrimination-policy</p> <p>Recommendations: 1) With POBR concerns in mind, provide an update regarding how OCSD will log all allegations and investigations of RP violations, 2) OCSD will need to either update Policy 7300 LGBTQI Inmates, Section 7300.2 Staff Accountability, and/or other accountability-related policy(ies), once the tracking/logging issue has been resolved, 3) Once developed, training curriculum must include relative Policy 7300 information for OCSD staff, including key elements of the staff accountability process, 4) OCSD must provide clarity as to how, or whether allegations of staff misconduct or violations of the RP provisions are being logged and tracked through the investigation process as pertaining to Policy 1020 (complaints from the community), incarcerated person grievances, claims from third parties within OCJ, or through OCSD's Personnel Complaint process.</p>	PI	PI
IV.A.C.	<p>Develop and implement procedures to protect against staff disclosing an individual's LGBTQI identity.</p> <p>Recommendations: 1) Future training material/content should include confidentiality and nondisclosure-related information.</p>	AI	PI
IV.A.D.	<p>Staff shall use (1) an individual's pronoun and/or 2) the individual's preferred name or last name.</p> <p>Recommendations: . The are no recommendations; however, the Expert will monitor the new ServiceNow tracking system during the next monitoring period to determine if pertinent information for TNI</p>	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	persons is entered and tracked in the ServiceNow tracking system and is linked with Guardian RFID, so that staff have immediate access to a person's preferred pronoun and preferred name via the person's profile within Guardian RFID.		
IV.A.E.	<p>The County shall permit individuals to update their Jail ID names if they have obtained a legal name change. The County shall permit individuals to seek legal name changes and to take appropriate steps to update legal documents.</p> <p>Recommendations: 1) Include brief related information into the OCSD orientation video/materials, 2) Relevant material must be incorporated into staff training.</p>	PI	PI
IV.A.F.	<p>The County shall permit transgender and intersex individuals to update the photo on their jail ID.</p> <p>Recommendations: 1)) Include brief related information into the OCSD orientation video/materials, 2) Relevant material must be incorporated into staff training.</p>	PI	PI
IV.A.G.	<p>A person's self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals.</p> <p>Recommendations: 1) C)) Include brief related information into the OCSD orientation video/materials, 2) Relevant material must be incorporated into staff training.</p>	PI	PI
IV.B.	TRANSGENDER AND INTERSEX INTAKE & CLASSIFICATION PROCEDURES		
IV.B.A.	<p>During intake and classification, Jail staff shall: 1) offer transgender or intersex individual to complete the OCSD Voluntary Gender Identity Disclosure and Search Preference Form, 2) Explain that the individual will not be punished if they choose not to provide such information, 3) Explain that staff shall use a person's stated pronoun and honorific and that the failure to do so may be grieved and reported, 4) Effectively communicate how gender identity impacts classification and housing placement determinations, 5) Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody), 6) Ensure that the above inquiries and information are communicated in a private setting.</p> <p>Recommendations: 1) OCSD Policy 7300 LGBTQI Inmates and/or OCSD CCOM Policy 1200 Inmate Classification and Population Management or other policy must address the six (6) items associated with this provision, 2) Modify CCOM Section 1200.10 Housing Assignments and Changes (or within Policy 7300 or other</p>	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	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, 3) Classification deputies must fully explain applicable classification and security options and ensure TNI individuals fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications, 4) 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. Provide the draft script for the Expert review and comment, 5) Ensure semi-annual TNI individuals' Classification reviews are being conducted.		
IV.B.B.	The County shall revise the Voluntary Gender Identity Disclosure and Search Preference Form. Recommendations: Once related training material (or overall LGBTQI training curriculum) is developed and finalized, OCSD must provide it to the Expert for review, comments, and recommendations.	AI	AI
IV.C.	LEAST RESTRICTIVE SETTING APPROPRIATE FOR LGBTQI POPULATION		
IV.C.A.	LGBTQI individuals and people whose appearance or manner does not conform to traditional gender expectations should not be placed in more restrictive custodial settings based solely on such identification or status or because they receive gender dysphoria treatment. Recommendations: 1) Classification deputies must ensure LGBTQI new arrivals have the pertinent information to make informed requests for their future housing and programming, 2) OCSD should continue efforts to create more opportunities for LGBTQI individuals in all units, especially those assigned to protective custody housing units where there is a lack of (or limited) access to in-person education classes, work assignments, out of cell time, outdoor recreation, etc., 3) Provide the draft Classification script to the Expert for review, once developed, 4) Future training material should include related information.	PI	PI
IV.C.B.	The County shall not house LGBTQI individuals in more restrictive housing than otherwise indicated because of their actual or perceived sexual orientation, gender expression, gender identity, or intersex status. Recommendations: 1) Upon completion of the draft revision of CCOM 1200 Classification, provide it to the Expert for review and comment, 2) Provide the draft Classification script to the Expert for review and comment, 3) With the new opening of the Musick facility	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	in mind, OCSD must ensure that LGBTQI minimum and medium-security level persons housed within the Orange County Jail system, including individuals classified as PC, are not denied access to the sorts of programs, services, and activities provided to individuals at the Musick facility, e.g., enhanced access to education and health services, 4) Future training material should include related information.		
IV.C.C.	<p>The County will establish a voluntary GBTQI Program Sector unit. The unit will provide expanded out-of-cell time (i.e., doors open during daytime hours), access to jobs in the sector, and enhanced programming activities.</p> <p>Recommendations: (Although rated as AI): 1) Provide draft revised Policy 1200 Classification (once completed) to the Expert for review and comment, 2) Provide an update whether there will be a formal written plan regarding future program modifications, or as to any discussion with DRC regarding such plans.</p>	AI	PI
IV.C.D.	<p>The County shall ensure that lesbian, transgender or 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.</p> <p>Recommendations: 1) LGBTQI coordinator or case manager meets with all self-identified LGBTQI persons housed in female housing units and provide related information (resource information, LGBTQI Coordinator contact information, and information regarding LGBTQI-approved reading materials), 3) Provide updates regarding internal staffing for Correctional Programs, 4) Provide updates regarding the plan to possibly have a designated Correctional Programs staff member serve as an assistant for the correspondent packet program, 5) Provide updates regarding the planned incarcerated person information surveys., 6) Provide updates regarding continued efforts to provide access to programs and consideration of possibly incorporating pertinent LGBTQI-related information into the electronic tablets.</p>	PI	PI
IV.C.E.	<p>The County shall not place LGBTQI individuals in LGBTQI-specific housing without the individual's consent to such housing.</p> <p>Recommendations: 1) Upon completion of the development of the draft Classification "script," provide it to the Expert for review and comments/recommendations, 3) Provide the draft CCOM Policy 1200 Classification for the Expert for review and comments/recommendations.</p>	PI	PI
IV.D	LGBTQI HOUSING/CLASSIFICATION REVIEW PROCEDURES		

PROVISION		CURRENT RATING	PRIOR RATING
IV.D.A.	<p>The County shall house LGBTQI persons 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.</p> <p>Recommendations: 1) Provide the draft revised CCOM Policy 1200 Classification, 2) Provide the draft classification "script," and 3) Provide any related draft training materials (once developed and finalized).</p>	PI	PI
IV.D.B.	<p>The County shall re-evaluate the classification, placement, and programming assignments of each transgender or intersex individual at least twice a year, including as part of any regular classification reviews.</p> <p>Recommendations: 1) Upon completion, provide the draft CCOM Policy 1200 Classification to the Expert for review and comments/recommendations; 2) Provide proof of practice documentation that semi-annual reviews for all TNI persons are occurring (or have at least commenced).</p>	NI	NI
IV.D.C.	<p>If an individual self-identifies as LGBTQI at any time after intake and states a preference to be assigned to a different housing placement, the County shall conduct a classification review and evaluate the individual's housing preference within 24 hours of receipt of a classification review form.</p> <p>Recommendations: 1) Provide an update (e.g., anticipated timeline) for uploading LGBTQI information into ServiceNow, as well as the anticipated timeline for the integration of ServiceNow and Guardian RFID. Otherwise, provide the necessary documents to enable the Expert to reconcile class review documents (time stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement and/or a log or spreadsheet with pertinent information.</p>	PI	PI
IV.D.D.	<p>If an individual requests housing reassignment based on LGBTQI status, the County shall develop and implement a safety plan for that individual pending review and any reassignment. The interim placement shall not be Special Management Unit, "Total Sep," or other restrictive housing or classification unless the individual requests such a placement for their own safety or unless serious, specific, and articulable security or management concerns require such placement.</p> <p>Recommendations: 1) Provide the draft revised OCSD CCOM Policy 1200 Classification, to the Expert for review and comments/recommendations. Note: Safety Plan (in accordance with</p>	NI	NI

PROVISION		CURRENT RATING	PRIOR RATING
	this RP Provision) information should be contained or provided separately.		
IV.D.E.	<p>If Jail staff identify serious, specific, and articulable security or management concerns regarding an LGBTQI individual in their housing placement, staff shall document the basis for their concerns, and the housing determination shall be referred for a classification review, consistent with the above procedures.</p> <p>Recommendations: Provide the draft revised CCOM Policy 1200 Classification to the Expert for review/recommendations.</p>	PI	PI
IV.E.	LGBTQI ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES		
IV.E.A.	<p>The County shall ensure that all LGBTQI persons are informed of and have equal access to programs, services, and activities available to similarly situated individuals, consistent with their health and security needs and classification level.</p> <p>Recommendations: 1) Provide an update relative to communications with the tablet vendor regarding slight re-organization of the LGBTQI coordinator contact information on the tablet (currently embedded within the LGBTQIA+ Community Resource pamphlet) to make it easier for the reader to locate, 2) Continue to provide updates as to outside community organizations providing services to the WJ and IRC-IW facilities.</p>	PI	PI
IV.E.B.	<p>The County shall offer regular in-custody programs and support groups specifically serving the needs of LGBTQI individuals.</p> <p>Recommendations: 1) Provide an update as to OCSD's discussions with the vendor regarding whether any LGBTQI-related programming is available for inclusion on the tablets, 2) Provide updates as to outside organizations classes/programs to be scheduled for WJ and IRC-IW.</p>	PI	PI
IV.E.C.	<p>The County, with input from DRC, shall identify and procure LGBTQI community resource information and disseminate such information to incarcerated LGBTQI individuals.</p> <p>Recommendations (Although rated as AI): 1) Provide proof that the appropriate sectors/housing units at TLFM IRC-IW, and CWJ have the LGBTQI community resource information posted, 2) Provide an update as to OCSD communications with the tablet vendor to restructure the LGBTQI information, including the more easily identify the LGBTQI coordinator contact information for related questions or concerns.</p>	AI	PI
IV.E.D.	The County shall identify, procure, and make accessible LGBTQI reading materials to LGBTQI individuals.	AI	AI

PROVISION		CURRENT RATING	PRIOR RATING
	No Recommendations. However, please see the Expert's note within the provision (below the rating).		
IV.E.E.	Transgender and intersex individuals shall be given an opportunity to shower separately from others – i.e., at a separate time and/or with appropriate physical separation. Transgender and intersex individuals shall be permitted to use showers with privacy screens. No Recommendations. However, please see the Expert's note within the provision (below the rating).	AI	AI
IV.E.F.	The County shall, in consultation with DRC, facilitate transgender and intersex individuals to access gender-affirming commissary items, hygiene products, and beauty products. The County shall provide transgender and intersex individuals additional allowances of personal hygiene products (i.e., razors) to alleviate the negative mental health impact of body hair for some individuals, consistent with jail safety and security. Recommendations: 1) Provide an update regarding the pending meeting relative to finalizing CHS Policy 6206 / Upon completion, provide the updated draft HCA Policy 6206 to the Expert for review and comments/recommendations, 2) Once drafted, provide the CHS procedures regarding a prescription hair removal product(s) for individuals meeting clinical appropriateness, 3) To the extent it may already exist, or if such documentation would not be deemed as a workload concern, provide sample proof of practice documentation of 2-for-2 razor exchange for transgender females, for the next monitoring period.	PI	PI
IV.E.G.	The County shall provide gender-affirming clothing.	AI	PI
IV.E.H	The County shall ensure that rules on contact and affection during visiting are the same for LGBTQI and non-LGBTQI individuals, including in-person visitation and approved contact visits.	AI	PI
IV.F.	SEARCHES		
IV.F.A.	Policy (Searches) pertaining to TNI persons.	AI	PI
IV.G.	MEDICAL AND MENTAL HEALTH CARE		
IV.G.A.	The County's standards of care for transgender and gender-variant individuals shall reflect community-based standards of care, including relevant UCSF guidelines and World Professional Association for Transgender Health (WPATH) Standards of Care.	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	Recommendations: 1) Provide the new curriculum (once approved through the OC review process) to the Expert for review, 2) CHS must provide an update regarding having a checklist (guidance form) of another source to accurately depict the various types of information and education that healthcare professionals provide to TNI patients.		
IV.G.B.	The County's standards of care and practice shall ensure that documentation or evidence of prior gender-affirming care is not a prerequisite to receiving gender-affirming care while in jail custody. Recommendations: Provide an update as to the WPATH poster and/or materials to be considered for placement into a person's community resource materials (for transgender persons).	PI	PI
IV.G.C.	The County shall ensure that medical and mental health staff have specific knowledge of and training on gender dysphoria and the treatment thereof, including as to the WPATH Standards of Care. Recommendations: For the next monitoring period, provide proof of practice that CHS staff are receiving the training, as required.	PI	PI
IV.G.D.	The County shall ensure that a qualified medical professional and a qualified mental health professional coordinate to evaluate, diagnose, and treat patients for gender dysphoria. Recommendations: Provide a list of individuals referred to UCI (if applicable).	PI	PI
IV.G.E.	The County shall give transgender and intersex patients uninterrupted access to clinically indicated hormone therapy based upon an individualized assessment of the patient's medical needs in accordance with community-based standards of care.	MS	MS
IV.G.F.	Sex reassignment surgery should be considered on a case-by-case basis and provided when determined to be medically necessary for a patient. Recommendations: P 1) Upon completion, provide draft CHS Policy 6206 to the Expert review and comments/recommendations.	PI	PI
IV.G.G.	The County shall prohibit psychotherapy such as "reparative" or "conversion" therapy or attempts to alter gender identity.	MS	MS
IV.H.	LGBTQI TRAINING FOR STAFF		
IV.H.A.	The County shall provide at least biennial live/real-time training to staff and contractors, including anyone who has contact with LGBTQI individuals in custody, on LGBTQI policy, procedures, and legal requirements. Recommendations: 1) Provide the OCSO draft training curriculum to the Expert for review and comments/recommendations, 2) Provide ongoing proof of practice (e.g., proof of CHS [and other staff] attendance) for the monitoring period, 3) Provide the CHS refresher	PI	UR

PROVISION		CURRENT RATING	PRIOR RATING
	course material (or clarification [if applicable] as to which CHS training material is the refresher course).		
IV.H.B.	<p>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.</p> <p>Recommendations: 1) Provide the OCSD draft training curriculum (including refresher training material) to the Expert for review and comments/recommendations, 2) Provide the CHS refresher course material (or clarification [if applicable] as to which CHS training material is the refresher course), 3) Provide ongoing proof of practice (e.g., proof of CHS [and other staff] attendance) for the monitoring period, for the refresher course. Or provide the information once it becomes time for CHS staff to begin attending the refresher training.</p>	UR	UR
IV.H.C.	<p>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.</p> <p>Recommendations: 1) Provide the OCSD draft training curriculum (including refresher training material) to the Expert for review and comments/recommendations.</p>	PI	UR

IV. Findings

A. LGBTQI Non-discrimination Policy, Staff Accountability

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

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

The most recent OCSD Action Plan for this provision, states, "Policy 7300 was finalized and implemented following the last monitoring tour in August."

After comments and feedback from the Expert and DRC, OCSD implemented Policy 7300 LGBTQI Inmates (effective October 25, 2024). The policy includes sections pertaining to general definitions; staff accountability; voluntary gender identity disclosure and search preference form; updating jail identification name and photograph; LGBTQI housing and classification; programs and services; searches of transgender, non-binary or intersex (TNI) persons; tracking complaints; and training of employees, volunteers, and contractors. The policy also makes references to OCSD Policy Manual (Lexipol) Section 307 Hate Crimes, Section 402 Bias-Free Policing, Section 328 Prohibition on Harassment and Discrimination, CCOM Section 1200 Inmate Classification and Population Management, CCOM Section 2000 Inmate Services and Programs, CCOM Section 1710.2 Search Process, Section 1600.5 Inmate Grievances, and CCOM Section 2900 PREA.

As was indicated in the previous OCSD Action Plan and verbally reaffirmed by OCSD management and PMU staff during the on-site review, OCSD is currently revising CCOM Policy 1200 Classification to address the RP requirements for housing and classification of LGBTQI persons. The draft policy has been shared with the DRC and will be shared with the Expert for review and comment.

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

Regarding staff accountability, OCSD provided OCSD Policy 347 Disciplinary Policy (copyright date July 5, 2024) which contains sub-sections 347.1 - 347.5, pertaining to Discipline Defined, Types of Disciplinary Action, Authority to Discipline, Emergency Suspension from Duty, Investigation of Complaints, Post Investigation Procedures, Responsibilities of Sheriff or Sheriff's Office, and Resignation or Retirement Prior To Discipline.

OCSD contends the existing policies as named above, satisfy this provision.

Custody and non-custody staff interviewed (e.g., from Inmate Services, housing units and PMU staff, and CHS healthcare) continue to convey they treat all individuals (including LGBTQI) respectfully, are professional, and do not discriminate against them. Staff indicated they refer to all persons by their last names and/or preferred pronouns. Housing deputies interviewed acknowledged the J-119 Mod Cards include key information as input by classification deputies, such as preferred names and pronouns, and gender search preference information. Housing staff stated they also use or have used an individual's preferred pronouns when addressing transgender persons. The Expert observed a TLF housing deputy log into the SDS for mod card information, including for LGBTQI and transgender-related information.

All 30 persons interviewed stated that housing deputies and non-custody staff treat them respectfully. LGBTQI persons interviewed stated that custody and non-custody personnel treat them respectfully and fairly, and they didn't express concerns on this topic. Approximately 23 of the 30 (about 77 percent) of the persons interviewed stated intake/booking staff are respectful and professional. Though the Expert was not able to confirm or refute the claims, about seven (7) of the 30 individuals (about 23 percent) indicated at least some of the intake/booking custody staff were disrespectful. Some indicated general disrespect by intake staff, but not necessarily discriminatory behavior, or anything specific to their sexual orientation or identification. However, there were a few claims that were specific to discrimination and/or homophobic slurs. These claims have been reported to OCSD for follow-up. As was reported in the Expert's Fifth report, this issue appears to be improving. OCSD maintains they take all allegations seriously, follow up, and keep the Experts and DRC apprised of investigations into allegations that have been submitted.

Although this requirement has been rated as adequately implemented, the Expert has the following recommendations:

- Once developed, the training curriculum must include relative Policy 7300 information for OCSD staff.
- Provide revised CCOM Policy Classification (and script) to the Expert for review and comment once the draft revision is completed.

Adequately 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 housing placement, property, privileges, or health/mental health care. Such tracking will be used for continuous quality improvement purposes.*
- 2. 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.

3. *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.*
4. *The County shall track and analyze for quality improvement purposes the final dispositions of LGBTQI-related complaints, including staff accountability/discipline outcomes.*

The most recent OCSD Action Plan for this provision, states, “Policy 7300 was finalized and implemented following the last monitoring tour in August. County Counsel will prepare a summary of OCSD’s current policies and procedures for staff accountability. We have the current policies and procedures to satisfy the requirements of the Remedial Plan.” The Expert notes the previous OCSD Action Plan (from the August 2024 on-site tour) indicated that “related training will be developed and provided to DRC and Sabot for review.”

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

As noted in the Expert’s Fifth Report, the Expert provided related comments/recommendations for the draft OCSD CCOM Policy 7300 LGBTQI Inmates. Specifically, comments/recommendations were made within Section 7300.2 Staff Accountability. Some of the questions/concerns in the policy pertained to confidential logs, supervisor/manager responsibilities once apprised of alleged discrimination/harassment, supervisor/manager next steps, and Section 7300.7 (of the Policy) appearing to only apply to the grievance process. After a review of OCSD’s completed/implemented version of the policy, these concerns have not yet been addressed.

During the recent on-site tour, the OCSD management team raised concerns related to the Public Safety Officers Procedural Bill of Rights Act (POBR) specifically, about providing certain information and specific custody staff identifiers for monitoring purposes in providing a logging mechanism of allegations and investigations of alleged violations of the RP. The parties must confer on a process that can be put in place to satisfy the RP requirements and not violate the POBR.

OCSD indicated that none of the allegations from the prior reporting period were substantiated. Specifically, five (5) of the six (6) were not substantiated, and one (1) was deemed unfounded. The Expert continues to acknowledge and appreciates the efforts OCSD had made in following up on previous complaints or allegations that have been made by LGBTQI persons. The Expert also provided several new complaints (from the recent February 2025 tour) as voiced during the on-site individual interviews. OCSD reports that all four (4) complaints have been thoroughly investigated and found to be not sustained.

The Expert still has concerns that OCSD is not using (or has not provided) a specific accountability log/tracking element pertaining to staff violations of LGBTQI policies/rights/RP provisions. Again, the Expert understands the concern with POBR. As has been previously reported, a comprehensive accountability plan should feasibly include a mechanism to track related discrimination complaints, investigations/inquiries, progressive discipline, and ultimate dispositions/outcomes; and to provide related management quality improvement reviews, including data review information which may help to identify any negative trends showing staff violating or otherwise not following requirements of the RP provisions.

OCSD has not provided any anticipated timelines for sufficient tracking/logging information implementation (or at least in terms of the information being shared with the Expert, including as part of document production).

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

OCSD previously provided Personnel Complaint Procedure (Policy 1020). The policy addresses management, supervisory, and/or the Internal Affairs Bureau responsibilities and processes, including "collection, processing, and preservation of complaints to ensure proper attention is given to an incident." This includes the "Administrative Investigation of Complaint" process as well as documentation protocols within the Commendation/Complaint Reporting System (CCRS) and the "Sheriff's Intranet" related to personnel complaints, whether regarding an agency service or for personnel misconduct or job performance allegations. It is noted that Policy 1020 pertains to complaints from the public and does not specifically pertain to the grievance process or complaints levied by incarcerated persons. During subsequent tours, the Expert will be requesting related non-confidential status information (e.g., tracking information from the CCRS system for the status of any LGBTQI-related complaints [if applicable]) for the respective rating/monitoring period. But as stated above, with POBR in mind, the Expert understands OCSD's concerns with sharing logs with the Expert and DRC containing specific staff identifiers.

Without having seen a staff accountability tracking log for claims/allegations of RP violations by staff, it is unclear as to what information is being logged, tracked, investigated, and appropriate disposition administered (as applicable). Policy 1020 pertains to complaints from the community, but there has been no OCSD acknowledgment of whether any such complaints have been received and followed up on. The Expert acknowledges that OCSD has been following up on related complaints as provided by the Expert and DRC. OCSD responds to grievances submitted by individuals (as outlined below), but it is unclear whether they are deemed by the County to rise to the level of investigating and logging for staff accountability purposes. It is further unclear whether related claims from third parties within OCJ (e.g., from other staff members or non-involved persons) are being logged and followed up on).

As part of document production, OCSD provided a blank example copy of an OCSD Performance Note. The form states: "The Performance note is to be used to document

interim supervisory observations about employee performance during a given rating period. Entries in the note comprise a record of incidents/events, examples of specific performance, discussions with career development, or counseling sessions. None of the entries constitute formal commendations or discipline, nor are they a substitute for formal commendations or discipline when appropriate.” Note: this appears to be sort of an informal counseling type record for OCSD employees that can be used to track and monitor work performance. However, it is unknown whether any related documentation has been made on any OCSD employees, and/or whether any related information/documentation was used to further monitor an employee’s work performance as related to the RP provisions.

The County provided an OCSD internal memo (no date) titled, Personnel Complaints. Although the memo doesn’t refer to the RP or LGBTQI persons specifically, it introduces (or reiterates) the OCSD Personnel Complaint Form and process. The memo addresses the great importance of community relationships and encourages everyone to express their opinions regarding performance, professionalism, and conduct to their employees. The memo addresses the form, and that it can be accepted in writing or in person, who will investigate such complaints (i.e., Division Commander or Internal Investigations Unit), what may happen to the named departmental employees, and that the staff complainant will be notified in writing within 30 days of case disposition. Note: This information is helpful. However, it is unknown whether any such complaints have been made as related to staff actions related to LGBTQI persons and the RP provisions.

OCSD provided CCOM 1600.5 Inmate Grievance Procedure (revised July 15, 2024) for review. The policy covers many topics, including purpose, allowable grievances, initiating a grievance, supervisor responsibilities, grievance resolution, grievances requiring special handling (including allegations of staff misconduct), and protection from retaliation.

OCSD provided a Word version document (1 ½ pages) titled, “Staff Accountability.” The document includes sections titled: inmate grievances, grievance appeals, Commendation and Complaint System (CCRS), performance notes, and internal affairs bureau (including internal affairs investigations). The information is also helpful for the Expert. However, it is unknown whether any such grievance complaints as related to LGBTQI persons, and the RP provisions have risen to the level of logging and tracking for staff accountability purposes.

CHS provided a spreadsheet titled, “LGBTQI+ Personnel Accountability Log.” The log contained four (4) entries for allegations and investigations involving LGBTQIA staff misconduct during the rating period involving two (2) LGBTQI persons (one [1] individual had three [3] entries). All four (4) complaints were forwarded to the CCN supervisor or medical director for review and investigation. Action was taken for all four (4) cases. The Expert excluded investigations that only involved staff and other administrative complaints and investigations.

The Expert reviewed the grievances from 13 different LGBTQI persons (some included multiple grievances) that were provided as part of document review, many of which were submitted and resolved during the previous reporting period, that contained various allegations or complaints. The grievances were not all submitted during the monitoring period, but rather, were submitted or reviewed during this time. General concerns or allegations included, requests for HRT, requests to see Classification staff, written responses to message requests, staff complaints / misconduct, requests for Pride program housing and placement, reclassification for Pride program consideration, and LGBTQI discrimination:

- Individual #1
 - JI# 24xxxx-xx90/JI# TL 24xxxx-xx83/JI# 24xxxx-xx64/JI# 24xxxx-xx45 /JI# 24xxxx-xx47/JI# 24xxxx-xx37
- Individual #2
 - JI# 24xxxx-xx71/JI# 24xxxx-xx53/JI# 24xxxx-xx20/JI# 24xxxx-xx39
- Individual #3
 - JI# 24xxxx-xxx56
- Individual #4
 - JI# 24xxxx-xx88
- Individual #5
 - JI# 24xxxx-xx54
- Individual #6
 - JI# 24xxxx-xx73
- Individual #7
 - JI# 24xxxx-xx38
- Individual #8
 - JI# TL 24xxxx-xx56
- Individual #9
 - JI# TL 24xxxx-xx38
- Individual #10
 - JI# TL 24xxxx-xx03
- Individual #11
 - JI# TL 24xxxx-xx61
- Individual #12
 - JI# TL 24xxxx-xx14
- Individual #13
 - JI# TL 24xxxx-xx77

The Expert has the following recommendations:

- With POBR and the concern of utilizing specific staff identifiers in mind, provide an update regarding how OCSD will log all allegations and investigations of RP violations to demonstrate that all claims against custody personnel are appropriately followed up on.
 - OCSD has not provided any anticipated timelines for sufficient tracking/logging information implementation (or at least in terms of the

information being shared with the Experts and DRC, including as part of document production). In the future, OCSD must provide examples of draft tracking form(s) that will be used to track related complaints, a copy of any draft plan and/or draft forms that outline management or quality assurance reviews, and draft plans of action to be used for applicable cases.

- OCSD will need to update Policy 7300 LGBTQI Inmates, Section 7300.2 Staff Accountability, and/or other accountability-related policy(ies) once the tracking/logging issue has been resolved.
- Once developed, training curriculum must include relative Policy 7300 information for OCSD staff, including key elements of the staff accountability process.
- OCSD must provide clarity as to how, or whether allegations of staff misconduct or violations of the RP provisions are being logged and tracked through the investigation process as pertaining to Policy 1020 (complaints from the community), grievances, claims from third parties within OCJ, or through OCSD's Personnel Complaint process.

Partially Implemented (Previous Rating – Partially Implemented)

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

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

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

In the most recent OCSD Action Plan for this provision, the County indicated that Policy 7300 was finalized and implemented following the last monitoring tour in August. Training material content will include confidentiality and nondisclosure-related information.

The new Policy 7300 LGBTQI, Section 7300.2 Staff Accountability, requires that under no circumstances shall staff disclose to non-involved persons, an individual's LGBTQI status. As with other policies, a need-to-know basis should guide decisions about disclosure. Section 7300.8 Training of Employees, Volunteers, and Contractors requires that staff training shall include basic information about gender identity, sexual orientation, gender expression, and privacy rights.

During the LGBTQI interviews, there were multiple related complaints voiced related to the IRC area. OCSD management and staff counsel have indicated the verbal complaints will be examined. Note: OCSD investigated previous complaints made during the previous monitoring tour (Expert's Fifth tour), but none of the allegations were sustained. The Expert notes that overall, the claims of staff disclosing an individual's LGBTQIA+ identity (or "outing" them) in the presence of other incarcerated individuals continue to

decrease. The Expert acknowledges and appreciates that OCSD takes such allegations seriously, investigates the matters, and apprises the Expert and DRC as to the outcome.

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

Although this requirement has been rated as adequately implemented, the Expert has the following recommendation:

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

Adequately Implemented (Previous Rating - Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented following the last monitoring tour in August. Training material content will include this provision of the Remedial Plan. OCSD will provide the opportunity for Sabot and DRC to review, comment and make recommendations for the LGBTQI component of electronic tracking. The plan was for individual’s information to be entered into SOMA, and SOMA be linked with Guardian RFID. The person’s identification card could then be scanned by the deputy and the preferred pronoun and preferred name would show as part of the person’s profile in Guardian RFID. During the Entrance Meeting for the Expert’s sixth visit, OCSD provided notice that it was switching from SOMA to ServiceNow due to SOMA’s inability to make progress in developing its system. OCSD has since indicated that due to the switch from SOMA to ServiceNow, this linkage to Guardian RFID is anticipated to take place sometime in August 2025.

Policy 7300, Section 7300.2 Staff Accountability, requires that “staff, contractors, and volunteers shall use an inmate’s stated pronoun appropriately and/or the inmate’s preferred name if the inmate is addressed by a pronoun or first name; otherwise, the inmate shall be addressed by their legal last name.” Section 7300.8 Training of Employees, Volunteers, and Contractors, requires that training shall consist of “How to communicate effectively and professionally with inmates, including LGBTQI, or gender non-conforming inmates,” and “Basic information about gender identity, sexual orientation, gender expression, and privacy rights.”

As outlined in Section IV.A.A., one of the housing deputies interviewed stated the J-119s/Mod cards include information such as preferred pronouns, gender identity information, and search preference information. As also detailed in the section, the Expert confirmed the information by examining randomly selected J-119 Mod Cards.

As the Expert identified in an earlier report (Expert's Fourth Round LGBTQI Report), OCSD Policy 375 Transgender Policy (Sections 375.3 and 375.4) contains some related language requirements for staff to follow.

Custody and non-custody staff interviewed maintain that they refer to all TNI persons either by their preferred names and pronouns or by their respective last names. As also identified in Section IV.A.A., with the exception of several individual complaints about some intake/booking staff, all of the 30 persons interviewed indicated staff is professional, honor their preferred pronouns or otherwise they use last names, and there are no specific concerns as related to this RP Provision.

As indicated above, once the pertinent information for TNI persons is entered into the ServiceNow tracking system, it will be linked with Guardian RFID, so that staff have immediate access to a person's preferred pronoun and preferred name via the person's profile within Guardian RFID.

There are no current recommendations:

Note: there are no specific recommendations at this time, but the Expert will monitor the new ServiceNow tracking system with linkage to Guardian RFID during the next scheduled monitoring tour.

Partially Implemented (Previous Rating - Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented on October 25, 2024. Training material content will include this provision of the Remedial Plan."

Policy 7300 LGBTQI Inmates, Section 7300.4 Updating Jail ID Name and Photograph, contains language requiring staff to permit TNI persons (sentenced or unsentenced) to update their photographs on their jail ID. It also contains language relative to the psychological distress that can occur and that a dissimilar photo to "out" someone. Language also addresses the requirement for staff to permit individuals to update their Jail ID names if they have obtained a legal name change and to allow them to update legal documents. Language also addresses their ability to seek legal a name change, and a requirement for staff to respect an individual's gender identity, even if the person does not have a government-issued identification that reflects their affirmed sex, gender identity, or preferred name.

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 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 card 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 interviews, the Expert presumed this was not an issue that arose during the current monitoring review period, which has since been confirmed by OCSD.

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

It is unclear whether TNI persons are aware of the new Policy 7300, and as to their rights addressed in the policy, including section 7300.4, as discussed above. It is unclear as to what date the policy became effective, as there is no date on the written policy. The Expert noted that Policy 7300 was posted in one particular sector, but not in other sectors. It is unclear whether the policy is posted in the CJX WJ, or at any other facilities.

The Expert has the following recommendations:

- Include brief related information in the OCSD incarcerated person orientation video/materials.
- Relevant material must be incorporated into staff training.

Partially Implemented (Previous Rating - Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented following the previous tour, on October 25, 2024. Training material content will include this provision of the Remedial Plan."

See Section E. (above) for relevant Policy 7300 language.

Since the inception of monitoring, OCSD has not produced any completed records, forms, or documentation for TNI 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 TNI persons may request to have their photo updated for their identification card if they feel the need to do so.

There have not been any concerns or information related to this RP Provision provided to the Expert during the staff and incarcerated person interviews during the past three (3) 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:

- Include brief related information in the OCSD orientation video/materials.
- Relevant material must be incorporated into staff training.

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

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented following the last tour, on October 25, 2024. Training material content will include this provision of the Remedial Plan."

See Section E. (above) for related Policy 7300 language. Additionally, Policy 7300, Section 7300.3 Voluntary Gender Identity Disclosure and Search Preference Form, also states in part, "The absence of a completed Voluntary Gender Identity Disclosure and Search Preference Form shall not constitute evidence to justify staff not respecting the inmate's known gender identity."

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

As was the case during the Expert's previous five (5) monitoring reviews (including staff interviews), staff contend that they respect and protect individuals who self-identify as LGBTQI. Housing unit staff indicated they honor an individual'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. Some staff indicated they refer to all persons by their last names and/or preferred pronouns.

With the exception of several complaints toward intake deputies (to which OCSD is examining) there were no related complaints (for misgendering) for the current monitoring period.

The Expert has the following recommendations:

- Include brief related information in the OCSD orientation video/materials.
- Relevant material must be incorporated into staff training.

Partially Implemented (Previous Rating - Partially Implemented)

B. Transgender and Intersex Intake & Classification Procedures

A. During intake and classification, Jail staff shall:

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot.

OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input.”

Policy 7300 LGBTQI Inmates includes language that satisfies some of the requirements of this provision. Section 7300.2 Accountability addresses bullet number three (3) of this provision (above), except for language regarding the right to file a grievance; Section 7300.3 Voluntary Gender Identity Disclosure and Search Preference Form, addresses bullets number one (1) and two (2). Regarding LGBTQI Housing and Classification, Policy 7300 simply makes general reference to CCOM Section 1200 Inmate Classification and Population Management. CCOM Section 1201.1 c), partially addresses bullet number six (6), in that “Classification staff shall conduct Classification interviews in areas away from other inmates so that the information is kept confidential, and to promote candid interviews with staff.” However, this language is not specific to the bullet numbers associated with this provision (above), including bullet numbers four (4) and five (5), which are not addressed in either Policy 7300 or CCOM 1200. CCOM 1201.2 c) provides information regarding the requirement of Classification staff to inform LGBTQI persons as to housing options, including general population (GP), Protective Custody (PC) Mainline, PC LGBTQI housing, and GBTQI (Pride Program). However, this language does not specifically address the requirement to effectively communicate how gender identity impacts classification and housing placement determinations, as required per bullet number four (4) of this provision.

The Expert notes that the OCSD Voluntary Gender Identity Disclosure and Search Preference Form captures item numbers 1, 2, and 3 of this provision.

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

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

OCSD provided approximately 70 completed/signed OCSD Voluntary Gender Identity Disclosure and Search Preference Forms. Some were dated outside of the current monitoring period, but in total, about 67 of the 70 were the current revision (Revised November 20, 2023) and were completed and signed. Two (2) were an old form (forms not dated); one (1) was completed and signed on December 9, 2024, and one (1) was prior to the document production period. One (1) form was the November 9, 2023, version.

The Expert reviewed 20 randomly selected completed OCSD Specialty Housing Requests from Classification deputies. The Expert notes the LGBTQI information continues to greatly improve, with great consistency in covering the key areas, e.g., safety concerns, self-identification (whether LGBTQI, or TNI individuals), housing preference, preferred

pronouns and honorific, and Voluntary Gender Identification Disclosure and Search Preference Form, consideration of individual housing placement requests. There was mention in multiple cases as to computer records of gender identification and search preferences, within the respective individual's past profile. There was a case where gender-congruent housing was discussed, but the individual requested (and was granted) housing in accordance with her sex assigned at birth. For most cases where there were GP safety concerns voiced by the individuals, PC mainline or PC LGBTQI housing was offered. In most cases, the LGBTQI persons opted for the latter. However, LGBTQIA persons have requested and been housed in PC mainline housing. There were a couple of cases for transgender persons that reflected that J-119s containing key information (e.g., preferred pronouns and honorific, and search preferences) were printed and attached for housing unit staff.

The Classification process still does not include Classification staff explaining the differences between PC versus GP (e.g., for programming access/opportunities, possible long-term effects of PC). As stated in this section (above), OCSD is reportedly developing a script for Classification to follow during all Classification encounters with TNI persons.

The Expert is confident that the Classification Script being developed will include all the required information identified in this provision.

There was no evidence to support that semi-annual LGBTQI reviews are being conducted.

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.

All of the individuals interviewed who arrived during the monitoring tour period were asked whether Classification staff discussed the jail dynamics associated with PC versus GP, e.g., comparing and contrasting PC versus GP, how gender identity impacts classification and programming, how PC status affects (or may affect) out-of-cell time, programming, access to education and self-help groups, access to work assignments, discussing/explaining gender congruent housing (including how to ask for such), and that it's highly likely that once an individual is classified as PC it is extremely difficult to change to GP, and thus an individual, is most likely going to remain on PC status for any future incarcerations in jail or prison [if applicable]). All persons interviewed indicated this type of information was not discussed.

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

1. OCSD Policy 7300 LGBTQI Inmates and/or OCSD CCOM Policy 1200 Inmate Classification and Population Management or other policy must address the six (6) items associated with this provision.
 - Note: The OCSD Voluntary Gender Identity Disclosure and Search Preference Form captures item numbers 1, 2, and 3 of this provision, but it

is recommended that Policy (whether CCOM 7300 and/or CCOM 1200, or other policy) address the requirements.

- Note: Policy 7300 and CCOM 1200 address portions of bullet numbers 3 and 6 but do not address bullet numbers 4 or 5.
2. As related to bullets A.4 and A.5, modify CCOM Section 1200.10 Housing Assignments and Changes (or within Policy 7300 or other policy) to clarify that the policy and jail practices regarding addressing housing for gender non-conforming and non-binary persons also include individuals who identify as transgender.
 3. Classification deputies must fully explain applicable classification and security options and ensure LGBTQI persons fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications. Classification deputies should explain or discuss the below factors for LGBTQI+ people:
 - The meaning of PC at OC Jails in the short- and long-term; how PC classification impacts programming, out-of-cell time, work assignments, etc.; and how PC classification may impact housing in other prisons and jails.
 - How gender identity impacts (or may impact) housing and programming.
 - Gender-congruent housing availability and process (transgender).
 - Indicate an individual's right or ability to talk to a deputy and be referred-back to Classification in the event they felt the need to be rehoused or considered for such.
 - Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody).
 4. 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. Provide the draft script for the Expert review and comment.
 5. Ensure semi-annual TNI persons' Classification reviews are being conducted.

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.*

As described in greater detail in Section IV. B.A. (above), as part of document production, the County provided approximately 70 completed examples of the Voluntary Gender Identity Disclosure and Search Preference Forms. About 67 of the 70 were the November 20, 2023, revised version. The revised form captures the RP requirements for this provision.

Adequately Implemented (Previous Rating - Adequately Implemented)

C. Least Restrictive Setting Appropriate for LGBTQI Population

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input. In-person classes are available in Pride.”

Policy 7300 LGBTQI Inmates does not address this provision but refers the reader to CCOM Section 1200, Inmate Classification and Population Management, and CCOM Section 2000, Inmate Services and Programs.

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 the requested placement into the Pride Program, with a reference to CCOM Section 1204.5(b).

As stated earlier in this report, Classification deputies still do not inform LGBTQI persons as to the jail dynamics associated with them being classified as GP versus PC and being housed as such. OCSD has acknowledged there is no formal process in place yet, but a script is being developed, and the requirement will be incorporated into staff training.

Classification staff continue to indicate they house LGBTQI persons 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. However, the Expert continues to note that housing in PC or LGBTQI PC generally results in reduced or somewhat limited out-of-cell and programming opportunities.

A recurring concern (as confirmed through current and past LGBTQI interviews) is that multiple LGBTQI persons did not understand how PC classification would impact their access to programming, work assignments, and out-of-cell activities. As stated earlier, LGBTQI persons continue to report (in the Expert interviews) 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). Individuals continue to report there was no explanation as to any differences between programming in PC versus GBTQ-PC 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 persons indicated they were satisfied with their housing placement.

Classification personnel must ensure LGBTQI persons at intake/classification are made aware of the jail dynamics associated with being classified as GP versus PC (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.

During the on-site tour, there were 152 LGBTQI persons housed at OCJ. Specifically, there were:

- 94 at TLF
- 31 at CMJ
- 15 at IRC
- 12 at CWJ.

Approximately 82 percent (124 of the 152) of the LGBTQI persons housed at the OCJ facilities were housed in PC for various reasons.

As stated in prior reports, in requesting housing placement, LGBTQI persons should not have to choose (if they have a choice about PC) between their own safety versus equal access to programs, services, and activities that non-LGBTQI and/or non-PC 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 the LGBTQI population (whether assigned to the GP or PC housing) to comply with equal access requirements under the RP and anti-discrimination laws. The Expert recognizes the County's position that individuals are classified as PC for various reasons, including criminal history and conduct while in custody. The Expert also acknowledges that most of the LGBTQI persons 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 designation is extremely important.

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

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

- Classification deputies must ensure LGBTQI persons have the pertinent information to make informed requests for their future housing and programming during initial intake and classification and during subsequent classification decisions.
- OCSD should continue efforts to create more opportunities for LGBTQI persons in all units, especially those assigned to protective custody housing units where there is a lack of (or limited) access to in-person education classes, work assignments, out-of-cell time, outdoor recreation, etc.
- Provide the draft Classification script to the Expert for review, once developed.
- Future training material should include related information.

Partially Implemented (Previous Rating - Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input.”

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

Based on a review of 20 randomly selected OCSD Specialty Housing Requests, once again, the Classification deputies appear to be housing LGBTQI persons in accordance with their classification level and factors and consider an individual’s request/preferred housing and do 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 of explaining all housing options to LGBTQI new arrivals. Of the 20 cases reviewed, the Classification sergeant approved all the Classification deputy’s housing recommendations. In nearly every case, the

individual's request for LGBTQI housing was granted, whether for the Pride program or other LGBTQI housing.

A positive trend has been that, at least for some of the housing units, the number of yard/dayroom groups have decreased, and the number of individuals per group has slightly increased (in accordance with some of the persons interviewed), thus allowing for more out-of-cell opportunities for individual's (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:
 - Tank/dayroom from 0600-2300 hours (multiple).
 - Dayroom three (3) times daily.
 - Daily for three (3) hours (multiple).
 - Daily 4-5 hours each.
 - Three (3) hours daily (sometimes less because of medications, lockdowns, and movement).
 - Offered once daily for two (2) hours, but it should be for three (3) hours.
 - Average 2-3 hours daily, but it's supposed to be 3-4 hours daily.
- Outdoor Recreation/Yard:
 - No concrete yard, they only asked once, but they never let me out.
 - Roof top yard offered three (3) times monthly for 1-1.5 hours each (have hair clippers, nail clippers, basketball, and volleyball)
 - Roof top every four (4) days for 1-1.5 hours each (basketball, music, hair clippers, nail clippers)
 - No roof top opportunities. When we work, they mark you as refusing outdoor recreation.
 - Roof top once weekly, late at night because I work PMs, but recently started receiving yard on my day off.
 - Roof top three (3) times weekly, one (1) hour each.
 - Roof top yard once per week for two (2) hours, but I don't go because I don't want to be strip-searched.
 - Roof top twice in the last 11-12 days, but not the maximum time limit, which is good. Hair clippers are broken.
 - Roof top offered once weekly for 2-3 hours, but I choose not to go.
 - Concrete yard was offered three (3) times per week, but I chose not to go ("I don't want to be stuck out there for three hours").
 - Concrete yard once weekly for three (3) hours.
 - Concrete yard offered once weekly for three (3) hours each.
 - Concrete yard offered every other day for 1.5 – 3 hours each. Normally, we have to remain in the yard for the entire time.
 - Concrete yard is offered a couple of times each week for a couple of hours; it just depends on what is going on. Hair clippers are old, and the nail clippers don't work well.
 - Concrete yard every mid-week and every weekend.
 - Concrete yard offered twice weekly for 1-2 hours each.

- Green Sector yard is offered once weekly on either Friday or Saturday for 2 hours, but I choose not to go.
- Green Sector yard once per week on Fridays at 0830 hours, for two (2) hours.
- Concrete yard upon request (varies as long as it doesn't interfere with programs/classes).
- Concrete yard offered twice monthly for three (3) hours each.
- Was not offered concrete yard my first month here. I did go last week once, for 3-4 hours. It was the first time I was offered.
- Concrete yard offered 1-2 times weekly, for two (2) hours each.

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

The Expert is awaiting the OCSD draft "script" to review. This document will be for Classification deputies to follow to emphasize the requirement and importance of explaining all housing options to LGBTQI new arrivals. It will also be used to ensure LGBTQI persons fully understand the protective custody and general population classifications (and others as applicable) and the jail dynamics associated with those classifications.

While on-site, the Expert and DRC toured the new James A. Musick facility. Currently, Mods E and F are active, with about 100 persons housed at the facility. The facility is designed to house minimum and medium-security persons under a direct-supervision model with enhanced access to education and health services. The County has indicated that no PC persons will be housed at the facility, which means that the most of the LGBTQI population (most of whom are PC due to their LGBTQI status) will generally be excluded from that facility. It will be essential that the County ensure that this population is not denied access to the sorts of programs, services, and activities provided at the Musick facility. Staff indicated there have been GP LGBTQI persons housed at Musick. The facility has electronic tablets for use, and the vendor has a presence on site for any tablet concerns, e.g., logon/access or if anyone needs assistance of any kind.

The Expert has the following recommendations:

- Upon completion of the draft revision of the CCOM 1200 Classification, provide it to the Expert for review and comment.
- Provide the draft Classification script to the Expert for review and comment.
- With the opening of the Musick facility in mind, OCSD must ensure that LGBTQI minimum and medium-security level persons housed within the Orange County Jail system, including individuals classified as PC, are not denied access to the sorts of programs, services, and activities provided to individuals at the Musick facility, e.g., enhanced access to education and health services.
- 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.*

In the most recent OCSD Action Plan for this provision, the County provided the following language: "The following is OCSD's Action Plan for this item as stated in OCSD's and DRC's joint email to the Expert dated 12-12-24, OCSD believes it has adequately implemented the Remedial Plan provision to create the Pride Program. They confirm that it is no longer a Pilot program and will continue it indefinitely. DRC requested that the County formalize and document its current practices regarding participation in the program, which includes the following: OCSD permits any classification to request participation in the Pride program. If a person requests to participate in the Pride program and it's not PC3, classification/PMU evaluates whether reclassifying them to allow for Pride program placement is possible. If so, PMU will reclassify and then follow standard procedures for admitting them to Pride. DRC also asked the County to provide proof of practice for this important procedure, including providing data about this process to date – i.e., instances where PMU re-evaluated the classification of non-PC3s who requested to participate in Pride, and the outcome of those cases. OCSD has agreed to gather information and present it to the experts and DRC. At that point, the parties will then discuss whether there are any further appropriate program modifications to be made, including towards adequate inclusion of the target population (including transgender individuals) consistent with safety and other applicable considerations. The parties agree that when these steps are completed, (and barring any other consequential changes), the County will have adequately implemented this Remedial Plan provision, OCSD expects to have this documentation by the next monitoring tour."

The Expert acknowledges the agreement between OCSD and DRC regarding this provision. The County provided proof that PMU staff (along with the LGBTQI coordinator) has examined multiple cases for reclassification for consideration of classification adjustment from PC-2 to PC-3 for purposes of GBTQ (Pride) program consideration. Some cases were re-reviewed, classification was adjusted, and Pride program placement was granted. In some cases, individuals were found to not meet the criteria for PC-3 at the present time.

Policy 7300 LGBTQI Inmates, has been rolled out (effective October 25, 2024). The policy addresses numerous topics but does not specifically speak to the GBTQI (Pride) program.

CCOM Sections 1201.2(c), 1204.5, 1205.1, and 1205.2 all contain language relative to theGBTQI (Pride Program). OCSD has indicated that Policy 1200 is under revision.

TheGBTQI Pride Program generally houses 12 to 15 participants. Pride program staff continue to maintain that the desired numbers (LGBTQI persons) for maximum effectiveness in each Pride program unit is between 8-12 participants. At the time of the on-site review, there were 14 program participants.

The Expert interviewed two (2) staff members from Inmate Services regarding the Pride program and the LGBTQI program in general. Some of the information provided included the following:

- The LGBTQI coordinator continues to work closely with PMU and the OCSD administration in interviewing and helping to determine LGBTQI candidates for approval into the Pride program (Note: this is very encouraging). He reportedly used to work in the education sector for about 15 years, and he has been in this current position since June.
- A new Pride case manager was hired to assist the LGBTQI coordinator for the Pride program and LGBTQI in general (effective January 10, 2025).
- The Pride case manager serves three (3) sectors on a daily basis and sees two (2) other sectors every other day.
- Outside providers have some staffing issues.
- For Rancho Santiago, four (4) sectors have access to classes via packets only (no in-person classes).

The Expert interviewed a housing deputy who is familiar with the Pride program as well as other sectors that house LGBTQI persons. He provided the following information:

- J-119 information on (mod cards) is input by classification staff.
- The Expert observed the deputy log into the SDS for mod card information including LGBTQI and TNI information.

OCSD provided the current Pride Program Schedule:

Pride Program Schedule:

- Monday:
 - Afternoon
 - Improv Class – Once Monthly
 - Improv class teaches participants to embrace failure, be a better listener, live in the present, go with the flow and more.
 - Evening
 - AA Panel
 - Alcoholics Anonymous is a fellowship of people 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:
 - Morning

- Check-In (LGBTQI Coordinator/Case Manager)
 - A group discussion lead by OCSD Correctional Programs to discuss and review new updates on upcoming classes, current programming, rules, concerns, and the structure of the Pride Program.
 - RECLAIM (Outside organization)
 - Addresses experiences prevalent within the LGBTQI community related to substance abuse/use, mental health, and trauma.
 - Afternoon
 - Participant-led Workshops or Great Escape (Case Manager)
 - Offers an opportunity for participants to facilitate a class on an approved topic of their choice, fostering their public speaking skills using structured conversations, presentation development, curriculum design, and maintaining student engagement.
 - Great Escape utilizes the TCU curriculum, covering various life skills.
 - Evening
 - Leadership 1 (Rancho Santiago Community College District)
 - Introduces applied leadership and self-development skills. Information will be presented in an academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.
- Wednesday:
 - Morning
 - Individual Case Management (Case Manager)
 - One-on-one case management to assist with Pre-release planning that provides resources and referrals to a variety of community-based organizations and county agencies, including direct linkage to residential substance abuse treatment upon release, if needed.
 - Afternoon
 - Mindfulness/Yoga (Prison Yoga Project)
 - In-person yoga and mindfulness sessions guided by facilitators experienced in offering trauma-informed yoga and mindfulness practices.
 - Evening
 - Food Service Handler/Manager (Rancho Santiago)
 - This course prepares students for employment in commercial and institutional food kitchens. Includes terminology, responsibilities, responsibilities, and training when preparing, handling, and serving food to the public. Prepares the students for ServSafe Food Handling Certification.
- Thursday
 - Morning

- Art Therapy (The Phoenix)
 - Provides enrichment to participants in artistic creativity, expanding their imagination and healthy expression using different forms of aesthetic principles.
 - Afternoon
 - Restorative Practices Group (Case Manager)
 - A space that focuses on the rehabilitation of participants and 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.
 - Evening
 - 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
 - Accounting
 - Workforce Readiness
- Friday
 - Morning
 - Street Law/Life Skills (OC Public Defender's Office)
 - Help to understand the criminal court process, criminal law, our Constitution and addressing one's record. The class will also cover topics to help participants transition back to life out of custody.
 - Afternoon
 - Affirmative Therapy Process Group (OCHCA Clinician)
 - A space allowing LGBTQI-identifying participants to explore issues surrounding gender, relationships, and current events.
 - Evening
 - Leadership 2 (Rancho Santiago College)
 - Builds on learned applied leadership and self-development skills from Leadership 1. Information will be presented in an academic format, and students will be required to demonstrate mastery through participation in student-centered, hands-on activities.

As stated earlier in the report, the Expert interviewed (individually and confidentially) numerous persons in the Pride program. The Expert has not confirmed or refuted any of

the comments. Some of the comments provided by LGBTQI persons assigned (or previously assigned) to the Pride program include the following:

- Positives
 - Pride program helpful
 - Better or increased privileges
 - Pride worker
 - Unit staff are good
 - Deputies and CSAs are responsive
 - Detailed Pride program Orientation materials
 - LGBTQI coordinator is very knowledgeable and helpful
 - The case manager is very knowledgeable and helpful
 - Enjoy Pride classes/programs
 - Tablet and the amount of time allotted
 - LGBTQI books
 - LGBTQI community resource information
 - Open dayroom all day and evening
 - Previously received a discharge plan and community resource information upon being released
 - Green Sector yard
 - Concrete yard
 - The Pride participants all get along
 - Do receive our white copies of submitted grievances
 - Transgender females receive 2-for-2 razor exchange
 - Aware of information on the tablet (e.g., LGBTQI book list, and community resource information)
 - Have not had to use the grievance process
- Negatives
 - Not aware of LGBTQI book list on the tablet
 - Not aware of the LGBTQI community resource information on the tablet
 - Difficulty obtaining adequate cleaning supplies

The GBTQI Program Sector continues to grow in terms of added available programs/classes. There have been no concerns with out-of-cell time, and access to work opportunities continues to improve. Program participants overwhelmingly enjoy and value the opportunities within the program.

Again, the Expert acknowledges OCSD's position as well as the agreement made with DRC, as detailed at the beginning of this provision/section. The Expert concurs the GBTQ (Pride) program is no longer considered a pilot program, and will continue indefinitely, as identified by OCSD. As stated above, OCSD will consider reclassifying individuals, including LGBTQI persons (e.g., PC-2s) for consideration for PC-3 classification and Pride programs. In some cases, PMU staff have recommended and approved such reclassifications and housing relocations to Pride and other LGBTQI housing. PMU continues to work closely with the LGBTQI coordinator for all related housing considerations, including entering and leaving the Pride (and LGBTQI housing) programs. The Expert will continue to monitor this process.

Although this provision is rated as adequately implemented, the Expert has the following recommendations:

- Although not specifically a recommendation, the Expert notes that for the next monitoring tour, all non-PC-3 requests for the Pride program (as well as for LGBTQI housing) will be reviewed as provided within normal document production for the rating period.
- Provide draft revised Policy 1200 Classification (once completed) to the Expert for review and comment.
 - Note: The Expert is rating this provision as “Adequately Implemented” for this monitoring period but will need the requested draft revised policy before considering the same rating for the next monitoring cycle.

Adequately Implemented (Previous Rating – Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input.”

As outlined in the previous report (Expert’s Fifth Report), OCSD reportedly requested that the tablet vendor create a folder on the tablet for LGBTQI resource information, the LGBTQI book list, and the LGBTQI coordinator’s contact information. The Expert acknowledges that the information is currently contained in the tablet’s LGBTQI folder. However, this issue will be further discussed during the next scheduled monitoring tour.

The Expert interviewed three (3) individuals from the IRC-IW and two (2) from the CWJ. The information received could not be substantiated or refuted, but included the following comments:

- Safety:
 - Feels safe
- Intake/Booking Staff:
 - Mixed comments as to whether staff are professional
- Program Staff:
 - Mixed comments as to whether staff are professional
- Hormones:
 - Would like to be educated regarding HRT
- Pronouns

- Staff honor my preferred pronouns (transgender female)
- Voluntary Gender Identification and Search Preference Form:
 - Classification asked, and I filled out the form
- Searches
 - When staff search, they take our excess tampons
- Clothing/Underwear
 - Some individuals had related concerns, and some didn't
 - Requested boxer shorts, but the staff gave me panties with no explanation (transgender male)
 - My sweatshirt is way too large
- Compression Garment:
 - Some who otherwise may have an interest to know were aware and at least one person was not aware
 - I have one, and it was provided in a timely manner
 - Only found out from another person (staff did not inform me), and received in a timely manner
 - The one I have is too small, so I filled out a grievance 2-3 weeks ago but did not receive a response.
- LGBTQI Coordinator:
 - Some were aware, some were not aware
- LGBTQI Community Resource Pamphlet/Information
 - Some were aware, some were not aware
- LGBTQI Programs:
 - Have attended
- LGBTQI Books and Community Resource Pamphlet/Materials:
 - Only aware of LGBTQI resource pamphlet and books because I saw the information posted on the window
 - Some are aware of LGBTQI books, and some not aware
 - some aware of LGBTQI community resource pamphlet/materials, and some not aware
- Medical:
 - The medical staff is still bad; my medications are "messed up"
 - The clinic office is right next to us, and the officer has actually engaged in my conversation with the doctor (HIPAA violation)
- Mental Health:
 - No 1-on-1s
- Razors:
 - Only a 1-for-1 exchange (not 2-for-2) (transgender female)
- Tablets:
 - Some had concerns, and some didn't
 - All day and half-day when I had a cellmate
 - Half-day, share with bunkie or other girls
 - If someone messes up, staff sometimes take them from us
- AA/NA:
 - Attend AA panels (multiple)
 - Attend NA (multiple)

- Need more substance abuse classes
 - AA offered sometimes
 - Sometimes we receive a random announcement
- Message Requests:
 - Some had concerns, and some did not
 - They “get lost” (would like a locked box, similar to grievance forms)
 - Difficult to obtain a blank form
 - Late responses, or no responses at all
- Regular Books:
 - Most were aware of the regular book exchange process
 - I wasn't aware of the process
- Shower Curtain:
 - Complained of see-through shower curtain with the camera pointed toward the tank shower:
 - Note: the issue was discussed with OCSD and it has since been reported that new frosted shower curtains have replaced the see-through curtains.
- Education (Rancho Santiago):
 - I attend Substance Abuse and Workforce Readiness, and I signed up for Parenting but have not heard back
 - In-person classes are very consistent each week
 - Don't know what classes are available daily; they are not listed on the tablet
- Religious Services:
 - Some had concerns, and some did not
 - Sometimes, but not sure about 1-on-1s
- Yard:
 - Some had concerns, and some did not
 - Only asked once, but was never let out
 - Persons interviewed claimed anywhere from three (3) hours daily to three (3) times monthly for 1-1.5 hours each.
 - Other issues included:
 - I refuse (too cold), I am the only person assigned to my recreation group
 - Roof top hair clippers were broken for 1.5 months and are now broken again; we are now using fingernail clippers to cut our hair
- Dayroom:
 - Only minimal hours
 - Staff lock us in for security reasons and don't let us back out, they let other groups out; One shift does well, but the others do not; We grieved it, but staff retaliated by searching the cells of our yard group last Thursday - the day side, Wednesday, Thursday, Friday and Saturday is the “bad group.”
 - Yes, in the “tank” all day from 0600-2300 hours (multiple)
- Menstrual Hygiene Products:
 - “We get bitched at” if we need more than two (2) pads per day
 - Regarding Tampons, a few months ago, we received them, but now only get pads (multiple)

Although this concern is not solely pertinent to the female housing units, Correctional Programs staff acknowledged that high number of education class enrollment with a lower number of packet participation (“engagement is low”), there are current staffing concerns (although two [2] new employees will be coming aboard soon). Correctional Programs staff are contemplating piloting in (possibly one [1] mod) to have a Correctional Program staff member assist with the correspondence packet program (to be used by a Correctional Program team member in coordination with Rancho Santiago). Outside programs are volunteers, and there are no contracts. With the current staffing issues at those outside organizations, unfortunately, there are breaks between classes and program cycles. Correctional Programs personnel are not sure if there is a schedule mapped out in advance. The outside organizations work on grants, and sometimes their funding runs out. Correctional Programs staff also indicated they will be rolling out information surveys for individual feedback as to what programming they want to participate in and if there are services Correctional Programs can offer that meet the needs of their clients.

The Expert has the following recommendations:

- LGBTQI coordinator or case manager meet with all LGBTQI persons housed in female housing units and provide related information (resource information, LGBTQI coordinator contact information, and information regarding LGBTQI-approved reading materials).
- Provide updates regarding internal staffing for Correctional Programs
- Provide updates regarding the plan to possibly have a designated Correctional Programs staff member serve as an assistant for the correspondent packet program.
- Provide updates regarding the planned information surveys.
- Provide updates regarding continued efforts to provide access to programs and consideration of possibly incorporating pertinent LGBTQI-related information into the electronic tablets.

Note: All of the above listed recommendations are not solely for the female housing units at the OCJ facilities.

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input.”

The Expert continues to acknowledge there is currently no consent form that informs LGBTQI persons as to the requirement for OCSD not to place LGBTQI persons in LGBTQI-specific housing without the individual's consent. OCSD has committed to addressing this item within pending policy (assumed to be in the draft revised CCOM Policy 1200 Classification), and to revise the Classification "script" to explain applicable classification and security options and ensure LGBTQI persons fully understand the protective custody and general population classifications (and others as applicable) and the jail-wide dynamics associated with those classifications.

Classification staff continue to express they would not force placement into LGBTQI-specific housing without the consent of identified LGBTQI persons.

Of the approximately 30 identified LGBTQI persons interviewed (and as was also the case during the previous three [3] monitoring reviews), there were no complaints regarding forced housing into LGBTQI housing units/areas without the individual's consent. In fact, as identified in the previous section (as well as an earlier section) of this report, a transgender person was housed (per request) in gender-congruent housing. This remains encouraging. Documentation (OCSD Specialty Housing Requests) continues to demonstrate Classification staff are asking the LGBTQI 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.

Although the specific concern was not raised during the individual interviews for this monitoring period, it is important to point out that in previous monitoring tours, multiple persons conveyed concerns that if they had to do it over again, they would have opted not to disclose their LGBTQI+ identity because they would have preferred to not be labeled and classified as protective custody, and/or would have opted for general population housing for more programming opportunities.

The Expert has the following recommendations:

- Upon completion of the development of the draft Classification "script," provide it to the Expert for review and comments/recommendations.
- Provide the draft CCOM Policy 1200 Classification to the Expert for review and comments/recommendations.

Partially Implemented (Previous Rating – Partially Implemented)

D. LGBTQI Housing/Classification Review Procedures

- A. *The County shall house LGBTQI individuals in LGBTQI-designated housing only if an individual requests such housing. If an individual requests such housing, the County may deny such a request if the individual would present specific, articulable threats to the security or safety of other individuals in such a placement.*

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

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

Note: The Expert believes at least part of the action plan language for this provision (paragraph above) was mistakenly added, as the action plan language for previous provisions indicates Policy 7300 LGBTQI Inmates, has been finalized and rolled out. Specifically, the Expert believes the appropriate action plan language for this provision should have been the following: “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input.”

Regarding approved housing based on gender identity, OCSD has verbally provided the following information: “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 consideration to each individual's view of their own safety regarding the prospective housing placement (i.e., male vs female housing for transgender and intersex individuals; LGBTQI-specific housing v. non-LGBTQI housing) and classification (i.e., general population vs. protective custody)."

As indicated earlier in the report, the Expert randomly selected and reviewed 20 Specialty Housing Requests. In nearly all examples reviewed, the documentation demonstrated LGBTQI persons were provided the opportunity and informed Classification deputies as to their sexuality, gender identity, housing preference, and any reasons of concern (as applicable). Documentation continues to show 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). For transgender persons, documentation included the individual's preferred name and pronouns. Most cases resulted in assigned PC housing, but there was one (1) case for a GP housing request that was recommended and approved. The documentation showed Classification sergeant housing approval for all 20 cases reviewed.

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

Classification deputies have previously reported they provide some general information (though not through a written script) in that it's often difficult to change from PC to GP. Classification staff have previously indicated that LGBTQI persons can speak with staff at any time to be referred back to Classification for rehousing/reclassification consideration if needed.

The Expert has the following recommendations:

- Provide the draft revised CCOM Policy 1200 Classification
- Provide the draft classification "script"
- Provide any related draft training materials (once developed and finalized).

Partially Implemented (Previous Rating – Partially Implemented)

- B. *The County shall re-evaluate the classification, placement, and programming assignments of each transgender or intersex individual at least twice a year, including as part of any regular classification reviews.*

1. *At each review, the County shall inquire as to the transgender or intersex individual's current preferences and shall re-assess the individual's classification, placement, and programming assignments, consistent with the process in Section IV. A above.*

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot. OCSD is also working on a script for Classification staff as recommended above. The script will also be shared with DRC and Sabot for input."

The RP Provision for semi-annual classification reviews (at minimum) for TNI persons 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.). During the recent on-site tour, PMU staff acknowledged that such semi-annual reviews would commence soon.

The Expert has the following recommendations:

- Upon completion, provide the draft CCOM Policy 1200 Classification, to the Expert for review and comments/recommendations.
- Provide proof of practice documentation that semi-annual reviews for all TNI persons are occurring (or have at least commenced).

Not Implemented (Previous Rating – Not Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented since the last monitoring tour. Policy 1201.4(j) currently states: If an inmate self-identifies as LGBTQI to staff at any time after the Initial Classification Interview has been completed, a Classification review and face-to-face interview shall be conducted by Classification staff within 24 hours of receipt of a Classification Review Form." After 30 days, the SDS housing record drops off the times and just includes the dates. This is an artifact of SDS. SOMA [ServiceNow] should provide tracking of dates and times for historical housing assignments."

In a previous OCSD Action Plan, OCSD committed to provide documentation showing that classification reviews are done within 24 hours of receipt of a classification review form (post-intake when an LGBTQI person requests to be assigned to a different housing location or different type of housing placement). As the Expert pointed out in previous monitoring reports (Expert's Third, Fourth, and Fifth Round LGBTQI Reports), it is anticipated that the Expert will need to reconcile class review documents (time-stamped) against historical housing assignments (SDS, time-

stamped) to establish time frames from initial identification to housing placement. However, SDS purges time stamps after 30 days post-release (but keeps the dates), so certain records may be incomplete. This will need to be reviewed. The Expert believes that this issue has not yet been reconciled.

The Expert acknowledges the language in the current OCSD Action Plan (for this provision – above) in that post Classification reviews and face-to-face interviews conducted by Classification staff within 24 hours of receipt of a Classification Review Form, after 30 days, the SDS housing record drops off the times and just includes the dates, but ServiceNow should provide tracking of dates and times for historical housing assignments. The Expert understands that pertinent LGBTQI information has yet to be uploaded in ServiceNow and further understands that ServiceNow will be linked to the Guardian RFID program.

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

Of the 20 randomly selected Classification review documents (e.g., Specialty Housing Requests) reviewed, there was one (1) example where an LGBTQI person submitted a message request and was reclassified and ultimately provided the requested classification and housing. However, the message request was not included in the document production, and there was no specific date reference (for the message request being sent) within the classification document. Also, as stated earlier in this report, there were multiple examples of transgender persons, whereas their requests for LGBTQI-PC housing were considered and, in most cases, recommended and approved.

The Expert has the following recommendations:

- Provide an update (e.g., anticipated timeline) for uploading LGBTQI information into ServiceNow, as well as the anticipated timeline for the integration of ServiceNow and Guardian RFID. Otherwise, provide the necessary documents to enable the Expert to reconcile class review documents (time stamped) against historical housing assignments (SDS, time-stamped) to establish time frames from initial identification to housing placement and/or a log or spreadsheet with pertinent information.

Partially Implemented (Previous Rating – Partially Implemented)

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

a placement for their own safety or unless serious, specific, and articulable security or management concerns require such placement.

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot.”

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

The Expert has the following recommendations:

- Provide the draft revised OCSD CCOM Policy 1200 Classification, to the Expert for review and comments/recommendations.
 - Note: Safety Plan (in accordance with this RP Provision) information should be contained or provided separately.

Not Implemented (Previous Rating – Not Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot.”

OCSD continues to indicate this is done in practice for all persons and documented in Classification reviews. Of the 20 randomly selected Classification-related documents (Specialty Housing Requests, Classification Review Forms) there were not any examples that demonstrated staff are referring individuals to Classification for re-housing considerations. However, there were multiple examples during the previous monitoring tour (Expert’s Fifth Report). There was one (1) example where an LGBTQI person submitted a message request (self-referral) and was reclassified, and the specific classification and housing requests were recommended and approved.

Housing unit staff continue to indicate they refer (or would refer) LGBTQI 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.

Classification Unit staff have continued to indicate they follow up on all requests for housing changes, whether submitted by staff or incarcerated persons.

The Expert has the following recommendations:

- Provide the draft revised OCSD CCOM Policy 1200 Classification, to the Expert for review and comments/recommendations.

Partially Implemented (Previous Rating – Partially Implemented)

E. LGBTQI Access to Programs, Services, and Activities

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented since the last monitoring tour. OCSD will be revising its Classification Policy to address the Remedial Plan requirements for housing and classification of LGBTQI persons. This policy will also be shared with DRC and Sabot.”

“OCSD will discuss with the vendor whether any LGBTQI-related programming is available for inclusion on the tablets. There are currently no plans for LGBTQI-related programming at the Central Men’s Jail. The issue with having LGBTQI-related programming at the Central Men’s Jail is potentially “outing” individuals who choose to attend. [An outside organization] will be doing another workshop at the Women’s Jail.”

In addition to other programming, there are currently three (3) in-person Rancho Santiago classes in Pride and one (1) in-person Rancho class in the non-Pride LGBTQI

units at Theo Lacy. OCSD is also rotating classes between sectors and mods. Each class is 6 weeks.

OCSD has requested that the tablet vendor add a sheet to the tablet with the LGBTQI coordinator's information to make it easier for the reader to locate.

OCSD (and CHS) provided spreadsheets and participant sign-in sheets for many classes/programs offered. Note: The Expert has broken down the information by facility/jail, not by individual housing unit (except for TLF). Also, although the list (below) includes some of the Pride program classes, a complete listing of the classes is listed and detailed earlier in this report. The breakdown of overall classes/programs includes the following:

- AA Panel (WJ, IRC, CMJ)
- AA Panel (Spanish) (IRC)
- Academic Skills (WJ, CMJ, TLF)
- Accounting (WJ, CMJ)
- All In (Project Kin) (WJ)
- Back on Track (WJ, IRC, MJ, TLF)
- BHB Office (IRC)
- Business PC-2s (CMJ)
- Case Management (WJ)
- CHS MAT Program (WJ, IRC, CMJ)
- CHS Mental Health (IRC)
- Computers: TLF)
- Creative Writing (WJ)
- ESL (WJ, CMJ)
- Food Service (WJ, CMJ, TLF)
- GED Math (WJ, CMJ, TLF)
- Great Escape (WJ, IRC, CMJ)
- Health Office (IRC)
- HiSet/HiSet Testing (CMJ, TLF)
- Leadership I: (TLF)
- Malachi Women (WJ, IRC, CMJ)
- Money Matters (WJ, CMJ, TLF)
- NA Panel (WJ, IRC, CMJ)
- Parenting (WJ, IRC, CMJ, TLF)
- Phoenix House Case Management (IRC)
- Prop Overflow (IRC)
- Religious Services:
 - Catholic (English & Spanish) (WJ, IRC, CMJ)
 - Catholic Bible Study (English) (IRC)
 - Protestant (English & Spanish) (WJ, IRC, CMJ)
 - Protestant Bible Study English (CMJ)
 - Jewish Service (CMJ)

- Christian Science (English) (WJ, IRC, CMJ)
- Seventh Day Adventist (WJ)
- Bible Discipleship (IRC)
- Shanti OC (TLF)
- Social Services Workshop (CMJ)
- SSA Workshop (WJ, IRC)
- Substance Abuse (WJ, IRC, CMJ, TLF)
- Volunteer Workshops (WJ)
- VR Headset (WJ)
- Workforce Readiness (WJ, IRC, CMJ, TLF)
- Women of Purpose (WJ)
- Yoga (WJ)

OCJ has over 450 approved LGBTQI-related books from many different authors. Most LGBTQI persons interviewed are aware of the books and the process to request/order through the LGBTQI coordinator. However, there are still some individuals (primarily at the CJX Complex) who are not aware of the books, the process to check them out, and/or that the book list is on the tablet.

OCSD continues to provide access to the outdoor “Green Sector” every Friday for Pride program participants.

LGBTQI persons have access to the LGBTQIA+ community resource guide/pamphlet (including on the electronic tablet). However, for individuals who do not receive Orientation or who have not had contact with the LGBTQI coordinator or case manager, some have reported (during the Expert’s interviews) that they were not aware of the resource guide. However, some have been informed through other incarcerated persons or have viewed the information posted on the respective housing unit’s wall or window. Some of the individuals are still not aware there is an LGBTQI coordinator, LGBTQI books, and/or LGBTQI coordinator contact information contained within the tablet.

Regarding Orientation, OCSD provided a spreadsheet breakdown of all Orientation sessions conducted at TLF for the period of June 2024 to December 2024, including refusals, individuals that were released from custody prior to receiving orientation, and individuals on out-to-court status. The data shows that hundreds of orientation sessions were conducted. OCSD also provided over 200 completed copies of LGBTQI+ Interview Worksheets, to help demonstrate proof of practice.

Listed below are some of the related complaints and positive acknowledgments made by LGBTQI persons who are not housed in the Pride program (or were not formerly housed in the Pride program), are not housed in specific areas in TLF, are not identified as TNI, or are not housed in female housing (IW or WJ – comments from individuals housed at WJ and IRC-IW are detailed earlier in this report). Note: The Expert was not able to confirm or refute the complaints):

- Staff
 - Mixed comments, most were positive and some were negative
 - Are good (including intake)
 - Staff disrespectful to everyone (MJ)
- Classification/Intake
 - Most did not have any concerns
 - Never explained PC vs GP dynamics (multiple) and never asked or informed me about PC LGBTQIA+ units
 - Never informed me about Pride (PC-3)
 - Former Pride Program participant: I was offered Pride again this time, but I opted for CJX because there are more PC's now
- LGBTQI Coordinator
 - Most were aware of her
 - She came by to say hello, and a second time, I requested to see her, and she came
 - Not aware (multiple)
- Yard
 - Most did not have any concerns
 - Hair clippers broken or not available
 - Roof-top yard: three (3) days per week, one (1) hour each, volleyball, basketball, handball, hair clippers, and nail clippers
 - Roof-top yard; offered once weekly for two (2) hours; I don't go because I don't want to be "stripped out"
- LGBTQI Program/Programming
 - Some had concerns and some did not
 - We have AA, but no NA
 - Not much offered
 - There are no sign-ups for classes; only hear about classes from other people.
- Reading Books (LGBTQI)
 - Most did not have concerns
 - Not aware LGBTQI books exist (multiple)
- LGBTQI Community Resource Information
 - Some had concerns and some did not
 - Didn't know about tablet LGBTQI community resource information (multiple)
- Work Assignments
 - Lives in workers' unit and assigned to the kitchen
 - Kitchen work clothing: we don't get a fresh change of clothes (greens) after work in the kitchen (multiple complaints)
 - Sometimes have to wear the same clothes for up to 3 weeks, have not grieved because search tank retaliation is bad
 - Nothing available
- Education
 - Some had concerns, and some did not
 - In-cell packets are offered only
 - I don't know if anything is offered

- Yes, at TLF, but not sure about here at the MJ
- Grievances
 - Some had concerns and some did not
 - Grievance forms are available
 - Have not submitted any (multiple)
 - Have not submitted any
 - Sometimes submit up to 15 grievances (numerous times) to get any action.
- Message Slips (request forms)
 - Most did not have any concerns
 - Quick responses
- Electronic Tablets
 - Most did not have concerns
 - Every three (3) days, for three (3) hours in the am or pm
 - For numerous hours daily, all four (4) of us in a 4-man cell get our own tablet to use daily
- Daily, each individual in the 4-man cell can have one for 4-5 hours each
- Religious Services
 - Most did not have concerns
 - Only offered once, and they never came back to my cell to release me
 - Offered twice in my 11-12 days, but only 10 out of 100 in our area can go - I wanted to go, but the numbers wouldn't allow it - no heads-up notice, no sign-up, only first come first serve
- Substance Abuse/AA/NA
 - Most did not have concerns
 - Not aware

The Expert has the following recommendations:

- Provide an update relative to communications with the tablet vendor regarding the slight re-organization of the LGBTQI coordinator contact information on the tablet (currently embedded within the LGBTQIA+ Community Resource pamphlet) to make it easier for the reader to locate.
- Continue to provide updates as to outside community organizations providing services to the WJ and IRC-IW facilities.

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented after the last monitoring tour.

There is no program where an LGBTQI person is excluded because they are LGBTQI. These persons attend classes and programs throughout the OC Jail system.

In addition to other programming, there are currently three (3) in-person Rancho classes in Pride and one (1) in-person Rancho class in non-Pride LGBTQI units at Theo Lacy. OCSD is also rotating programs between various mods and sectors at Theo Lacy. Each class is 6 weeks.

OCSD will discuss with the vendor whether any LGBTQI-related programming is available for inclusion on the tablets. There are currently no plans for LGBTQI-related programming at the Central Men’s Jail. The issue with having LGBTQI-related programming at the Central Men’s Jail is potentially “outing” individuals who choose to attend. [An outside organization] will be doing another workshop at the Women’s Jail.”

As identified in detail earlier in this report, OCSD's document production included multiple Excel Spreadsheets that identified various LGBTQI-specific and other programs offered to LGBTQI persons. The Expert acknowledges the increase in available programs offered, and that OCSD continues to actively work with outside LGBTQI community organizations to continue to provide valuable programs and resources to LGBTQI persons.

As part of document production OCSD has provided multiple resource flyers/pamphlets.

Most of the persons interviewed who 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 an update as to OCSD’s discussions with the vendor regarding whether any LGBTQI-related programming is available for inclusion on the tablets.
- Provide updates as to outside organizations classes/programs to be scheduled for WJ and IRC-IW.

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent OCSD Action Plan for this provision, the County reported, “Policy 7300 was finalized and implemented after the last monitoring tour. In addition to including LGBTQI resource information and the LGBTQI book list on the tablets, OCSD posts resource information and the LGBTQI book list in dayrooms and roof recreation areas.”

In the most recent CHS Action Plan for this provision, the CHS reported, “CHS will provide resource packet during document production prior to next Sabot visit, as well as demonstrate practice of providing packet to LGBTQI persons.”

Section IV. E.B. (above) identifies the LGBTQI community resource information that was provided by OCSD as part of document production. CHS also provided related documentation.

As evidenced through the interviews, more LGBTQI persons at TLF and CJX are becoming more aware of their understanding and knowledge of the LGBTQI community resource information provided. Although the numbers appear to be decreasing through each monitoring period, there are still some LGBTQI persons who were not aware of such information being available.

Although this provision is rated as adequately implemented, the Expert provides the following recommendations:

- Provide proof that the appropriate sectors/housing units at TLFM IRC-IW, and CWJ have the LGBTQI community resource information posted.
- Provide an update as to OCSD communications with the tablet vendor to restructure the LGBTQI information, including the more easily identifying the LGBTQI coordinator contact information for related questions or concerns.

Note: The Expert has rated this provision as "Adequately Implemented" but will need OCSD to follow up with the two (2) recommendations listed (above).

Adequately Implemented (Previous Rating – Partially Implemented)

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

Adequately Implemented (Previous Rating - Adequately Implemented)

Note: although the Expert finds the County has adequately implemented this provision, the Expert has concerns that some LGBTQI individuals at IRC, CWJ, and CMJ and outlier units at TLF still don't understand the process of ordering the books or that books are even available at all. The Expert would have hoped that with the tablets and the written language atop the book list, this would not be an issue. Somehow it still is (albeit to a much lesser degree than for previous monitoring tours). I also relate this can be a

delicate issue, especially with male persons in GP or outlier units. The Expert recommends the County understand this concern and continue to look for creative ways to ensure that all LGBTQI persons (regardless of classification level or housing status) are informed of the process and understand how to order LGBTQI-related books if they are interested.

E. Showers

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

Adequately Implemented (Previous Rating - Adequately Implemented)

Note: although this provision has been rated as Adequately Implemented, DRC raised concerns regarding the shower curtains and camera placement in the tanks at CWJ. The information was provided to OCSD for follow-up and they have since reported that new frosted shower curtains have been installed to provide greater privacy.

F. Commissary

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented since the last monitoring tour and addresses gender-affirming commissary items and razors. Hair removal products are available through the commissary. There is no requirement in the Remedial Plan that commissary items be offered at reduced prices or at no cost." Policy 7300.5(a)(15) states: "LGBTQI inmates shall 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:....

15. Commissary

- i. LGBTQI inmates shall have access to gender-affirming personal hygiene products, and beauty products (if at any time beauty products are offered through commissary).
- ii. Staff shall provide transgender and intersex individuals additional allowances of razors, to be exchanged two for two, upon reasonable request, consistent with jail safety and security."

In the most recent CHS Action Plan for this provision, CHS reported, “CHS is developing a procedure for providing a prescription hair removal product for individuals meeting clinical appropriateness. CHS refers to OCSD for over-the-counter products.”

As part of document production, OCSD provided brief written language indicating there is a pending meeting to finalize CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care (the current version was effective July 28, 2023).

For the second consecutive monitoring tour, there were fewer complaints under this provision. From the interviews, there were inconsistencies as to whether transgender females get a 1-for-1 razor exchange or a 2-for-2 exchange, though most confirmed the increase to a 2-for-2 exchange process.

Transgender females widely still have a concern with no reasonable alternative to hair removal products other than the perceived high price of the "Nair." The Expert realizes there is no RP provision governing the perceived high costs of Nair.

The Expert notes the related Policy 7300 LGBTQI Inmates, language as OCSD referenced in the Action Plan for this provision.

The Expert provides the following recommendations:

- Provide an update regarding the pending meeting relative to finalizing CHS Policy 6206 / Upon completion, provide an updated draft of HCA Policy 6206 to the Expert and DRC for review and comments/recommendations.
- Once drafted, provide the CHS procedures regarding a prescription hair removal product(s) for individuals meeting clinical appropriateness.
- Provide proof of practice documentation of 2-for-2 razor exchange for transgender females, for the next monitoring period.

Partially Implemented (Previous Rating – Partially Implemented)

G. Clothing

1. *The County shall provide gender-affirming clothing, including, but not limited to:*
 - a. *Undergarments, including bras, underwear, and boxer shorts, depending on the individual's stated preference;*
 - b. *Footwear in all sizes;*
 - c. *Binders and chest compression garments and other types of compression garments;*
 - d. *Religious items in accordance with their gender and*
 - e. *Makeup, hair products, hair removal tools, and other gender-affirming hygiene products.*

2. *The County shall apply grooming standards based on an individual's gender identity. For example, if the County permits non-transgender women to wear their hair at a certain ponytail length, transgender women shall be allowed to wear their hair similarly.*

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 has been finalized and implemented since the last monitoring tour. Individuals may choose boxers or underwear, regardless of their gender identity and staff have been directed to ensure the availability of, and issuance of, properly sized undergarments for all incarcerated persons."

For the second consecutive monitoring period, OCSD provided logs showing proof of practice issuing chest compression garments for transgender persons as requested/needed. The current logs (OCSD Jail-Issued Chest Binder Logs) covered the entire six-month monitoring cycle. Provided documentation showed that OCSD provided garments to multiple individuals.

OCSD staff maintain that individuals can request and be provided undergarments of their choice. Most of the persons interviewed stated the same. There are still a few isolated concerns with sizing or unserviceable clothing and underwear, whereas the assigned CSA must send the clothing/underwear back, which causes a delay in receiving the proper sizes or serviceable materials. But overall, the volume of related complaints has noticeably decreased. Regarding chest binders, a few individuals interviewed at CWJ and IRC-IW stated they received garments as requested. One of the individuals had a sizing issue and was working to obtain the correct size.

OCSD continues to improve regarding allowing individuals their choice as to boxers /underwear, regardless of their gender identity, and issued a training bulletin about the related policies so that staff will know and follow the policies. There was one (1) related complaint at WJ.

The Expert continues to acknowledge that footwear is being provided in all sizes.

Adequately Implemented (Previous Rating – Partially Implemented)

H. Visitation

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 has been finalized and implemented since the last monitoring tour. OCSD's visiting policy (CCOM 1902) applies equally to all incarcerated persons. There is no physical contact during visiting due to the barrier between the visitor and the incarcerated person."

There were no specific concerns expressed during the interviews.

Adequately Implemented (Previous Rating – Partially Implemented)

F. Searches

A. Policy

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

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 has been finalized and implemented since the last monitoring tour. Searches are covered in section 7300.6."

As outlined earlier in this report, OCSD provided numerous completed copies of the revised Voluntary Gender Identity Disclosure and Search Preference Form (current version) with all appropriate information and the individual's signatures. Based on the review, the Expert did not have any concerns.

OCSD Classification continues to maintain that the OCSD Voluntary Gender Identity Disclosure and Search Preference Form is used for TNI persons and is voluntary. If the individual agrees to complete the form, a Classification deputy enters the information into the electronic I-TRAC system.

The Expert interviewed an officer assigned to TLF. He was knowledgeable regarding this provision. He was aware of the OCSD Voluntary Gender Identity Disclosure and Search

Preference Form, as well as the J-199/Mod Card. He was aware of the purpose of the information and that it was generated from the Intake Classification process. He knew that the search preference information (and gender identity information [inclusive of preferred pronouns and names]) is input into the form during classification, staff can access the information within the I-TRAC system, and the information is also located on a respective person's mod card (as applicable). In fact, the staff member accessed the SDS and pulled two (2) mod cards (that the Expert randomly selected) of transgender individuals. The search preference and pronoun information were on the mod cards. The housing deputy indicated he would ensure he honors a TNI individual's gender search preference (if they have a documented preference, or if they verbally identify a preference).

From the Expert's interviews, there were three (3) negative related comments, including that staff allegedly confiscating hygiene items (e.g., tampons) during searches, staff allegedly not offering to complete a non-binary person's Voluntary Gender Identification and Search Preference Form, and staff allegedly engaging in retaliatory cell searches. The Expert could not confirm or refute these claims.

There were no noted concerns regarding privacy during body searches or with any search-related retaliation.

Adequately Implemented (Previous Rating – Partially Implemented)

G. Medical and Mental Health Care

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

In the most recent CHS Action Plan for this provision, the CHS reported, "CHS has created a guidance form that will be posted in clinical exam rooms to outline information and education to be provided – consistent with WPATH standards. CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training."

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

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

- CHS Policy 1007 Staff Accountability (effective date October 13, 2023)
- CHS Policy 1013 Grievance Process (effective date July 28, 2023)
- CHS Policy 6101 Receiving Screening (effective date January 11, 2024)
- CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care (effective date July 28, 2023)

- CHS Hormone Therapy Accessibility for LGBTQIA+ Patients (May-August 2023 QM Study (Process))
- CHS Clinical Staff LGBTQIA+ Trainings
- LGBTQIA+ 101 Training Outline
- Staff Sign-In Rosters for Course Titled, "LGBTQIA+ CHS Training"
- Excel Spreadsheet Titled, "LGBTQIA+ DRC Audit"
- LGBTQI+ CHS Personnel Accountability Log (previous Expert monitoring tour)
- PowerPoint Presentation Titled, "LGBTQ+ 101"

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

The Expert interviewed a CHS Manager responsible for healthcare training related to this RP Provision. He provided the following information:

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

The Expert interviewed a medical professional who works closely with LGBTQI patients, including TNI. She indicated she sees her patients regularly, and in the event she can't see a patient, she refers them to the transgender UCI clinic.

- The Expert interviewed multiple TNI individuals and asked questions specific to the WPATH Standards. Most of the questions elicited positive responses, but one (1) individual claimed she had not received patient education information.

The Expert reviewed EUHRs for five transgender patients (four [4] transgender women and one [1] transgender man) from the Jail's Tech Care System. Based on the review, healthcare professionals are documenting gender-affirming care, assessments, and plans, patients being released from OC Jail with hormone medications, education information being provided to the patient, side effects, referrals to UCI Gender Clinic, effective communication, addressing lab work, switching hormone medications as warranted, making adjustments to medications and other types of information that are

consistent with the respective transgender or non-binary incarcerated person's request or concerns.

The Expert provides the following recommendations:

- Provide the new curriculum (once approved through the OC review process) to the Expert for review.
 - Note: After the monitoring tour, CHS indicated new curriculum will be provided once completed (the most recent reported anticipated date – was June 2025). CHS will create a Guidance Form for use by providers and clinical staff that will include WPATH standards on patient education and a place to document that the patient education was provided. CHS also will create staff training documents on the Guidance Form. The Guidance Form and training documents will be provided once completed.
- CHS must provide an update regarding having a checklist (guidance form) of another source to accurately depict the various types of information and education that healthcare professionals provide to TNI patients.
 - Note: The Expert acknowledges that healthcare staff appear to be doing a thorough job of documenting certain aspects of information and education being provided that are consistent with updated UCSF guidelines and WPATH Standards of Care, version 8 (2022).

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent CHS Action Plan for this provision, the CHS reported, "CHS has created a guidance form that will be posted in clinical exam rooms to outline information and education to be provided – consistent with WPATH standards. CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training."

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

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

From the onsite review of three (3) EUHRs (for transgender individuals, there was documented evidence of gender-affirming care and education provided by medical professionals to the patients.

Of the seven (7) transgender individuals interviewed, they confirmed they had received gender-affirming care while at OCJ (and in the community). However, two (2) of the seven (7) indicated that they had not received any HRT education. One (1) of them had a medical appointment on the date of the Expert interview to receive the requested education information.

Regarding the CHS Guidance Form, the Expert noted it was posted in the TLF clinics. During the monitoring tour, there was a dialogue between the Expert, DRC, and healthcare personnel regarding this topic. Healthcare staff is working to locate and upload a WPATH poster that may prove more beneficial as a reference to include in incarcerated person community resource materials, for transgender clients. The Expert has been in discussions with healthcare staff on the issue.

The Expert provides the following recommendations:

- Provide an update as to the WPATH poster and/or materials to be considered for placement into the community resource materials (for transgender individuals).

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent CHS Action Plan for this provision, the CHS reported, “CHS has created a guidance form that will be posted in clinical exam rooms to outline information and education to be provided – consistent with WPATH standards. CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training.”

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

CHS staff previously indicated (Expert's Fifth Report) that 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. However, as detailed in Section IV.H.A. (below), CHS has a new approved training curriculum and has recently begun training CHS staff.

The seven (7) transgender individuals interviewed indicated they had been diagnosed with gender dysphoria. There were no concerns with healthcare staff being professional and referring to them by their preferred pronouns or honorific (or last names). There were no complaints of misgendering during clinical encounters and treatment.

The Expert provides the following recommendations:

- For the next monitoring period, provide proof of practice that CHS staff are receiving the training, as required.

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

Partially Implemented (Previous Rating – Partially Implemented)

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

In the most recent CHS Action Plan for this provision, the CHS reported, “CHS has created a guidance form that will be posted in clinical exam rooms to outline information and education to be provided – consistent with WPATH standards. CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training.”

Previously, CHS provided a spreadsheet titled, “UCI Health Gender Transition Services,” which provides information about services available from UCI.

The seven (7) transgender individuals interviewed confirmed they had been diagnosed with gender dysphoria while at OCJ and/or in the community. There were no related complaints, except that two (2) of them claimed to have not received any education related to HRT. Note: one (1) of the individuals had a medical appointment on the same date as the Expert interview, to receive the requested education information.

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

OCSD provided over 200 completed LGBTQI+ Inmate Interview Worksheets signed by LGBTQI persons, thus acknowledging receipt of LGBTQI Resource Brochure and other information.

For previous monitoring tours, interviews with healthcare professionals included topics such as hormone therapy, gender-affirming surgery, medical encounters, non-binary individuals, hair removal, mental health referrals, the healthcare request process, triage

process, daily logging, hormone treatment, release planning (including medications for jail release), and referrals to UCI.

Regarding the CHS Guidance Form, as stated earlier in the report, the Expert noted it was posted in specific TLF clinics. During the monitoring tour, there was a dialogue between the Expert, DRC, and healthcare personnel regarding this topic. Healthcare staff is working to locate and upload a WPATH poster that may prove more beneficial as a reference to include in community resource materials, for transgender clients. The Expert has been in discussions with healthcare staff on the issue.

The Expert provides the following recommendations:

- Provide a list of individuals referred to UCI (if applicable)

Partially Implemented (Previous Rating – Partially Implemented)

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

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

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

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

In the most recent CHS Action Plan for this provision, the CHS reported, "CHS has created a guidance form that will be posted in clinical exam rooms to outline information and education to be provided – consistent with WPATH standards. CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training."

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

The Expert previously provided information from healthcare staff interviews regarding gender-affirming surgery. Documentation provided for the monitoring period demonstrated the related CHS referrals were completed. .

The Expert provides the following recommendations:

- Upon completion, provide draft CHS Policy 6206 to the Expert for review and comments/recommendations.

Partially Implemented (Previous Rating – Partially Implemented)

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

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

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

H. LGBTQI Training for Staff

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

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD will revise its training to address this Remedial Plan requirement and will share it with DRC and the Expert.”

In the most recent CHS Action Plan for this provision, CHS reported, “CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training.”

OCSD provided a 53-slide PowerPoint presentation titled OCSD PowerPoint “The LGBTQI Community” (no date). Note: It seems to be the same or similar PowerPoint that was provided during the previous monitoring period and outlined in detail in the Expert’s previous report (Expert’s Fifth Report). OCSD also provided numerous sign-in rosters for STC-approved classes (either 8 hours or 16 hours) with portions of the material specific to LGBTQI (assumed to be the 53-slide PowerPoint presentation, cited in this paragraph). The classes were taught between July and December 2024.

CHS provided the following related documents:

- A description of the three-hour training, titled “Affirmative & Trauma Informed LGBTQ+ Practices – Introduction (all job classifications are welcome) along with a corresponding 69-slide PowerPoint presentation.

Note: it appears CHS did not provide the annual refresher course material.

While onsite, OCSD stated they are currently revising the LGBTQI training (including refresher training) to address the RP provisions and will share the draft material with the Expert for comments and recommendations. No anticipated timeframe was provided.

CHS staff stated they provided a new curriculum and a training schedule as outlined above. CHS staff also indicated training has begun, and OCSD and other staff are welcomed and encouraged to attend.

Note: the Expert has raised the rating from "Un-ratable" to "Partially Implemented" due to the CHS curriculum having been approved, classes having commenced, and OCSD staff at least are invited to attend (though no evidence that OCSD staff have attended), OCSD reportedly is developing their draft curriculum to address RP provision requirements, and staff are receiving some training from the 8 or 16-hour courses that have approximately two (2) hours of LGBTQI material, though not specific to the RP provisions.

Note: The Expert will not be able to consider any additional rating level until OCSD has developed the curriculum, the Expert reviews and provides comments/recommendations, training is active, and both OCSD and CHS demonstrate participation and compliance with this provision.

The Expert provides the following recommendations:

- Provide the OCSD draft training curriculum to the Expert for review and comments/recommendations.
- Provide ongoing proof of practice (e.g., proof of CHS [and other staff] attendance) for the monitoring period.
- Provide the CHS refresher course material (or clarification [if applicable] as to which CHS training material is the refresher course).

Partially Implemented (Previous Rating – Un-ratable)

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

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD will revise its training to address this Remedial Plan requirement and will share it with DRC and the Expert.”

In the most recent CHS Action Plan for this provision, CHS reported, “CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training.”

As identified in Section IV. H.A. (above), CHS, and OCSD produced LGBTQI training materials, including PowerPoint presentations, training calendars (CHS), training outlines, and other materials.

OCSD and CHS 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.

As outlined in Section IV.H.A. of this report, it does not appear that CHS provided their refresher course material. OCSD is still developing the curriculum, including the refresher course material.

The Expert provides the following recommendations:

- Provide the OCSD draft training curriculum (including refresher training material) to the Expert for review and comments/recommendations.
- Provide the CHS refresher course material (or clarification [if applicable] as to which CHS training material is the refresher course).
- Provide ongoing proof of practice (e.g., proof of CHS [and other staff] attendance) for the monitoring period, for the refresher course. Or provide the information once it becomes time for CHS staff to begin attending the refresher training.

Un-ratable (Previous Rating – Un-ratable)

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

In the most recent OCSD Action Plan for this provision, the County reported, “OCSD will revise its training to address this Remedial Plan requirement and will share it with DRC and the Expert.”

In the most recent CHS Action Plan for this provision, CHS reported, “CHS will produce all requested documents during document production and future visits, including new curriculum for LGBTQI training.”

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

As stated in Sections IV.H.A. and IV.H.B. of this report, CHS training has been approved, and it is being taught to CHS personnel. However, OCSD is reportedly still working on

their draft training materials and will provide them to the Expert for review and comments/recommendations. Based on CHS' progress, the Expert opts to raise the rating for this provision from "Un-ratable" to "Partially Implemented."

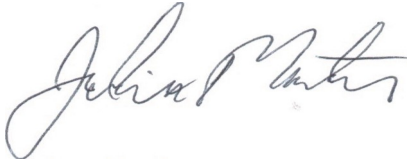
The Expert provides the following recommendations:

- Provide the OCSD draft training curriculum (including refresher training material) to the Expert for review and comments/recommendations.

Partially Implemented (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 black ink, appearing to read "Julian Martinez", is written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

August 4, 2025

Date