



## **Agreement Between County of Orange and Disability Rights California**

### **Expert's Report (Seventh Round)**

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

On-Site Review: August 25 – August 29, 2025

**Produced by:**

Sabot Consulting

Rick Wells, Director

Julian Martinez, Director

**Submitted:**

December 29, 2025

## Table of Contents

<b>I. Introduction .....</b>	<b>1</b>
<b>II. The Expert's Monitoring Role and Monitoring Activities .....</b>	<b>3</b>
<b>III. Executive Summary.....</b>	<b>5</b>
<b>IV. Findings.....</b>	<b>15</b>
<b>A. LGBTQI Nondiscrimination Policy, Staff Accountability.....</b>	<b>15</b>
<b>B. Transgender and Intersex Intake &amp; Classification Procedures .....</b>	<b>23</b>
<b>C. Least Restrictive Setting Appropriate for LGBTQI Population.....</b>	<b>26</b>
<b>D. LGBTQI Housing/Classification Review Procedures.....</b>	<b>34</b>
<b>E. LGBTQI Access to Programs, Services, and Activities.....</b>	<b>39</b>
<b>F. Searches.....</b>	<b>47</b>
<b>G. Medical and Mental Health Care.....</b>	<b>48</b>
<b>H. LGBTQI Training for Staff.....</b>	<b>54</b>
<b>V. Signature.....</b>	<b>58</b>

## 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 seventh 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 seventh 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 August 25 – August 29, 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, Inmate Services/Correctional Programs staff), OCSD administrative staff, and interviews of LGBTQI persons housed at the OC jails. In total, the Expert interviewed approximately 32 LGBTQI persons (individual/confidential interviews), and approximately nine (9) staff members from multiple disciplines and areas of responsibility. The Monitor also reviewed five (5) 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 September 11, 2025, with representatives from the County of Orange (Jail Administration, Correctional Health Services 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 seventh 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 all 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 following reflects the overall ratings given for the 38 major areas rated:

- Adequately Implemented – 17
- Partially Implemented – 15
- Not Implemented – 1
- Un-ratable – 0
- Not Assessed – 0
- Monitoring Suspended Based on Previous Findings of Compliance – 5

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
<b>IV.A.</b>	<b>LGBTQI NON-DISCRIMINATION POLICY, STAFF ACCOUNTABILITY</b>		
<b>IV.A.A.</b>	OCSD Policy 375 (Transgender Policy) Provide the revised comprehensive draft OCSD LGBTQI Policy to the Expert (and DRC) for review.	AI	AI
<b>IV. A.B.</b>	Develop and implement procedures to ensure accountability for LGBTQI non-discrimination-policy. <b>Recommendations:</b> 1) With the activation of the Staff Accountability Plan on temporary hold until OCSD implements Axon Standards software or evaluates if this platform will serve as an adequate replacement for the current grievance system, provide a status update, including anticipated timelines for activation of the accountability plan and software.	PI	PI
<b>IV.A.C.</b>	Develop and implement procedures to protect against staff disclosing an individual's LGBTQI identity.	AI	AI
<b>IV.A.D.</b>	Staff shall use (1) an individual's pronoun and/or 2) the individual's preferred name or last name. <b>Recommendations:</b> 1) Provide an update as to the expected rollout of the ServiceNow Guardian RFID module, 2) Provide an update as to related training and staff briefing in the future.	PI	PI
<b>IV.A.E.</b>	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.	AI	PI
<b>IV.A.F.</b>	The County shall permit transgender and intersex individuals to update the photo on their jail ID.	AI	PI
<b>IV.A.G.</b>	A person's self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals.	AI	PI
<b>IV.B.</b>	<b>TRANSGENDER AND INTERSEX INTAKE &amp; CLASSIFICATION PROCEDURES</b>		
<b>IV.B.A.</b>	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	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	<p>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><b>Recommendations:</b> 1) 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. Note: Post monitoring tour, OCSD provided a draft script to the Expert for review and comment. The Expert will provide comments and recommendations soon, 2) For the future re-revision to CCOM 1200, either ensure language for items 4 and 5 of this Provision are addressed, or, ensure the revised policy addresses the Script. 3) OCSD should conduct internal audits, and/or training to Classification staff to better ensure that Classification staff verbally cover and document information relating to preferred pronouns and honorific, gender congruent housing options, and Voluntary Gender Identity Disclosure and Search Preference Form, for TNI individuals. 4) Ensure semi-annual TNI persons' Classification reviews are being conducted.</p>		
<b>IV.B.B.</b>	The County shall revise the Voluntary Gender Identity Disclosure and Search Preference Form.	<b>MS</b>	<b>AI</b>
<b>IV.C.</b>	<b>LEAST RESTRICTIVE SETTING APPROPRIATE FOR LGBTQI POPULATION</b>		
<b>IV.C.A.</b>	<p>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.</p> <p><b>Recommendations:</b> 1) 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. Note: 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</p>	<b>PI</b>	<b>PI</b>

PROVISION		CURRENT RATING	PRIOR RATING
	processes for future incarcerations as well (as applicable). 2) 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.		
IV.C.B.	<p>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.</p> <p><b>Recommendations:</b> 1) Finalize and implement the Classification Script once the Expert provides comments and recommendations for the draft version.</p>	PI	PI
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>Although this Provision is rated as “Adequately Implemented”, the Expert has a recommendation.</p> <p><b>Recommendation:</b> 1) For the next revision to CCOM 1200, include the requirements as identified in this Provision, relative to enhanced programming, activities, expanded out-of-cell time, and access to jobs within the sector. Note: The Expert understands OCSD already has plans to re-revise the policy again soon, as well as a pending Classification Script.</p>	AI	AI
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><b>Recommendation:</b> 1) As part of document production for the next monitoring tour, OCSD should flag all cases of transgender male person's housing placement, including for individuals housed in celled, more restrictive housing. Flagged documentation should include relevant classification documentation.</p>	PI	PI
IV.C.E.	The County shall not place LGBTQI individuals in LGBTQI-specific housing without the individual's consent to such housing.	AI	PI
IV.D	<b>LGBTQI HOUSING/CLASSIFICATION REVIEW PROCEDURES</b>		
IV.D.A.	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	AI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	individual would present specific, articulable threats to the security or safety of other individuals in such a placement. 1)		
IV.D.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. <b>Recommendations:</b> 1) Provide an update as to the semi-annual reviews for TNI persons, including resolution on how the process will be documented and tracked (whether through JMS, or otherwise) 3) Also, once implemented, provide (as part of document production) all relevant classification and tracking documents	NI	NI
IV.D.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. <b>Recommendations:</b> 1) Now that the pertinent information for all TNI individuals has reportedly been entered into JMS (or ServiceNow and Guardian RFID), including their pronouns, honorific, and other information, provide an update as to the rollout of the module and to the extent there may now be data to report, provide for the next document production/monitoring period 2) Monitor the classification process, including cases where incarcerated persons self-identify as LGBTQI post intake.	PI	PI
IV.D.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. <b>Recommendations:</b> 1) Aside from the Specialty Housing Requests for LGBTQI persons who self-identify post intake/booking (as such documentation is already provided as part of monitoring documentation), provide any relevant proof of practice documentation for the next monitoring period.	PI	NI
IV.D.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,	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	<p>and the housing determination shall be referred for a classification review, consistent with the above procedures.</p> <p><b>Recommendation:</b> 1) For the next monitoring period, provide documentation showing staff proof of practice (if applicable). The Expert requests OCSD either specifically identify or place in a separate monitoring pre-tour document sub-folder, all relevant classification documents that provide related security or management concerns (regarding current housing) by staff (e.g., housing officers), whereas staff deem it necessary to notify classification. The Expert certainly realizes there may be monitoring tours where no such issues arise.</p>		
<b>IV.E.</b>	<b>LGBTQI ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES</b>		
<b>IV.E.A.</b>	<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><b>Recommendations:</b> Although the Expert is elevating the rating for this Provision to “Adequately Implemented”, the following recommendation remains: 1) Continue to provide updates as to outside community organizations providing services to the WJ and IRC-IW facilities, as well as other facilities.</p>	AI	PI
<b>IV.E.B.</b>	<p>The County shall offer regular in-custody programs and support groups specifically serving the needs of LGBTQI individuals.</p> <p>Note: Although this Provision is rated as “Adequately Implemented”, the Expert will examine whether there are any updates as to outside community organizations providing services to the WJ and IR-IW facilities, as well as other facilities.</p>	AI	PI
<b>IV.E.C.</b>	<p>The County, with input from DRC, shall identify and procure LGBTQI community resource information and disseminate such information to incarcerated LGBTQI individuals.</p>	AI	AI
<b>IV.E.D.</b>	<p>The County shall identify, procure, and make accessible LGBTQI reading materials to LGBTQI individuals.</p>	MS	AI
<b>IV.E.E.</b>	<p>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.</p>	MS	AI
<b>IV.E.F.</b>	<p>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.</p>	AI	PI

PROVISION		CURRENT RATING	PRIOR RATING
<b>IV.E.G.</b>	The County shall provide gender-affirming clothing.	AI	AI
<b>IV.E.H</b>	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	AI
<b>IV.F.</b>	<b>SEARCHES</b>		
<b>IV.F.A.</b>	Policy (Searches) pertaining to TNI persons.	AI	AI
<b>IV.G.</b>	<b>MEDICAL AND MENTAL HEALTH CARE</b>		
<b>IV.G.A.</b>	<p>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.</p> <p><b>Recommendations:</b> 1) Provide clarity as to the designed length of the three (3) courses (listed above) and how the schedule will work (e.g., when, and how often each course will be taught, and which specific CHS personnel are each of the three [3] courses designed for). 2) Continue to provide proof of practice for CHS training completed. 3) Regarding the 1-page flyer posted on the wall in each of the medical offices (for the TNI patients), the Expert would like to have more dialogue with appropriate CHS personnel to examine possibly making some adjustments to the document. Note: The Expert would like to have the dialogue very soon, prior to the next scheduled monitoring tour. 4) Regarding the other two (2) 1-page flyers identified within this Provision, provide clarity as to whether these (along with the Guidance Form) are provided to the transgender patients. If so, for the next document production period, provide documented proof of practice, or the Expert will confirm via the electronic Tech Care reviews.</p>	PI	PI
<b>IV.G.B.</b>	<p>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.</p> <p><b>Recommendations:</b> 1) Provide clarity as to the length of the three (3) courses (listed above) and how the schedule will work (e.g., when, and how often each course will be taught, and which specific CHS personnel are each of the three [3] courses designed for). 2) Continue to provide proof of practice for CHS training completed.</p>	PI	PI
<b>IV.G.C.</b>	<p>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.</p> <p><b>Recommendations:</b> 1) Provide clarity as to the length of the three (3) courses (described within Provision IV.G.A [above]) and how the schedule will work (e.g., when, and how often each course will be</p>	PI	PI

PROVISION		CURRENT RATING	PRIOR RATING
	taught, and which specific CHS personnel are each of the three [3] courses designed for). 2) Continue to provide proof of practice for CHS training completed.		
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.	AI	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.	AI	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.	<b>LGBTQI TRAINING FOR STAFF</b>		
IV.H.A.	<p>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.</p> <p><b>Recommendations:</b> 1) Once ready for review and comment, provide the Expert with the draft OCSD Initial Academy LGBTQI Training curriculum and/or other OCSD training material designed for sworn staff, other than the Refresher course. 2) Provide clarity as to the specific training that sworn staff who already work at the OCJ facilities will receive, e.g., Initial Academy Training, or other specific training that will be designed for them, and/or merely the Refresher LGBTQI course. 3) Provide anticipated timelines as to when the OCSD classes (Initial Academy LGBTQI, Refresher LGBTQI, and other classes) are expected to commence. 4) Incorporate information regarding education and work opportunities (bullet number 6 of this Provision) into the curriculum or identify other staff training classes whereas this information is contained, relevant to LGBTQI persons. 5) Provide clarity as to whether relevant revised CCOM 1200 Classification information will be incorporated into the training. 6) Refer to Provision IV.G.A. for recommendation for CHS.</p>	PI	PI
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><b>Recommendations:</b> 1) OCSD Provide clarity as to the specific training that sworn staff who already work at the OCJ facilities will</p>	PI	UR

PROVISION		CURRENT RATING	PRIOR RATING
	receive, e.g., Initial Academy Training, or other specific training that will be designed for them, and/or merely the Refresher LGBTQI course. 2) OCSD provide estimated as to when the LGBTQI Initial training will be updated and provide future staff training schedules. 3) CHS Provide clarification as to when Refresher training is anticipated to commence, whether in 205, or 2026.		
<b>IV.H.C.</b>	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. <b>Recommendations:</b> 1) Refer to the recommendations for Provisions IV.H.A. and IV.H.B. (above)	<b>PI</b>	<b>PI</b>

## 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.

OCSD implemented Policy 7300 LGBTQI Inmates (effective October 25, 2024). Refer to the previous monitoring report (Expert's Sixth Round) for additional related information regarding specific sections, topics and references addressed.

During the onsite tour, PMU staff indicated the revisions to CCOM Policy 1200 Classification has been completed and will be officially implemented within the next couple of weeks after conclusion of the tour. The revisions address the RP requirements for housing and classification of LGBTQI persons.

The CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care was recently revised (effective May 9, 2025) and contains related language.

OCSD previously provided Policy 347 Disciplinary Policy (refer to the Expert's Sixth Round Report for more details).

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

The nine (9) custody and non-custody staff interviewed (e.g., from Inmate Services/Correctional Programs, housing units, and PMU staff) indicated they maintain professionalism and treat LGBTQI persons and all other incarcerated individuals respectfully, and do not discriminate against them. Staff continue to indicate they address all persons by their last names and/or preferred pronouns. The housing unit deputies acknowledged the J-119s/mod cards still include key information as input by classification deputies, such as preferred names, pronouns, honorific, and gender search preference information. The housing unit deputies stated that when they address transgender persons, they also use their preferred pronouns. A TLF housing deputy logged into the SDS for mod card information for randomly selected TNI persons, as selected by the Expert, and confirmed the information.

It is very satisfying to report that all 32 incarcerated persons interviewed had positive comments about all or nearly all housing deputies, as well as for other custody and non-custody staff. Positive acknowledgment was also expressed for the "day shift." One

individual stated he has been at the OC Jail facilities many times throughout the years, he admitted he has a history of assaulting staff, but now he can't believe how different and well staff are treating him and the other individuals. He said this is the best he has ever been treated in jail. T For clarification, even the few individuals who made negative comments, admitted that all other staff (including custody) are good, or they otherwise didn't have any concerns. It is very important to emphasize the great strides that the OCSD has made with their staff in this is area. There is further work to be done (e.g., through continued training), but the tremendous improvement is certainly noted.

The OCSD 2-hour LGBTQI STC training, dated February 3, 2025 (believed to be the new OCSD LGBTQI Refresher course) and the PREA training for OCSD personnel both contain material regarding staff treating LGBTQI 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.

None of TNI persons interviewed had any concerns with staff using their preferred pronouns, or otherwise how staff address them.

#### **Adequately Implemented (Previous Rating - Adequately 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 in October 2024. Information from Policy 7300 has been incorporated into training. OCSD will provide a draft Staff Accountability Plan and Tracking Form at the Upcoming site visit."

At the entrance meeting for the onsite tour, OCSD provided a draft Staff Accountability Plan, The draft staff accountability plan cites zero tolerance for discrimination; complaints

of discrimination, harassment, and retaliation shall be promptly investigated and documented; and any necessary remedial action, including progressive discipline, shall be taken. It also addresses the tracking of allegations whereas staff have allegedly violated LGBTQI (and ADA) related policies and procedures. It further addresses a system of quarterly audits as related to complaints and their respective resolutions. This includes the following:

- 1) The Administrative Sergeant for each custodial facility will review complaints and employee misconduct from all available documented sources (e.g., employee files, grievances, and personal investigations). The Administrative Sergeant will complete the information, verify progressive discipline is being used, attempt to identify negative trends, make action item recommendations, and document the findings on the OCSD Staff Accountability form to the captain of the facility for review.
- 2) The captain will review the OCSD Staff Accountability form and analyze the findings and recommendations to determine what actions, if any, should be taken for continuous quality improvement purposes, which shall be documented on the OCSD Staff Accountability form. A copy of the completed OCSD Staff Accountability form shall be forwarded to the Commander of the facility.

The OCSD Staff Accountability Audit form is a 1-page document that provides for the following information and data: audit date range; documents reviewed in audit (e.g., grievances, complaints, investigations); data (i.e., total number of document reviews completed, number of document reviews where progressive discipline was administered; and number of document reviews where remedial action was taken); Significant findings/trends; Recommended action items as a result of audit findings (e.g., staff counseling/verbal, staff counseling/document, other actions regarding staff performance); Action taken as a result of audit findings (e.g., number of times staff was counseled/verbal, number of times staff was counseled/document, number of times other actions were taken regarding staff performance); and Additional action items. The audit form also contains signature blocks (with dates) for the Administrative Sergeant and for the captain.

The Expert understands the above-mentioned OCSD accountability-related documents are still in draft form. Per agreement between the Expert, the County, and DRC, the staff accountability plan is temporarily on hold (details explained below).

Post onsite tour, OCSD provided updated related information in that OCSD's draft staff accountability plan will comply with Public Safety Officers Procedural Bill of Rights (POBR) while allowing for investigation and tracking of allegations of LGBTQI-involved (and ADA) discrimination against incarcerated persons or noncompliance of policies and procedures. The plan called for the Administrative Sergeant at each jail facility to conduct a semiannual audit of allegations of discrimination or noncompliance, verifying progressive discipline was being issued, attempting to identify trends, making action item recommendations, and documenting the findings on a staff accountability form in the ServiceNow electronic tracking program. The Behavioral Health Bureau Captain would then review and analyze the finding and recommendations to determine what actions, if

any, should be taken for continuous quality improvement purposes (e.g., training, counseling, briefing, policy review, referral to Internal Affairs).

However, OCSD, in conjunction with the Expert and DRC, made the decision during the site visit to put implementation of the staff accountability plan on hold until OCSD implements Axon Standards software. The Axon Standards platform will centralize and track all personnel-related information (e.g., commendations, citizen & internal complaints, SB2 complaints) in a single system of record. The Department is currently evaluating if this platform will also serve as an adequate replacement for the current grievance system. Axon Standards can serve as an early intervention and performance management tool, allowing supervisors to monitor employee conduct, recognize positive performance, and identify patterns of behavior or performance concerns that may require timely supervisory action. By centralizing and automating these processes, Axon Standards will support more comprehensive and continuous quality improvement and significantly reduce the administrative burden associated with the manual, and semiannual staff accountability audits originally planned by OCSD. Implementation of Axon Standards departmentwide is anticipated by the end of the year. The decision to include grievances in the Standards platform was recently made.

OCSD has confirmed that grievances pertaining to staff misconduct will be included within the Axon Standards platform, and non-employee grievances will remain in the grievance system. OCSD previously provided Personnel Complaint Procedure (Policy 1020). Note: this policy pertains to complaints received from the outside community. Refer to the previous monitoring report (Expert's Sixth Round) for more details.

The OCSD CCOM 1600.5 Inmate Grievance Procedure 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.

With the current process, OCSD did not provide a staff accountability log as related to LGBTQI for the monitoring period.

As part of pre-tour document production, CHS provided a spreadsheet titled, "ADA Personnel Accountability Log", but did not provide a log for LGBTQI-related complaints. However, post tour, CHS clarified that the log was mislabeled, and is actually an accountability log for all DRC/Sabot related issues with staff (whether ADA, LGBTQI, or restrictive housing). Post tour, CHS also acknowledged there were no LGBTQI related complaints against staff for the monitoring period, nor were there any issues with staff following protocols on this topic.

CHS also provided Policy 1007 Staff Accountability (effective February 11, 2025). The policy sections include Expectations, Reporting, Review and Discipline, and Auditing.

Grievances and staff written responses were reviewed pertaining to approximately 28 LGBTQI persons. About 10 grievances pertained to LGBTQI-related issues. According to the written grievance responses, all were answered (some denied with an explanation,

and some granted and resolved by Correctional Programs); investigated and deemed to be not sustained or unsubstantiated; or the respective matter was referred for further review.

The Expert has the following recommendations:

- With the activation of the Staff Accountability Plan on temporary hold until OCSD implements Axon Standards software or evaluates if this platform will serve as an adequate replacement for the current grievance system, provide a status update, including anticipated timelines for activation of the accountability plan and software.

#### **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.*

CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care (effective May 9, 2025); OCSD Policy 375 Transgender Policy (Section 375.4); and OCSD Policy 7300 LGBTQI all contain relevant language.

Of the 32 LGBTQI persons interviewed, none of them had any related concerns. For all previous monitoring tours, this had been a repeated expressed concern from multiple individuals for each tour. Although there were still a few complaints relative to intake/booking staff for the current tour, there were no complaints of “outing.” Again, there is noted improvement! OCSD has been continuously responsive in investigating all past complaints and providing the general findings to the Expert.

Once again, custody and non-custody staff interviewed were aware of the confidentiality requirements and the “need-to-know” basis regarding persons who identify as LGBTQI (including TNI).

#### **Adequately Implemented (Previous Rating - Adequately 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.*

Policy 7300, Section 7300.2 Staff Accountability, addresses this provision. Refer to the previous monitoring report (Expert's Sixth Round) for specific details. OCSD Policy 375 Transgender Policy (Sections 375.3 and 375.4) contains some related language requirements for staff to follow.

In the most recent OCSD Action Plan for this provision, the County indicated, “The plan is for incarcerated persons information to be entered into ServiceNow/Guardian RFID (collectively “Jail Management System” or “JMS”). The person's ID 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 JMS. Currently, all transgender incarcerated persons have been entered into JMS along with their pronouns. OCSD will roll-out this module and provide a training and briefing in the future.

Two (2) of the housing deputies interviewed stated the J-119s/Mod Cards include information such as preferred pronouns, gender identity information, and search preference information. Through three (3) randomly selected TNI individuals (by the Expert), housing deputies produced the corresponding J-119s/Mod Cards, which all included the required information.

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., despite a few complaints regarding intake/booking loop staff, or regarding one (1) specific housing unit deputy, all 32 persons interviewed indicated staff are professional, honor their preferred pronouns or otherwise they use last names.

The Expert has the following recommendations:

- Provide an update as to the expected rollout of the ServiceNow Guardian RFID module.
- Provide an update as to related training and staff briefing in the future.

#### **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 in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials. OCSD will permit transgender and intersex incarcerated persons to update their photo for their identification cards as requested. OCSD will also permit name changes upon receipt of a court order (i.e., incarcerated persons may change their name legally through criminal court in their pending cases)."

Policy 7300 LGBTQI Inmates, Section 7300.4 Updating Jail ID Name and Photograph, contains related language (refer to the previous monitoring report, Expert's Sixth Round) for more details.

As was the case for the previous monitoring period, OCSD did not provide any documents related to this provision, 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 unit reflecting the new name change, etc.). OCSD has confirmed that this was not an issue that arose during the current monitoring cycle, which is supported by the lack of any related concerns identified from the interviews.

Once again, staff indicated that individuals may update their jail identification cards if they have a legal name change.

As OCSD staff are trained regarding Policy 7300 LGBTQI, they will be aware of related provision requirements.

The OCSD Inmate Handbook (revised July 10, 2025 – 28 pages) includes related information, in that TNI persons (including people awaiting trial) may be permitted to update their Jail ID names if they have obtained a legal name change.

#### **Adequately 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 in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials. OCSD will permit transgender and intersex incarcerated persons to update their photo for their identification cards as requested.

See Section IV.A.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 expressed during the staff and incarcerated person interviews during the past four (4) monitoring reviews.

As previously reported, during the Expert's Second Round of monitoring, 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.

Note: The Expert will continue to examine for any related documentation that may arise during the next scheduled monitoring period.

#### **Adequately Implemented (Previous Rating - Partially Implemented)**

G. *A person's self-identification as LGBTQI at any point is sufficient to trigger the protections and procedures specific to LGBTQI individuals, as set forth herein. Documentation of a medical diagnosis or legal documentation of an individual's identity, including their gender marker or legal sex, is not required for staff to respect or confirm an individual's gender identity, except in cases where there is specific evidence that a person has falsely asserted a gender identity:*

- 1. The fact that a person has not completed a legal name change or has not obtained a government-issued identification that reflects their affirmed sex, gender identity, or name shall not constitute evidence to justify staff not respecting the individual's gender identity.*
- 2. The absence of the completed County's Voluntary Gender Identity Disclosure and Search Preference Form shall not constitute evidence to justify staff not respecting the individual's known gender identity.*

The CHS Policy 6206 Gender Diverse/LGBTQI+ Patient Health Care (effective May 9, 2025) contains related language.

In the most recent OCSD Action Plan for this provision, the County reported, "Policy 7300 was finalized and implemented in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials."

OCSD Policy 7300 LGBTQI, contains related language. Refer to the previous monitoring report (Expert's Sixth Round) for detailed information.

The Expert confirmed the OCSD Inmate Handbook (revised July 10, 2025) and OCSD staff training now include the related provision information.

As was the case during the previous six (6) monitoring reviews (including staff interviews), staff maintain 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., J-119/Mod card and/or Voluntary Gender Identity Disclosure and Search Preference Form) or not. All staff interviewed indicated they refer to all TNI persons by their last names and/or preferred pronouns.

There were written grievance complaints filed during the monitoring period pertaining to homophobic slurs and misgendering. However, OCSD investigated the complaints, and they were found not sustained or unsubstantiated.

**Adequately 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 in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials. OCSD is finalizing Policy 1200 (Classification) after review by DRC and Sabot. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input.”

The OCSD Voluntary Gender Identity Disclosure and Search Preference Form captures item numbers 1, 2, and 3 of this Provision. Policy 7300 LGBTQI Inmates also captures elements of item number 3 and references CCOM Section 1200 Inmate Classification and Population Management. CCOM Section 1200 was revised in August 2025, and addresses Provision item number 6. The County indicated once the Classification Script is developed, CCOM 1200 will be further revised, including to reflect items number 4 and 5 of this Provision. The Expert will deem Provision items 4 and 5 covered once the information is specifically addressed within the re-revision of CCOM 1200, or if the re-revised policy at least references the Script. Refer to the Expert's Sixth Round report for specific details. Note: Post monitoring tour, OCSD provided the draft Script to the Expert for review. The Expert will provide comments and recommendations very soon.

OCSD provided approximately 66 completed/signed OCSD Voluntary Gender Identity Disclosure and Search Preference Forms. Approximately 46 were completed during the monitoring period.

Per verbal agreement between the Expert and the County, PMU provided approximately 68 records as sample cases for the expert to randomly pick from, to review. The Expert randomly selected 25 cases (Specialty Housing Requests). Of the 25 LGBTQI classification cases reviewed, seven (7) identified as Transgender Females, one (1) identified as non-binary, and one (1) identified as A-Sexual. Three (3) of the nine (9) cases did not include any mention of preferred pronouns or honorific. Of the three (3), two (2) were transgender females, and one (1) was non-binary. Classification staff did a great job discussing and considering safety concerns, and offering and recommending LGBTQI housing, and otherwise allowing the individuals' their requests and gave consideration as to general population (GP), protective custody (PC), or PC-Mainline LGBTQI. However, of the seven (7) transgender females, for six (6) of them, there was no documentation regarding discussing gender congruent housing options. For the other case, the transgender female requested and was granted female GP housing. For three (3) of the nine (9) TNI cases, there was no documentation regarding the Voluntary Gender Identity Disclosure and Search Preference Form.

The Classification process still does not include Classification staff explaining the differences between PC versus GP (e.g., for programming access/opportunities, including possibly for future jail incarceration periods [if applicable]). As stated above, implementation of the Script is pending, for Classification staff to follow during all Classification encounters with TNI persons. During the onsite monitoring tour, PMU staff reaffirmed that a draft script is in process.

Of the 32 LGBTQI persons interviewed, all who arrived within the current 6-month monitoring period were asked whether classification staff spoke to them about jail dynamics or differences associated with being PC versus GP classification in the jail setting. Or, specifically, 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 likely that once an individual is classified as PC it may prove difficult to change to GP, and thus an individual may possibly have to remain on PC status for any future incarcerations. Only one (1) individual indicated that this type of information was discussed.

There was no evidence to support that semi-annual LGBTQI reviews are being conducted. During the onsite tour, PMU staff indicated the reviews will commence within the next couple of weeks (post monitoring tour).

The OCSD 2-hour STC LGBTQI training for sworn staff (Refresher course) now includes classification information, including from CCOM 2900 PREA; CCOM 1200 Inmate Classification and Population Management, including material pertaining to the OCSD Voluntary Gender Identity Disclosure and Search Preference Form; housing placements (e.g., GP, PC Mainline, and PC LGBTQI, and gender congruent housing); gender identity; and honoring and use of preferred pronouns and honorific, including being used in reports, class reviews, etc.

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

- 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. Note: Post monitoring tour, OCSD provided a draft script to the Expert for review and comment, The Expert will provide comments and recommendations soon. Note: Upon implementation of the script, 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 must 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 (or may impact) 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. Ask for information about the individual's preferred housing placement (e.g., male-/female-designated unit, general population/protective custody).
  - 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.
- For the future re-revision to CCOM 1200, either ensure language for items 4 and 5 of this Provision are addressed, or that it references the Script.
- OCSD should conduct internal audits, and/or training to Classification staff to better ensure that Classification staff verbally cover and document information relating to preferred pronouns and honorific, gender congruent housing options, and Voluntary Gender Identity Disclosure and Search Preference Form, for TNI individuals.
- Ensure semi-annual TNI persons' Classification reviews are being conducted.

#### **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.*

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 Ratings for Fifth and Sixth Rounds - 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 in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials. OCSD is finalizing Policy 1200 (Classification) after review by DRC and Sabot. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input.”

Policy 7300 LGBTQI Inmates does not address this provision but refers the reader to CCOM Section 1200, Inmate Classification and Population Management, which contains related information.

The 2-hour STC LGBTQI training (Refresher course) addresses aspects of housing placement and gender congruent housing. One of the slides indicates “LGBTQI inmates shall have equal access to programming, services, and activities available to other inmates, consistent with their health and safety needs and classification level.”

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/PMU staff indicated 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, it is noted that housing in PC or LGBTQI PC generally results in reduced or somewhat limited out-of-cell and programming opportunities.

There were no complaints regarding restrictive housing per se. But a recurring concern (as confirmed through current and past LGBTQI interviews) is that many LGBTQI persons who were in jail for the first or second time, did not understand how PC classification would impact their access to programming, work assignments, and out-of-cell activities. LGBTQI persons continue to indicate they were not told how gender identity impacts classification. With the exception on one (1) person interviewed, the LGBTQI persons

continue to indicate there was no explanation as to any differences between programming in PC Mainline 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. Only one (1) of the 32 persons interviewed had concerns with their assigned housing. Specifically, a transgender female claimed classification staff did not discuss or offer gender congruent housing as an option.

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 has also been 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 or many 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.
  - 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 for future incarcerations as well (as applicable).
- 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.

---

**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 in October 2024. Information from Policy 7300 has been incorporated into staff training as well as the OCSD incarcerated person orientation video/materials. OCSD is finalizing Policy 1200 (Classification) after review by DRC and Sabot. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input. LGBTQI incarcerated persons have been housed and have had access to programs at the James A. Musick Facility (JAMF), and OCSD will continue to house them there as appropriate based on classification."

CCOM 1200 Inmate Classification & Policy Management addresses this Provision.

The STC 2-hour LGBTQI training (Refresher course) contains related information.

Based on a review of 25 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 25 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, including LGBTQI PC Mainline for most cases, and at least one (1) case for GP housing.

Some individuals did not have any concerns regarding their yard and/or dayroom time, while others shared their concerns. The Expert could not substantiate or refute the claims of lack of yard or dayroom time. Note: information from the related complaints received were provided to the Sabot Restrictive Housing Expert as well.

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

Post monitoring tour, the Expert was provided an OCSD draft "script" to review. Feedback will be provided with the expectation that a final version will be implemented within the coming monitoring period. 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.

The Expert did not tour the JAMF for the current monitoring tour and noted there were not any identified LGBTQI persons housed at the facility during the current monitoring cycle. The County has indicated that no PC persons will be housed at the facility, which means that the LGBTQI population (persons classified as PC) will generally be excluded from that facility. The County has indicated that LGBTQI incarcerated persons (persons classified as GP) have been housed and have had access to programs at the JAMF in the past and will be provided access as they are housed there in the future.

The Expert has the following recommendations:

- Finalize and implement the Classification Script once the Expert provides comments and recommendations for the draft version.

#### **Partially Implemented (Previous Rating - Partially Implemented)**

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

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

The County again provided proof that PMU staff (along with the LGBTQI coordinator) has examined multiple cases for reclassification – specifically, consideration of classification adjustment from PC-2 to PC-3 for purposes of GBTQ (Pride) program placement. 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, became effective on October 25, 2024. It addresses numerous topics but does not specifically speak to the GBTQI (Pride) program.

The CCOM 1200 Inmate Classification & Population Management policy identifies the GBTQI Pride program but does not identify the unit having expanded out-of-cell time, access to jobs in the sector, and enhanced programming activities. Despite not specifically identified within policy, and as has been reported throughout the Expert's previous monitoring reports, OCSD has consistently provided enhanced programming, and

expanded out of cell time, and over the past few monitoring cycles, they have also provided access to jobs within the housing sector.

The GBTQI 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 11 program participants.

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

- Positives:
  - The LGBTQI coordinator continues to work closely with PMU and the OCSD administration in interviewing and helping to determine LGBTQI candidates for approval and removal into or from the Pride program.
  - More staff know who the LGBTQI coordinator and her assistant coordinator are
  - LGBTQI resource guide/material postings are now in all units.
  - Electronic Tablets:
    - An LQBTQI folder has been uploaded
    - The LGBTQI coordinator contact information is now more easily visible (stands out) to the reader
    - There are more LGBTQI flyers/pamphlets from platform ADOVO, pertaining education and related materials
  - Pride Program:
    - Two (2) Pride program graduation/completion ceremonies were conducted.:
  - Incarcerated Person Survey (for all facilities):
    - Completed two months ago and the results will be shared with the sheriff next month
    - Incarcerated persons would like more vocational and re-entry programming
    - There were fewer negative comments about deputies, and less comments about a lack of access to them
    - More information is being requested, such as what is the Pride program in general, as well as the Great Escape program
  - Incarcerated Person Programs/Classes and Schedule Cards:
    - Programs staff have created cards which show an individual's semester schedule
    - Housing unit monitor screens:
      - Correctional Programs is examining possibly purchasing and providing monitors (similar to airport departure/arrival flight monitors) for each housing unit to show activities available for each day, this will allow staff and incarcerated persons to know (and be prepared for) the daily schedules.
- Possible Negatives/Other
  - Classes/Programs:

- Outside providers (Shanti OC and APAIT) are struggling with funding and staffing; Correctional Programs is examining the need to look at handling some of the classes/programs internally
- Now there's a small gap in the evenings on three (3) nights, but hopefully next semester will be better:
- Currently only (1) Rancho Santiago class for Pride and sectors 1 and 2 this semester

The Expert interviewed two (2) housing deputies who are familiar with the Pride program as well as familiarity with four (4) specific sectors with two (2) specific mods, which all house LGBTQI persons. They provided the following information:

- J-119/mod card information is input by classification staff.
- The Expert observed the deputies log into the SDS for mod card information including LGBTQI and TNI information (e.g., preferred pronouns and honorific, and search preferences) for randomly selected TNI persons.

OCSD provided the current Pride Program Schedule. Classes/programs for the monitoring period consisted of the following: Improv Class (Once Monthly), AA Panel, Check-In (LGBTQI Coordinator/Case Manager), RECLAIM (Outside organization), Participant-led Workshops or Great Escape (Case Manager), Leadership 1 (Rancho Santiago Community College District), Individual Case Management (Case Manager), Mindfulness/Yoga (Prison Yoga Project), Food Service Handler/Manager (Rancho Santiago), Art Therapy (The Phoenix), Restorative Practices Group (Case Manager), 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, and Workforce Readiness), Street Law/Life Skills (OC Public Defender's Office), Affirmative Therapy Process Group (OCHCA Clinician), and Leadership 2 (Rancho Santiago College).

It is noted there is nothing currently scheduled for Monday mornings. Again, the shortage of Shanti OC and APAIT staff is noted. According to Correctional Programs staff, currently there is only one (1) volunteer coming in to facilitate programs.

Of positive note, while onsite, the Expert participated in the Improv Class. The Expert initially set out to merely observe and take notes, but the instructor and Pride class participants asked and urged for participation. Admittedly, participating in the class proved most enjoyable. The instructor was quite impressive and her interactions with the participants along with their motivation and actions in the class were equally impressive.

As stated earlier in the report, the Expert interviewed (individually and confidentially) numerous LGBTQI persons, including from the Pride program. There were positive and negative comments related to various topics, e.g., safety, work opportunities, electronic tablets, access to programs and classes, message request process and access to medical appointments. 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:

The Expert concurs the Pride program is no longer considered a pilot program, and will continue indefinitely, as identified by OCSD.

Although the Parties have agreed this Provision has been Adequately Implemented, and the Expert has rated it as such, the Expert has the following recommendations:

- For the next revision to CCOM 1200, include the requirements as identified in this Provision, relative to enhanced programming, activities, expanded out-of-cell time, and access to jobs within the sector.
  - Note: The Expert understands OCSD already has plans to re-revise the policy again soon, including regarding the Classification Script.

#### **Adequately Implemented (Previous Rating – Adequately 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, “OCSD will consider having the LGBTQI coordinator or case manager meet with all LGTBQI persons housed in the female housing units, although all pertinent information is currently available on the tablet (e.g., resource information, LGBTQI coordinator contact information, and information regarding LGBTQI-approved reading materials). OCSD is expanding the correspondent packet program for all incarcerated individuals, including LGTBQI. OCSD will continue to provide program services staffing with the coordinator and case manager. The survey was completed and results shared with Sabot during document production for the upcoming site visit.”

Per OCSD dialogue with the tablet vendor, an LGBTQI folder was recently created, and includes (in more visible and easily to identify form) the LGBTQI resource information, and still includes the LGBTQI book list, and the LGBTQI coordinator's contact information, as well as much more related flyers/pamphlets and education-related material.

The Expert interviewed three (3) female LGBTQI persons from IRC and three (3) LGBTQI persons (two [2] females and one [1] transgender male) from the CWJ. There were positive comments regarding job opportunities. There was a concern regarding housing. Specifically, one (1) of the persons (transgender male) indicated he would have wanted male housing, but it wasn't offered or discussed with him. Multiple individuals indicated they were not sure about any education opportunities, or classes/programs with outside organizations, such as APAIT/Shanti OC. There was also a complaint that exercise yard time is not offered. The information received could not be substantiated or refuted:

Regarding staffing, Correctional Programs personnel reported that that OCSD hired five (5) new Correctional Program Technicians. However, one (1) did not remain past his/her

probationary period (TLF); one (1) is currently on maternity leave; one (1) left OCSD jail employment to work for the probation department; one (1) went to the JAMF; and one (1) went to CJX. The new positions reportedly have some LGBTQI duties, but the LGBTQI coordinator and assistant must cover the workload due to vacant positions. Additionally, one of the supervisors left County service, and her position has yet to be filled. The LGBTQI coordinator had to take on the former supervisor's Title 15-related workload.

For the next scheduled monitoring tour/period), the Expert will further examine housing options afforded or considered for TNI persons (including individuals housed in female housing, as well as TNI persons requesting female housing). The Expert will also closely examine cases of transgender men's housing placement in celled, more restrictive housing, and to confirm whether their classification/placement is appropriate and consistent with this Provision requirement. The Expert will also examine any updates as to internal staffing for the Correctional Programs unit; examine updates regarding expanding the correspondent packet program for all incarcerated persons (including possibly having a designated Correctional Programs staff member serve as an assistant for the program); and examine whether further consideration is given to having the 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).

The Expert has the following recommendation:

- As part of document production for the next monitoring tour, OCSD should flag all cases of transgender male person's housing placement, including for individuals housed in celled, more restrictive housing. Flagged documentation should include relevant classification documentation.

#### **Partially Implemented (Previous Rating – Partially Implemented)**

The Expert is considering raising the rating for this RP Provision after the next monitoring tour/period.

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 in October 2024. Information from Policy 7300 has been incorporated into staff training. OCSD is finalizing Policy 1200 (Classification) after review by DRC and Sabot. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input. OCSD will continue to only place LGTBQI incarcerated persons in LGTBQI housing with the incarcerated persons' consent and upon request or expressed preference."

The CCOM 1200 Inmate Classification & Population Management policy addresses this Provision. OCSD has committed to addressing the consent issue in the next policy revision, as well as development and implementation of the Classification "Script" to

explain applicable classification and security options and ensure LGBTQI persons fully understand the protective custody and general population classifications (and other information as applicable). Note: Post tour, OCSD provided the draft Classification Script to the Expert for review. The Expert will provide OCSD with comments and recommendations very soon.

Classification and PMU staff maintain they would not force placement into LGBTQI-specific housing without the consent of identified LGBTQI persons.

Of the 32 identified LGBTQI persons interviewed, there were no complaints regarding forced housing into LGBTQI housing units/areas without the individual's consent. I

Documentation (OCSD Specialty Housing Requests) widely 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.

The current OCSD training material does not specifically address this Provision.

#### **Adequately 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, "Policy 7300 was finalized and implemented in October 2024. Information from Policy 7300 has been incorporated into staff training. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input. OCSD will continue to only place LGTBQI incarcerated persons in LGTBQI housing with the incarcerated persons' consent and upon request or expressed preference."

The CCOM 1200 Innate Classification & Population Management policy addresses this Provision.

OCSD has previously 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."

The 2-hour OCSD STC LGBTQI training material (Refresher course) includes related information as appropriate, including that classification staff shall give serious consideration to each individual's views of their own safety regarding the prospective housing placement.

The Expert randomly selected and reviewed 25 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 provide any concerns and ultimate housing recommendations to a Classification Sergeant. For transgender persons, documentation included the individual's preferred name and pronouns. Most cases resulted in assigned PC housing, a couple of cases resulted to AH housing, and one (1) case for GP housing (as requested by the LGBTQI individual) was recommended and approved. The documentation showed Classification Sergeant housing approval for all 25 cases reviewed.

None of the 25 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 may likely follow them throughout current and future incarcerations (as applicable), as well as other related information that should be addressed during the Classification process. Only one (1) of the LGBTQI persons interviewed (that arrived at the OCJ during the monitoring period) indicated the respective Classification deputy explained such information.

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 to Classification for rehousing/reclassification consideration if needed.

Although this Provision is being rated as Adequately Implemented, the Expert acknowledges the Classification Script is under review and will be implemented soon.

### **Adequately 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.*

- 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 in October 2024. Information from Policy 7300 has been incorporated into staff training. OCSD is finalizing Policy 1200 (Classification) after review by DRC and Sabot. OCSD is working on a script for classification staff, as recommended above. The script will be shared with DRC and Sabot for any input. OCSD will continue to only place LGTBQI incarcerated persons in LGTBQI housing with the incarcerated persons’ consent and upon request or expressed preference. OCSD is exploring the possibility of integrating the semi-annual reviews for all transgender and intersex incarcerated persons into JMS.”

The CCOM 1200 Innate Classification & Population Management policy addresses this Provision.

The RP Provision for semi-annual (at minimum) classification reviews for TNI persons has not yet been put into place. This has been confirmed by PMU/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 “within the next couple weeks”, and that they would confer with the JCATT Sergeant on how to effectively report the 180-day reviews.

The Expert has the following recommendations:

- Provide an update as to the semi-annual reviews for TNI persons, including resolution on how the process will be documented and tracked (whether through JMS, or otherwise).
  - Also, once implemented, provide (as part of document production) all relevant classification and tracking documents.

### **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, “JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. JMS should provide tracking of dates and times for historical housing assignments. (It is an artifact of SDS that after 30 days, SDS housing records drop off the times and just include the dates.) Currently, all transgender incarcerated persons have been entered into JMS along with their pronouns. OCSD will roll-out this module and provide a training and briefing in the future.”

The Expert acknowledges OCSD’s previous Action Plan to this Provision (Expert’s Sixth Round Report) 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 into the JMS, or ServiceNow, and further understands that ServiceNow will be linked to the Guardian RFID program.

Housing unit deputies continue to contend they would immediately refer LGBTQI individuals back to the Classification Unit for all requests for different housing assignments. Classification staff also still 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.

OCSD provided completed classification Specialty Housing Requests, for nine (9) LGBTQI persons, for cases whereas the individuals self-identified as LGBTQI after the initial intake/booking/classification processes. All nine (9) were rehoused to PC LGBTQI housing, per their respective requests. The cases reviewed were from MJ, IRC, and TLF. Where applicable, three (3) of the five (5) cases had documentation relative to their respective preferred pronouns and honorific, and completion of the Voluntary Gender Identity Disclosure and Search Preference Form.

The Expert has the following recommendations:

- Now that the pertinent information for all TNI individuals has reportedly been entered into JMS (or ServiceNow and Guardian RFID), including their pronouns, honorific, and other information, provide an update as to the rollout of the module and to the extent there may now be data to report, provide for the next document production/monitoring period.
- Monitor the classification process, including cases where incarcerated persons self-identify as LGBTQI post intake.

### **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, “OCSD is finalizing Policy 1200 after review by DRC and Sabot.”

As part of document production, OCSD provided the draft Safety Plan for this Provision. CCOM 1200 Classification and Population Management policy (specifically Section 1204.5 LGBTQI Inmates) contains the specific language. The language for the Safety Plan addresses self-identification post intake and/or if known safety concerns are present; immediate rehousing to a safe location; referrals from staff to classification personnel, including submittal of a Classification Review form; escorting the individual to the “Booking Loop as soon as possible” for classification review and interview; Classification staff will conduct a Classification review and interview to determine proper classification and housing placement, then complete the Classification review form, which must be reviewed and approved by the Classification Sergeant prior to re-housing the individual; and the Classification review process shall be completed within 24 hours of receipt of the Classification Review form by Classification staff.

The Expert has the following recommendation:

- Aside from the Specialty Housing Requests for LGBTQI persons who self-identify post intake/booking (as such documentation is already provided as part of monitoring documentation), provide any relevant proof of practice documentation for the next monitoring period.

### **Partially 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, “OCSD is finalizing Policy 1200 after review by DRC and Sabot.”

The CCOM 1200 Inmate Classification & Population Management policy addresses this Provision.

OCSD continues to indicate this has been done in practice for all persons and documented in Classification reviews. However, for the monitoring period there were no related security or management concerns identified. The Expert reviewed 25 randomly selected Classification-related documents (Specialty Housing Requests, Classification Review Forms).

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 recommendation:

- For the next monitoring period, provide documentation showing staff proof of practice (if applicable). The Expert requests OCSD either specifically identify or place in a separate monitoring pre-tour document sub-folder, all relevant classification documents that provide related security or management concerns (regarding current housing) by staff (e.g., housing officers), whereas staff deem it necessary to notify classification. The Expert certainly realizes there may be monitoring tours where no such issues arise.

**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, “The LGBTQI Coordinator contact information is now also posted in the LGBTQI folder on the tablets instead of only embedded in the community resource pamphlet, making it easier to locate. OCSD will discuss with the tablet vendor whether any additional LGBTQI-related programming is available for inclusion on the tablets. OCSD will continue to reach out and work with community organizations/LGBTQI providers. Information regarding these efforts will be provided in the document production and during upcoming site visit.”

OCSD provided an internal note indicating the LGBTQI Resource Guide and LGBTQI Book List are posted within the OCSD jails in numerous housing units at TLF, MJ, WJ, IRC, and JAMF. The materials were reportedly posted in recreation areas/dayrooms. A copy of each is also offered during the LGBTQI+ Incarcerated Person interviews and both are available on the tablets under the LGBTQI tab.

The Expert conducted walkthrough tours of approximately 12 randomly selected housing units/sectors/tanks at TLF, WJ, MJ, and the IRC, for the purpose of observing postings, including the OCSD LGBTQI+ Resource Guide, the LGBTQI-approved book list, and the PREA Zero Tolerance pamphlet posted. With the exception of an acute care unit, all housing units had the information posted. Most of the units had GTL tablet and phone information posted, and four (4) of the housing units at the MJ had Policy 7300 LGBTQI posted.

As part of document production, OCSD provided a memorandum (note) regarding Rancho Santiago Community College in-person classes and correspondence packets:

- Rancho Santiago College:
  - All incarcerated individuals throughout the entire jail system have access to Rancho Santiago Community College correspondence packets and Correctional Programs correspondence packets, i.e. Great Escape and Back on Track.
  - PC3 & PC2 incarcerated individuals housed at Central Men’s Jail have access to in-person Rancho Santiago Community College classes and in-person Correctional Programs classes, i.e. Great Escape and Back on Track.
  - Non-Pride LGBTQI PC3 incarcerated individuals housed at Theo Lacy have access to an in-person Rancho Santiago Community College Workforce Readiness class.
- Shanti OC:
  - LGBTQI PC3 & PC2 incarcerated individuals housed at Theo Lacy have access to in-person Shanti OC (six-week sessions)
- APAIT:
  - LGBTQI PC3 incarcerated individuals housed at Theo Lacy have access to in-person APAIT Group Therapy (six-week sessions)

The number of in-person Rancho Santiago Community College District classes for OCJ has since been reduced from 3-to-1, since the previous monitoring period. Reportedly, Rancho Santiago is also reportedly incurring staff shortages.

OCSD and CHS provided spreadsheets and participant sign-in sheets for many classes/programs offered. Excluding the Pride program, the following list includes only the programs/classes not previously identified (from the prior monitoring period document production) with regard to LGBTQI having previously attended and those that are new, since the previous monitoring report (Expert's Sixth Round).

- SUD Group – CHS (JAMF) (WJ)
- PIVOT (JAMF) (TLF)
- Coping Skills Group
- Introduction to Computer Software (JAMF)
- Home-Based Business (JAMF) (TLF)
- Malachi Men (TLF) (MJ)
- Malachi Women (IRC)
- Effective Parenting (TLF) (IRC)
- MAT Program – CHS (TLF) (WJ) (IRC) (MJ)
- Men of Purpose (TLF)
- Women of Purpose (WJ)
- Fir4e (All In Volunteer) (WJ)
- Olive Crest (All In Volunteer) (WJ)
- Prison Yoga (IRC)

The expert notes the above bulleted information does not account for the many classes that were rotated between facilities.

OCSD provided completed copies of Continuing Education Attendance Tracking System–Numerous Student Hours Reports & Attendance Sheets. The documentation showed the following information:

- Shanti OC:
  - 339 total classroom hours for 28 students
- Workforce Prep (Rancho Santiago):
  - 198 total classroom hours for 18 students
- APAIT Group Therapy:
  - Four (4) classes in January 2025
    - Between 3-8 attendees for a given class
  - One (1) class in February 2025
    - Six (6) attendees
  - Two (2) classes in June 2025
    - Between 9-10 attendees for a given class

Regarding LGBTQI Orientation, OCSD provided a spreadsheet breakdown of all sessions conducted at TLF Mod I and Mod J for the period of January 2025 to June 2025, including refusals, individuals that were released from custody prior to receiving

orientation, and individuals that were on out-to-court status. The data shows that hundreds of orientation sessions were conducted. OCSD also provided completed copies of LGBTQI+ Interview Worksheets, to help demonstrate proof of practice.

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 and/or the LGBTQI coordinator contact information contained within the tablet. Specifically, 12 of the 32 individuals (from TLF, MJ, WJ, and IRC) interviewed claimed they were not aware there is an LGBTQI coordinator or who she is.

The OCSD Inmate Handbook, revised July 10, 2025 (28 Pages), provides some LGBTQI-related information. For example, it identifies that conditions of confinement related to LGBTQI issues is a category for grievances; there is a section titled, "LGBTQI Resources"; and there is language pertaining LGBTQI books, information on the electronic tablets; and TNI persons being able to update their Jail ID names if they have obtained a legal name change.

OCJ has over 450 approved LGBTQI-related books from many different authors. The majority of LGBTQI persons interviewed are aware of the books and the process to request/order through the LGBTQI coordinator. However, there are still some individuals who are not aware of the books, the process to check them out, and/or that the book list is on the tablet. Specifically, 10 of the 32 individuals interviewed claimed they were not aware of process (MJ-3, IRC-3, WJ-2, TLF Mod I-1, and TLF Mod J-1).

As previously recommended, OCSD and the tablet vendor added an LGBTQI section to the tablet, and the LGBTQI coordinator's name and contact information now stands-out and is easier for the reader to locate.

During the monitoring tour, an individual from the Pride program demonstrated access to the tablet and its many features, including the "Free" and "Education" sections. The sections included:

- Free Section:
  - Miscellaneous notices
  - LGBTQ coordinator and staff information
  - LGBTQ Glossary
  - LGBTQ-approved book list
  - LGBTQ resource brochure
  - LGBTQ eating disorder information
  - Sexual orientation Gender Identification (7 pages)

- Supporting family of LGBTQ (3 pages)
- PREA general brochure (English and Spanish)
- Education Section:
  - EDOVO
  - LGBTQI
  - Resources for incarcerated transgender people
  - Numerous additional LGBTQI related materials

Although the Expert is elevating the rating for this Provision to “Adequately Implemented”, the following recommendation remains:

- Continue to provide updates as to outside community organizations providing services to the WJ and IRC-IW facilities, as well as other facilities.

#### **Adequately 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, “LGBTQI Coordinator contact information is now also posted in the LGBTQI folder on the tablets instead of only embedded in the community resource pamphlet. OCSD will discuss with the tablet vendor whether any additional LGBTQI-related programming is available for inclusion on the tablets. OCSD will continue to reach out and work with community organizations/LGBTQI providers. Information regarding these efforts will be provided in the document production and during upcoming site visit.”

OCSD has previously reported there is no program where an LGBTQI person is excluded because they are LGBTQI. These persons attend classes and programs throughout the OCSD jail system.

The Expert interviewed four (4) staff members from the Correctional Programs unit, including the LGBTQI coordinator, and her assistant. Staff provided several updates related to outside organizations that provide in-custody programs and support groups for LGBTQI persons at OCJ. Shanti OC and APAIT are the two (2) organizations that have been providing services. However, both community organizations have been impacted by funding and staffing challenges, thus impacting services offered at the OCJ facilities.

Refer to the previous Provision section of this report for additional information relative to APAIT Group Therapy classes for the monitoring period.

As part of document production OCSD has provided the following resource flyers/pamphlets that are accessible from the tablet or otherwise provided or available to incarcerated persons:

- OCSD Inmate Services Division Correctional Programs LGBTQI+ Resource Guide (2 pages)
- Pamphlet: 18+ Free LGBTQ+ Group Counseling (1 page)
- APAIT Orange County Services flyer (1 page)
- APAIT Queer Support flyer (1 page)
- APAIT Ryan White Housing & Case Management flyer (1 page)
- Shanti OC Mental Health Services flyer (1 page)
- Shanti OC HIV/AIDS Case Management flyer (one English version and one Spanish version) (1 page)
- The County Community Service Center/OC Social Services Agency flyer
- (6 pages)
- CalOptimal Health flyer (4 pages)

Most of the persons interviewed who participate in LGBTQI-related programs (or who have done so in the past) enjoy(ed) the programs and feel that they benefit from them.

Although this Provision is rated as “Adequately Implemented”, the Expert will examine whether there are any updates as to outside community organizations providing services to the WJ and IR-IW facilities, as well as other facilities.

#### **Adequately 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.*

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.

More LGBTQI persons at TLF and CJX continue to become 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 (as detailed earlier in this report).

As also reported earlier in this report, in collaboration with OCSD, the tablet vendor reorganized the sections of the tablet, including LGBTQI-related information, within the Free and Education sections. The LGBTQI coordinator contact information is now

separated as a stand-alone read, to make it easier for the reader to identify. The contact information is still embedded within the LGBTQIA+ Resource Guide as well. As described in Provisions IV.E.A. and IV. E.B. (above), there is also noticeably more resource material and information now located within the tablet. As also mentioned earlier in the report, documents production identified that the resource material is posted in virtually all housing units at TLF and CJX, and through my walking tours of randomly selected housing units at TLF and CJX, the resource was posted in every housing unit, except for the mental health acute care unit. The Expert does not have any concerns with that.

**Adequately Implemented (Previous Rating – Adequately Implemented)**

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

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

**Monitoring Suspended (Previous Rating - Adequately Implemented)**

E. *Showers*

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

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

**Monitoring Suspended (Previous Rating - Adequately Implemented)**

F. *Commissary*

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

In the most recent OCSD Action Plan for this provision, the County reported, “Defer to CHS regarding their policies and procedures. Hair removal products are being provided at no cost to transgender inmates with dysphoria upon Mental Health’s determination of clinical appropriateness (OCSD is covering the cost). The 2-for-2

razor exchange policy and memo were previously provided during prior site review. OCSD has not been and does not intend to document razor distribution.”

In the most recent CHS Action Plan for this provision, CHS reported, “CHS Policy 6206 was updated and implemented 5/9/25. Copy of policy is in the FTP.”

CHS Policy 6206 Gender Diverse LGBTQIA+ Patient Health Care Policy 6206 was revised (May 9, 2025). Section F. Request for Hair Removal Products, states (in collaboration with OCSD) “CHS will provide hair removal products through a no-cost provision to transgender and intersex inmates if recommended by clinical staff when it is determined that such access supports their clinical needs.” The policy further addresses roles and responsibilities of both CHS and OCSD, in terms of procurement of the products and documentation.

OCSD staff and TNI persons interviewed all confirmed that a 2-for-2 razor exchange process available for TNI persons upon request. Throughout the last few monitoring tours, there have been fewer related complaints for each tour. For the current onsite tour, none of the TNI persons interviewed had any related concerns.

#### **Adequately 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.*

For the third 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. Documentation showed OCSD provided garments to multiple individuals. Specifically, logs were submitted for the entire rating period (January – June 2025). There were two (2) binders issued to two (2) separate individuals in January, and one (1) binder issued in May. During the interviews, there was a complaint regarding sizing, and not receiving a message request response

pursuant to a binder request. However, while onsite, I alerted PMU staff, who in-turn exchanged for the proper size on the same day.

OCSD staff continue to maintain that individuals can request and be provided undergarments of their choice. Several of the incarcerated persons interviewed confirmed this, as was the case with the previous monitoring tour. However, there were a couple of concerns with sizing or unserviceable clothing and underwear. But once again, there was noticeably fewer related complaints.

OCSD continues to allow individuals their choice as to boxers /underwear, regardless of their gender identity, in accordance with a previous training bulletin about the related policies so that staff will know and follow the policies.

#### **Adequately Implemented (Previous Rating – Adequately 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.*

Policy 7300 LGBTQI Inmates, and OCSD CCOM 1902 Visiting policy 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 – Adequately 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.*

Searches are addressed in Policy 7300 LGBTQI Inmates.

OCSD Classification continues to indicate 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.

OCSD provided approximately 66 completed copies of the Voluntary Gender Identity Disclosure and Search Preference Form (current revised version) with all appropriate information and the respective individual's signature. The Expert did not have any concerns.

The Expert interviewed multiple deputies assigned to TLF. They were all knowledgeable regarding this Provision. They were aware of the OCSD Voluntary Gender Identity Disclosure and Search Preference Form, as well as the J-199/Mod Card. They were aware of the purpose of the information and that it was generated from the Intake Classification process. They 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). Two (2) of the housing deputies accessed the SDS and pulled randomly selected mod cards (as selected by Expert) of TNI persons. The search preference, and pronoun and honorific information was contained in each case. The housing deputies indicated they do/would honor a TNI individual's gender search preference (if they have a documented preference, or if they verbally identify a preference).

From the incarcerated person interviews, there were no complaints related to searches, retaliatory searches, or completion (or being offered to complete) the OCSD Voluntary Gender Identity Disclosure and Search Preference Form.

#### **Adequately Implemented (Previous Rating – Adequately 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 made updates and edits to the training slides on new curriculum for LGBTQI. Training started the week of May 27, 2025. Training slides and attendance logs are in FTP. The Guidance Form was created and is in the FTP. Provider treatment guidelines were updated and is in the FTP. Guidance form and education will continue to roll out. Guidance Form Training implementation plan in the FTP.”

HCA CHS healthcare professionals continue to indicate they are trained and work under HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Care (revised May 9, 2025) and the community-based standards of care, including relevant UCSF guidelines and World Professional Association for Transgender Health (WPATH) Standards of Care.

The Expert acknowledges the hard work that CHS personnel put into the development of the new training curriculum. CHS has developed what is believed to be a designed 1-hour course, titled, “Affirmative & Trauma Informed LGBTQI+ Practices” (78 PowerPoint slides). The course covers such topics as gender dysphoria, PREA, CHS grievance process (Policy 1013 overview), services and integration of LGBTQI+ Individuals, LGBTQI+ History, common terms, common LGBTQI+ Myths, trauma associated with an LGBTQI+ identity, sexual orientation and gender identity theories, The CASS Identity Development Model, Coming Out process, affirmative practices, what you can do, what not to say to transgender clients, what not do in groups, a video, and numerous references. However, the Expert is not clear as to the structured length of the course. As was documented in the previous report (Expert’s Sixth Round), CHS previously indicated it would be intended as a 3-hour class. But from the training logs (addressed in the paragraph directly below), some of the classes were listed as 1.0 hours, while other were listed as 1.5 hours. None of the classes were listed as 3.0 hours.

CHS provided numerous LGBTQI Event/Attendance Training 2025 logs (CHS LGBTQIA Training) showing the new training has commenced for CHS personnel. The logs show 302 staff were trained through nine (9) separate classes, between May 28, 2025 – July 2, 2025. Five (5) of the classes show a length of 1.5 hours each, while the other four (4) classes show a length of 1.0 hours for each class. Additional documentation shows additional classes are scheduled for October 2025, January 2026, March 2026, and June 2026.

CHS provided two (2) additional PowerPoint presentations. One is a Refresher course, titled, “CHS Affirmative & Trauma Informed LGBTQI+ Refresher & Application” (69-slide presentation), and the other is titled, “Transgender & Gender Diverse Cultural Competency Training”, (a 79-slide presentation).

The Expert will need to obtain clarity as to the length of the courses and how the schedules will work (e.g., when, and how often) for the three (3) courses. As described in the previous monitoring report (Expert’s Sixth Round), CHS initially indicated the LGBTQI Affirmative formal training would be designed for six (6) hours. It is still unclear if that has since been reduced.

CHS provided the new OC Health Care Agency CHS Healthcare Professionals Guidance Form (effective July 31, 2025) (2 pages). The document serves as sort of a checklist for healthcare professionals to help ensure the care given to TNI persons is reflective of UCSF guidelines and WPATH Standards of Care. The form provides guidance as related to mental health services, hormone therapy, hair removal, clothing, and numerous references, including Trans-Affirming resources, as well as other information.

The Expert previously recommended CHS provide basic WPATH information to TNI patients, so that they are at least generally aware as to WPATH Standards and have some knowledge as to some of the requirements and standards that medical professionals must adhere to, or that they otherwise can expect to be addressed or be asked about during medical encounters. During the onsite tour, the Expert observed a 1-page flyer posted on a wall in each of the medical clinics, including the medical offices inside the housing unit areas. The flyer was colorful, and included a general high-level alert as to WPATH, how patients must be addressed, and provided the following link to WPATH <https://www.wpath.org/soc/chapters>. However, it is unclear whether medical staff overtly alert the TNI patients of this document.

CHS also provided two (2) additional 1-page flyers related to WPATH and TNI patients. It is unclear whether one or both are provided to TNI patients.

One of the flyers is a colorful update and resource pamphlet, which addresses CHS Policy 6206; equal access to care programs, services, treatments, and activities irrespective of sex, gender identity, gender expression, or sexual orientation; CHS staff use of last names; documenting gender dysphoria or gender incongruence; intake and obtaining key information; patients who are receiving feminizing/masculinizing hormonal medications, with or without a prescription, requests for sex reassignment surgery; CHS staff will collaborate with OCSD to provide hair removal products through a no-cost provision to patients; incongruence mental health provides counseling/support by (e.g., APAIT); HIPAA; CHS grievance process; CHS coordination of discharge planning with pharmacy for HRT upon release; staff accountability; and staff training.

The second flyer, covers introduction to the transgender community; transgender people are medically underserved; and medical protocols, including WPATH published Standards of Care for the treatment of gender identity disorders, available at: [www.wpath.org](http://www.wpath.org).

CHS provided a document titled, “Whole Release Packet” (18 pages). The packet is for the patient and contains a summary the respective patient’s medical care while they were in custody. The packet also contains community resource information.

The Expert reviewed five (5) EUHRs for five (5) transgender patients from the jail’s Tech Care System. Based on the review, healthcare professionals continue to document gender-affirming care, assessments, plans, patients being released from OCJ with hormone medications, education information being provided to the patient, side effects, referrals to appropriate specialty care, communications with an outside community

laboratory, effective communication, documentation of preferred pronouns and honorific, addressing lab work, switching hormone medications as warranted, and making adjustments to medications and other types of information consistent with the respective individual's requests or concerns.

The Expert interviewed five (5) TNI individuals. There were no related concerns. All the TNI individuals interviewed indicated medical staff do a good job asking the right questions, providing quality care, diagnosing gender dysphoria, and providing patient education, including for possible side effects from HRT and other medications.

Note: The Expert is strongly considering elevating the rating for this provision after the next round of monitoring. Great progress has been made under this Provision. The Expert will carefully examine continued progress as well as follow-up to the recommendations listed below.

The Expert provides the following recommendations:

- Provide clarity as to the designed length of the three (3) CHS courses (listed above) and how the schedule will work (e.g., when, and how often each class will be taught, and which specific CHS personnel are each of the three [3] courses designed for).
- Continue to provide proof of practice for CHS training completed.
- Regarding the 1-page flyer posted on the wall in each of the medical offices (for the TNI patients), the Expert would like to more dialogue with appropriate CHS personnel to examine possibly making some adjustments to the document.
  - Note: The Expert would like to have the dialogue very soon, prior to the next scheduled monitoring tour.
- Regarding the other two (2) 1-page flyers identified within this Provision, provide clarity as to whether these (along with the Guidance Form) are provided to the transgender patients. If so, for the next document production period, provide documented proof of practice, or the Expert will confirm via the electronic Tech Care reviews.

#### **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.*

CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care language specifically addresses this provision. Refer to the Previous report (Expert's Sixth Round) for more details.

CHS healthcare professionals have consistently stated they perform gender-performing care without required or needed evidence to show prior poor gender-affirming care.

From the onsite review of five (5) EUHRs for TNI persons, there was documented evidence of gender-affirming care and education provided by medical professionals to the patients.

Of the five (5) TNI individuals interviewed, they confirmed they had received gender-affirming care while at OCJ (and in the community). Of notable improvement is the immediacy or short time frame that HRT treatment is resumed at OCJ after arrival (intake).

Refer to the previous Provision of this report (IV.G.A.) for detail regarding the new CHS Guidance Form, and the three (3) 1-page flyers including WPATH requirements, information, and references.

Note: The Expert is strongly considering elevating the rating for this provision after the next round of monitoring. Great progress has been made under this Provision. The Expert will examine the continued progress toward training CHS personnel.

The Expert provides the following recommendations:

- Provide clarity as to the length of the three (3) courses (described within Provision IV.G.A [above]) and how the schedule will work (e.g., when, and how often each course will be taught, and which specific CHS personnel are each of the three [3] courses designed for).
- Continue to provide proof of practice for CHS training completed.

#### **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 made updates and edits to the training slides on LGBT QI. Training started the week of May 27, 2025. Training slides and attendance log are in the FTP. Patient education handout for Hormone Therapy and Guidance form was created and placed in FTP. Provider treatment guidelines were uploaded and is in the FTP. Guidance form and hormone therapy education to rollout. Guidance form and Hormone Therapy Training implementation plan is in the FTP.”

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 training and refresher training on gender dysphoria and its treatment. Refer to Provision IV.G.A. (above) for specific details regarding the three (3) CHS training modules/PowerPoint presentations.

The transgender persons 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:

- Provide clarity as to the length of the three (3) courses (described within Provision IV.G.A [above]) and how the schedule will work (e.g., when, and how often each course will be taught, and which specific CHS personnel are each of the three [3] courses designed for).
- Continue to provide proof of practice for CHS training completed.

#### **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, “Log uploaded to FTP.”

Previously, CHS provided a spreadsheet titled, “UCI Health Gender Transition Services,” which provides information about services available from UCI. For the current monitoring cycle, CHS provided a spreadsheet, titled, “2025 UCI Transgender Health Referrals.” The document identified appointments scheduled between November 2024 – May 2025, and appointment dates and times between January 2025 – June 2025.

The transgender individuals interviewed confirmed they had been diagnosed with gender dysphoria while at OCJ and/or in the community.

CHS reportedly sent out a memo to all staff regarding using Gender Dysphoria or Gender Incongruence terms. CHS also previously provided a 1-page training bulletin regarding diagnosis for patients identifying as transgender or non-binary for charting and documentation. The bulletin references Gender Dysphoria (DSM-V) or Gender Incongruence (ICD-10) and 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.”

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.

Refer to Provision IV.G.A of this report (above) for detailed information regarding the Guidance Form, and the three (3) 1-page WPATH-related flyers.

**Adequately 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 Policy 6206 was uploaded and implemented 5/9/25. Copy is in the FTP.”

HCA CHS Policy 6206 Gender Diverse/LGBTQIA+ Patient Health Care (revised May 9, 2025) indicates requests for gender-affirming surgery shall be reviewed on a case-by-case basis by the medical director or assigned designee.

From the randomly selected UHR's reviewed, as well through the CHS document production, there were no related referrals. However, through a previous monitoring period, the Expert previously reviewed a referral and medical progress note information for a gender-affirming surgery request.

**Adequately 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 has submitted its training materials in the document production for the upcoming site visit.”

In the most recent CHS Action Plan for this provision, CHS reported, “Updates and edits were created to the training. Training slides and attendance logs are in the FTP. We started that training the week of May 27, 2025. Provider treatment guidelines were updated and is in the FTP.”

OCSD provided a PowerPoint presentation. The presentation (dated February 3, 2025) is designed as a 2-hour in-person Refresher course, for sworn personnel (deputies and SSOs) and CSAs, and consists of 49 slides. Course content covers all items outlined in bullets 1-5, and bullet 7 from this Provision. Except for education and work opportunities (bullet number 6 of this Provision); p, all other items are addressed. The presentation covers additional key area, e.g., searches, Voluntary Gender Identity Disclosure and Search Preference Form; intake/booking; gender-affirming clothing and hygiene; updated jail photo, name, and gender; transportation; documentation of preferred pronouns; safety plan; ViaPath tablets and LGBTQI books; outside community organizations; and references to other policies, including CCOM 7300 LGBTQI Inmates.

OCSD has not yet provided a draft version of the primary LGBTQI curriculum. During the exit meeting (for this monitoring tour) conducted on September 11, 2025, OCSD personnel indicated staff still need to update the Initial Academy LGBTQI Training.

Deputies, SSOs and CSAs are required to receive the initial LGBTQI training, and all are required to attend the STC refresher training every two (2) years. I

Staff reported that the STC LGBTQI refresher training commenced in February 2025, and staff are required to attend the training per the biennial training schedule. Staff also reported that LGBTQI STC training (without the PowerPoint presentation) began in the fall of 2022. The Expert recognizes this training included the former curriculum. . N.

During the monitoring tour, OCSD stated the new STC training is focused on CCOM 7300. As mentioned earlier in this report, OCSD is revising CCOM 1200 Classification. PMU staff are reportedly reviewing all CCOM 1200 updates, and will incorporate relevant changes to the training material, as necessary, and will provide the training PowerPoint as part of pre-tour document production, for the next scheduled monitoring tour.

OCSD provided numerous OCSD Staff Class & STC Block Training Participation Logs, specifically for Annual STC Block 1 (Less Lethal/LGBTQI/ADA/CPR) 16 Hours of certified training. The logs provided were for the period of January – April 2025 and identified that approximately 125 OCSD employees completed the training, and another 14 were enrolled and/or completed part of the training. There were additional logs showing about 39 custody staff completing the training, but it is unclear whether this is the same or different training, as the logs did not indicate such. Note: I will be coordinating with PMU to identify the specific training for these cases.

CHS provided three (3) PowerPoint presentations, including a Refresher course, and staff attendance logs. Refer to Provision IV.G.A. (above) for specific details as to general course content, CHS staff attendance logs for recent classes, and schedule of future classes through June 2026.

The Expert provides the following recommendations:

- Once ready for review and comment, provide the Expert with the draft OCSD Initial Academy LGBTQI Training curriculum and/or other OCSD training material designed for sworn staff, other than the Refresher course.
- Provide clarity as to the specific training that sworn staff who already work at the OCJ facilities will receive, e.g., Initial Academy Training, or other specific training that will be designed for them, and/or merely the Refresher LGBTQI course.
- Provide anticipated timelines as to when the OCSD classes (Initial Academy LGBTQI, Refresher LGBTQI, and other classes) are expected to commence.
- Incorporate information regarding education and work opportunities (bullet number 6 of this Provision) into the curriculum or identify other staff training classes whereas this information is contained, relevant to LGBTQI persons.
- Provide clarity as to whether relevant revised CCOM 1200 Classification information will be incorporated into the training.
- Refer to Provision IV.G.A. for recommendation for CHS.

#### **Partially Implemented (Previous Rating – Partially Implemented)**

*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 has submitted its training materials in the document production for the upcoming site visit.”

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.

CHS has provided their Refresher course material.

OCSD provided Refresher course material. Refer to Provision IV.H.A. (above) for specific details.

The Expert provides the following recommendations:

- OCSD Provide clarity as to the specific training that sworn staff who already work at the OCJ facilities will receive, e.g., Initial Academy Training, or other specific training that will be designed for them, and/or merely the Refresher LGBTQI course.
- OCSD provide estimated timeline as to when the LGBTQI Initial training will be updated and provide future staff training schedules.
- CHS Provide clarification as to when Refresher training is anticipated to commence, whether in 2025, or 2026.

Note: The Expert has elevated the rating for this Provision from Un-ratable to Partially Implemented. The Expert acknowledges the hard work that has been done from both OCSD and CHS.

#### **Partially Implemented (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 has submitted its training materials in the document production for the upcoming site visit.”

CHS produced three (3) LGBTQI PowerPoint presentations (believed to be final versions), course outlines, training logs, and training calendars. 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.

OCSD provided a Refresher course PowerPoint presentation and outline, as well as training logs for sworn staff, which encompasses a portion of LGBTQI-specific material. The Expert understands the draft version of the Initial Academy LGBTQI training is work in-progress.

The Expert provides the following recommendations:

- Refer to the recommendations for Provisions IV.H.A. and IV.H.B. (above)

#### **Partially Implemented (Previous Rating – Partially Implemented)**

## V. Signature

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



---

Julian Martinez  
Director  
Sabot Consulting

December 29, 2025

---

Date