



Expert Monitor's Report

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

On-Site Review: April 25-29, 2021

Submitted to:

Michelle Montez ,Division Chief
Santa Barbara County Counsel's Office
Aaron Fischer, Law Office of Aaron J. Fischer
Joshua Toll, King & Spalding
Stacy Foster, King & Spalding
Sarah Gregory, Disability Rights California

Produced by:

Sabot Consulting ADA Experts

Mike Brady, Director
Julian Martinez, ADA Expert

Submitted:

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Introduction

The *Murray v. Santa Barbara County* is a federal class-action lawsuit challenging access to programs, services, and activities at the Santa Barbara County Jails for incarcerated persons with disabilities housed in the SBCJ. The United States District Court granted final approval to the Stipulated Judgment on February 2, 2021.

The terms of the *Murray v. Santa Barbara County* Stipulated Judgment includes the Santa Barbara County Remedial Plan, which outlines specific conditions in the SBCJ the County agreed to remedy. Under the Stipulated Judgment, the County agreed to develop implementation plans to reform specific policies, procedures, and practices for providing accommodations to incarcerated persons with disabilities housed in the SBCJ.

The Stipulated Judgment also required the County to retain experts to monitor the County's implementation of and compliance with the Stipulated Judgment.

The Settlement Monitor's Activities

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

A. Role of the Expert

The duties of the Remedial Plan Experts are as follows:

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

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

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

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

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

B. Monitoring Process

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

Substantial Compliance:

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

Partial Compliance:

Indicates compliance with some components of the relevant provision of the Settlement Agreement and significant work remains to reach substantial compliance.

Non-Compliance:

Indicates noncompliance with most or all the components of the relevant provision of the Settlement Agreement and significant work remains to reach partial compliance.

Un-ratable:

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

Executive Summary

This is the first Expert Monitoring Review of the Santa Barbara County Jail to measure Santa Barbara's County's compliance with the *Murray v. Santa Barbara County* Remedial Plan, which addresses Americans with Disabilities Act (ADA), Disability Accommodations and Access for incarcerated persons with Disabilities housed within the Santa Barbara County Jail. This first round of monitoring focused only on the Main Jail. A second report produced by Sabot addressed the Northern Branch's physical accessibility issues. Based on agreement of all parties, at a later date Sabot will address the ADA accessibility-related physical plant deficiencies of the Main Jail in a separate report. The ADA accessibility report of the Main Jail when produced will serve as the baseline for future monitoring and remedial plan implementation processes as it applies to ADA physical plant accessibility. The on-site Expert Monitoring Review was conducted on April 25-29, 2021. The Expert Monitoring Review included a review of pre-monitoring documents produced by Santa Barbara County, on-site observations of the intake medical screening process, interviews of staff (ADA Coordinator, Grievance Unit, medical providers, medical intake screening staff, custody intake screening staff, Classification Unit staff, program providers, Transportation Unit staff, custody housing staff, and disabled incarcerated persons housed in the Santa Barbara County Jail.

Both an entrance meeting and exit meeting was conducted with Santa Barbara County Jail (SBCJ) custody and medical administrative staff and staff from the Santa Barbara County Staff Counsel's Office. Plaintiff's Counsel representative Aaron Fischer was present during the entrance and exit conference call.

The Expert recognizes the County is still in the early stages of implementing essential elements of the Santa Barbara County Remedial Plan. The County has made some modifications to the Jail Management System (ADA Tracking System) to assist the County in documenting specific requirements of the *Murray v. Santa Barbara County* Remedial Plan. Some of these modifications include:

- Inmate History Notes to track and document ADA-Accommodation at Release
- Inmate History Notes to track and document ADA Accommodations Removal
- Inmate History Notes to track and document ADA-VRS and Videophone usage
- Inmate History Notes to track and document ADA-Effective Communication
- Inmate History Notes to track and document ADA-Inmate Check
- Inmate History Notes to track and document ADA -SLI
- Inmate History Notes to track and document ADA-Accommodation Refusal

The County is also in the process of revising the ADA Request for Accommodation Form, Grievance Form, and the Santa Barbara County Sheriff's Office Custody Orientation Handbook.

The Expert finds the County has implemented some practices and processes to assist SBCJ staff in providing equal access to the SBCJ programs, services, and activities as required by the *Murray v. Santa Barbara County* Remedial Plan. The Expert notes staff who were interviewed were aware of modifications available and required to be provided to the disabled incarcerated persons. The Expert also notes the ADA Coordinators are knowledgeable about the ADA and the *Murray v. Santa Barbara County* Remedial Plan and are a valuable resource for staff. During the monitoring tour, the ADA Coordinator would immediately resolve individual issues identified by the Expert and brought to the attention of the County. However, until policies and procedures are developed and implemented, and staff are trained on the policies and procedure requirements, staff will not be fully aware of their requirements to ensure incarcerated people with disabilities have access to the SBCJ programs, services, and activities.

The Expert's report identifies areas of non-compliance and areas that could not be measured for determination of substantial compliance based on the County's inability to provide supporting documents. However, it is the Expert's belief that as the County implements vital components of the *Murray v. Santa Barbara County* Remedial Plan, the areas found in non-compliance and/or could not be measured for compliance will progress into substantial compliance.

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

Findings

Policy

1. Does the County's policy include the language, "It is the County's policy to provide access to its programs and services to incarcerated people with disabilities, with or without reasonable accommodations, consistent with legitimate penological interests?"

Although the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 includes the language, "The Santa Barbara County Sheriff's Office prohibits discrimination against persons with disabilities," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. The Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) must be revised to include the required language from the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

2. Does the County's policy include the language, "No person with a disability, as defined in 42 U.S.C. § 12102, shall, because of that disability, be excluded from participation in or denied the benefits of services, programs, or activities or be subjected to discrimination. It is the County's policy to provide reasonable accommodations or modifications, consistent with 28 C.F.R. §§ 35.150 & 35.152, and other applicable law?"

Although the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 includes the following language, "Eligible individuals are entitled to an equal opportunity to participate in programs, services or activities," the policy does not include the language required by the *Murray v. Santa Barbara County* Remedial Plan. The Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) must be revised to include the required language from the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

ADA Coordinator

1. Has the County designated an Americans with Disabilities Act (ADA) Coordinator whose position is dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies?

The County reports and the Expert confirmed that Corporal A. Gray and Corporal T. Falfal are designated as the ADA Coordinators. They are currently both assigned to the Main Jail. However, the County stated that upon activation of the Northern Branch Jail, Corporal T. Falfal will be assigned as the ADA Coordinator at the Northern Branch Jail. The *Murray v. Santa Barbara County* Remedial Plan requires the County to have a designated ADA Coordinator whose position is dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. The County has designated Corporal A. Gray and Corporal T. Falfal as the ADA Coordinators, however; the County has not designated an ADA Coordinator dedicated to coordinating efforts to comply with and carry out ADA-related requirements and policies. The County must ensure the designated ADA Coordinator is dedicated to ADA duties as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

2. Does the ADA Coordinator have sufficient authority to carry out his/her duties and does the ADA Coordinator work with the executive management team regarding ADA compliance, training, and program needs?

The County and ADA Coordinators current reporting structure is as follows:

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

The County reported the ADA Coordinators have sufficient authority to carry out their duties and they work with all staff (including executive management staff) regarding ADA compliance. This includes ADA training and ADA program issues. Of concern is both Corporal Gray and Corporal Falfal are also assigned the following duties:

- Prison Rape Elimination Act Coordinator/Investigator
- Background Investigator for Wellpath staff
- Special Diets Coordinator
- Transgender Liaison/Coordinator

- Environment of Care Monitor (Corporal Gray)

The County should consider reducing the Non-ADA Coordinator duties assigned to the ADA Coordinators to ensure the ADA Coordinator has sufficient time to carry out all ADA compliance related responsibilities.

Partial Compliance

3. If the County intends for the ADA Coordinator to be based at the Main Jail. Any County jail facility that does not have the ADA Coordinator on site does the County have a designated staff member on site at that facility who has responsibility to monitor day-to-day ADA compliance and does the designated staff member report to the ADA Coordinator?

At the time of the review, the Experts noted the Main Jail is the only operational Jail. The Northern Branch Jail is scheduled to open later in 2021. The County reported that when the Northern Branch Jail is activated, Corporal T. Falfal will be assigned as the ADA Coordinator at the Northern Branch Jail. and they will be equally responsible to monitor the day-to-day ADA compliance issues for the Northern Branch Jail. Although Corporal T. Falfal will not report to Corporal A. Gray they will equally be responsible for ADA compliance issues.

Substantial Compliance

4. Are the ADA Coordinator duties and training requirements clearly enumerated?

The County is in the process of drafting and implementing specific ADA Coordinator duties and training requirements. The County must enumerate the ADA Coordinator duties and training requirements as required by the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

5. Is the method for people to contact the ADA Coordinator (or facility designee) clearly posted in the intake area and in every jail housing unit?

The method for people to contact the ADA Coordinator was not posted in the intake area or any jail housing unit. Some of the incarcerated people with disabilities who were interviewed stated they were not aware of who the ADA Coordinator is or how to contact them. The County must ensure the method for people to contact the ADA Coordinator is clearly posted in the intake area and in every jail housing unit.

Non-Compliance

6. Is the name and contact information (address, phone, email) of the ADA Coordinator (or facility designee) available to the public, including posting in each jail's main lobby and online?

The name and contact information (address, phone, email) of the ADA Coordinator (or facility designee) is not posted in the jail's main lobby and online. The County must ensure the name and contact information (address, phone, email) of the ADA Coordinator (or facility designee) is posted in the jail's main lobby and online.

Non-Compliance

ADA Notice to Prisoners

1. Are incarcerated people with disabilities held at the Jail adequately informed of their rights, including but not limited to:
 - a) The right to receive reasonable accommodations?
 - b) The process for requesting a reasonable accommodation?
 - c) The role of the ADA Coordinator (and designee) and method to contact them?
 - d) The grievance process, location of relevant forms, and process for getting assistance in completing request and grievance forms?
 - e) Instructions on how to request and access health care services, including the provision of Effective Communication and other accommodations in accessing those services?

The Santa Barbara County Sheriff's Office Custody Orientation Handbook does not include the following:

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

The County must ensure incarcerated people with disabilities are informed of their rights as required by the *Murray v. Santa Barbara County* Remedial Plan. It is recommended the County incorporate language the Experts provided the County into the Santa Barbara County Sheriff's Office Custody Orientation Handbook.

Non-Compliance

2. Are incarcerated people, provided with a Custody Operations Orientation Handbook in an accessible format, containing a designated section with ADA-related policies, procedures, and other information within six (6) hours of processing and classification?

During the onsite review, staff that provide incarcerated people with disabilities with the Santa Barbara County Sheriff's Office Custody Orientation Handbook stated typically the incarcerated people with disabilities are provided with the handbook more than six (6) hours after processing and classification. Additionally, four (4) incarcerated people interviewed stated they had not received a copy of the handbook. The County must ensure incarcerated people with disabilities are provided the handbook within six (6) hours of processing and classification. It is recommended the County establish a mechanism within the ADA tracking system to document when incarcerated people with disabilities are processed into the jail and when they are provided the handbook.

Non-Compliance

3. Is the Orientation Handbook available in large print (at least 18-point font) in English and Spanish to accommodate people with visual impairments?

As part of document production, the County produced a version of the Santa Barbara County Sheriff's Office Custody Orientation Handbook in 18 point font. However, the version produced was only an English version. The County must ensure a Spanish version of a large print (at least 18-point font) Santa Barbara County Sheriff's Office Custody Orientation Handbook is available.

Partial Compliance

4. Is there an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies, procedures, and information?

During the onsite review, the County advised the Expert an accessible video presenting the contents of the Orientation Handbook (including the ADA-related policies, procedures and information) is not available and not being used by the County. The County must ensure an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies is created and available for incarcerated people with disabilities (Deaf and/or Hard of Hearing).

Non-Compliance

5. Does the County provide as appropriate, an SLI to interpret the contents of the Orientation Handbook to persons who are deaf or hard of hearing who use American Sign Language as their primary means of communication?

The County does not currently use an accessible video that presents the contents of the Orientation Handbook, including the ADA-related policies. When implemented, the County must ensure an SLI is used to interpret the contents of the Orientation to incarcerated people with disabilities who are Deaf and/or Hard of Hearing and who use American Sign Language as their primary means of communication.

Un-ratable

Staff Training

1. Have all custody, health care, facility maintenance, and other Jail staff received ADA training appropriate to their position.

The County produced a PowerPoint presentation titled "Disability Rights California Remedial Plan Implementation" that includes 201 slides. The PowerPoint includes 33 slides related to the ADA requirements of the *Murray v. Santa Barbara County* Remedial Plan. Within the 33 slides, 14 of the slides are dedicated to a quiz. The County reported the ADA Coordinators presented the training and all custody staff were required to attend the training. No sign-up sheets verifying attendance were provided. All custody staff interviewed stated they had attended the "Disability Rights California Remedial Plan Implementation." The County also reported no other jail staff have been provided ADA training.

The Expert recommends the County develop ADA training and all jail staff be required to attend the training once the policies and procedures are adopted. The County must also ensure the County develop and implement training, as required by *Murray v. Santa Barbara County* Remedial Plan Section 1X.1 and 1X .4.

Non-Compliance

2. Has the County provided training to all staff during the academy and at least bi-annually thereafter on:
 - a) Disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA?
 - b) Use of force when interacting with people with disabilities?

The County produced Standards and Training for Corrections Program Annual Course Rosters for CIT/MIDD an eight (8)-hour training class. The rosters reflect the following:

- 2016 – 241 participants

- 2017 – 47 participants
- 2018 – 40 participants
- 2019 – 10 participants

The County produced Standards and Training for Corrections Program Annual Course Rosters for CIT Custody Academy a 24-hour training class. The rosters reflect the following:

- 2020 – 64 participants

The County did not produce the training curriculum for the Expert to determine compliance with this requirement. The County reported the CIT training includes a component on “Use of force when interacting with people with disabilities.” The Expert will need to review the training curriculum to ensure the training required by the *Murray v. Santa Barbara County* Remedial Plan is being provided as required.

Un-ratable

3. Does the staff ADA training include formalized lesson plans and in- classroom or virtual training for all staff provided by qualified ADA instructors?

The County reported the “Disability Rights California Remedial Plan Implementation” training was presented by the ADA Coordinators. The Academy training curriculum was not provided and ADA training for all staff has not been developed. Based on this, the Expert cannot measure compliance with these requirements.

Un-ratable

ADA Tracking System

1. Has the County in consultation with Plaintiffs’ counsel, developed and implemented a comprehensive, standardized, electronic system (“ADA Tracking System”) to track people with disabilities and their accommodation and Effective Communication needs?

The County currently uses ATIMS Jail Management Software as the Jail Management System (JMS). The JMS has some functional capability to track people with disabilities and some of their accommodation needs. The County reported that in April 2021 some modifications were made to the JMS to allow the County to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County* Remedial Plan. Some of the modifications include:

- Inmate History Notes to track and document ADA-Accommodation at Release,
- Inmate History Notes to track and document ADA Accommodations Removal,
- Inmate History Notes to track and document ADA-VRS and Videophone usage,
- Inmate History Notes to track and document ADA-Effective Communication,
- Inmate History Notes to track and document ADA-Inmate Check,
- Inmate History Notes to track and document ADA -SLI, and
- Inmate History Notes to track and document ADA-Accommodation Refusal.

Once the modifications to the screening process for incarcerated people with intellectual disabilities (adaptive deficits and supports) and Effective Communication needs is completed, the County must consult with Plaintiff's counsel to determine if the tracking system includes the functional capability to track people with disabilities and their accommodation and Effective Communication needs as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

2. Does the ADA Tracking System identify for each prisoner, as appropriate:
 - a) Any disabilities and related health conditions?

The JMS has some functional capability to track incarcerated people with disabilities. Once an individual is identified as a qualified individual with a disability, the Wellpath and/or Jail staff enter this information from the Medical Treatment Order (MTO). The Wellpath staff and/or the ADA Coordinators populate the "ADA Flag" check box in the JMS. The JMS also includes the following categories (check boxes) the Wellpath staff and/or the ADA Coordinators can populate. These categories include:

- Deaf
- Blind
- Tri-Counties Patient
- Alzheimer's
- Dementia
- Hearing Impaired
- Paraplegic
- Prosthesis
- Psychiatric/Mental Health
- Quadriplegic

- Walker
- Wheelchair
- Amputee

Based on the information on the MTO, the ADA Coordinator enters (manually) the specific disability into the JMS (Mobility Impaired, Vision Impaired, Hearing Impaired etc.). The County reported modifications to the JMS (ADA Tracking System) are being developed and will be implemented which will allow the County to track disabled people and their accommodation needs based on specific disability categories. The Expert reviewed the Active ADA Alerts list and found not all qualified disabilities are tracked by the County. The County produced reports from ATIMS for incarcerated people requiring low bunk/low tier housing, medical equipment, and medical conditions impacting mobility (heart conditions). Some of the incarcerated people on these lists have a qualifying disability. However, they are not included in the Jails Active ADA Alerts list. The County advised the Expert that for these cases the County would implement the process of having staff populate the "ADA Flag" box in ATIMS. This would ensure these cases are added to the Jails Active ADA Alerts list for tracking and management purposes.

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

The JMS has some functional capability to track incarcerated people with disabilities that may pose a barrier to communication. These categories include:

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

The JMS currently does not have the functional capability to track the following disabilities that may pose a barrier to communication:

- Learning Disabled (Literacy Concerns)

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

The JMS has the functional capability to track accommodation needs, including housing, classification, transportation, Effective Communication (Deaf and/or

Hard of Hearing/SLI only), health care appliances, assistive devices, and durable medical equipment (HCA/AD/DME). The JMS currently does not have the functional capability to track the following accommodations: Effective Communication and adaptive deficits and supports for incarcerated people with intellectual disabilities.

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

The JMS currently does not have the functional capability to track class membership in *Armstrong v. Newsom* (N.D. Cal. No. 94- cv-02307) (i.e., people held in the Jail related to a parole revocation proceeding or term), with their applicable disability classification(s) and accommodation needs. The County reported the category of "Armstrong Class Member" would be added as a category in the JMS ADA Tracking System.

The Expert notes the County is in the process of modifying the JMS functional capabilities to include the ability for the County to track people with disabilities and their accommodation and Effective Communication needs. The Expert recommends the modifications to the JMS (ADA Tracking System) include specific disability categories such as mobility, vision, hearing, learning, intellectual etc., and the associated accommodation needs.

Partial Compliance

3. Is the ADA Tracking System's prisoner disability information readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities?

The JMS ADA Tracking System is installed on all jail staff computer desktops and is available to all jail staff (custody, medical, mental health, and other staff). Additionally, the Expert noted all housing unit staff are also provided an updated Active ADA Alerts list. However, as described above, not all qualified disabilities and accommodations are tracked by the JMS ADA Tracking System. The County must ensure all information for incarcerated people with a qualified disability and their accommodation needs is readily available to custody, medical, mental health, and other staff at the Jail to ensure appropriate accommodations and adequate program access for people with disabilities.

Partial Compliance

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

Wellpath staff (medical records) and the ADA Coordinators have the ability to input information into the ADA Tracking System in real time. As the MTOs are approved, Wellpath staff enter the information into the ADA Tracking System. The ADA Coordinators also receive a copy of the MTOs, and they conduct a quality control check to ensure the disability-related information has been inputted into the ADA Tracking System and is accurate.

Substantial Compliance

5. Is the incarcerated person's disability accommodation need(s) printed on the incarcerated person's wristband?

The County reported and the Expert confirmed that currently the incarcerated person's disability accommodation needs are not printed on the incarcerated person's wristband. The County must ensure the incarcerated person's disability accommodation needs are printed on the incarcerated person's wristband.

Non-Compliance

6. Do staff check the ADA Tracking System for each prisoner, and document that check, immediately prior to:
 - a) Intake screening?
 - b) Classification interview?
 - c) Assignment of housing?
 - d) Assignment of programs?
 - e) Medical and mental health encounters?
 - f) All due process proceedings, including but not limited to, resolving grievances and disciplinary infractions?
 - g) All trips to court or outside health care appointments?

Custody, medical, and program staff interviewed all stated they do not currently check and document the check for each incarcerated person with a disability prior to intake screening, classification, assignment of housing, medical (medical, dental and mental health) encounters, due process proceedings and transports. The County has modified the ADA Tracking System to include the capability for staff to document that staff checked the ADA Tracking System for each incarcerated person with a disability prior to the contacts listed in the *Murray v. Santa Barbara County* Remedial Plan. The County must ensure staff check the ADA Tracking System and document the check in the ADA Tracking System.

Non-Compliance

Screening for Disability and Disability-Related Needs

1. Does the County identify and verify each person's disability and disability-related needs, including by screening them for disabilities during medical intake and classification?

The Wellpath Policy HCD-110_E-02 Receiving Screening – Santa Barbara CA, Wellpath Policy HCD-110_F-08 Verification and Accommodation of Disability - Santa Barbara CA, and Wellpath Policy HCD-110_E-04 Initial Health Assessment – Santa Barbara CA contain the process for the County to identify and verify disabilities and accommodation needs for persons being processed into the Jail.

The disabilities include:

- Mobility impairment requiring a wheelchair fulltime
- Mobility impairment requiring a wheelchair part time
- Mobility impairment not requiring a wheelchair
- Hearing impairment
- Speech impairment
- Vision impairment
- Learning Disability
- Other Impairment or disability

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

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual includes the following process for the identification and verification of an individual being processed into the Jail. The policy states, "The medical screening process during Intake provides the ability to identify most disabilities and the need for accommodations prior to the housing of the inmate. It is the responsibility of Medical staff, Registered Nurse (RN), to assess inmates

during intake to determine if a disability exists. This assessment information will be entered on the Intake Medical/Mental Health Screening Form and the Inmate Disability Notification and Tracking form. Medical staff will note on the form if the disability impacts the inmate's housing or transportation needs. Medical staff shall document when an inmate requests an accommodation that is not granted and the reasons why the accommodation was not granted. It is the responsibility of Medical staff to notify Receiving staff when an inmate appears to meet the criteria of a disabled person for the purposes of ADA." During the incarcerated person interviews the Expert identified four incarcerated people with disabilities whom the County had not designated as disabled (three mobility and one intellectual disabled).

The County needs to modify the medical intake screening process to identify and verify incarcerated persons for all disabilities including learning and intellectual disabilities.

Partial Compliance

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

The Wellpath staff have specific policies in place for the identification and verification of disability and disability-related needs, including screening persons being processed into the Jail for disabilities during the medical intake process. However, when observing the medical intake screening process, the Expert noted some of the screening process questions were not being asked (if the person had an individual education plan or attended special education classes). The County must ensure medical staff follow the screening process and ask all of the medical intake screening questions.

Partial Compliance

3. Has the County, in consultation with subject matter experts and Plaintiffs' counsel, revised its ADA screening process to ensure consideration of:
 - a) The individual's self-identification or claim to have a disability?
 - b) Documentation of a disability in the individual's health, custody, and any other available records?
 - c) Staff observation that the individual may have a disability that affects placement, program access, or Effective Communication?
 - d) The request of a third party (such as a family member) for an evaluation of the individual for a possible disability?

The Wellpath Policy HCD-110_F-08 Verification and Accommodation of Disability - Santa Barbara CA, includes the following language:

"Verification of a disability may be triggered by any of the following:

- The patient self-identifies or claims to have a disability, requests accommodation, or complains about disability-based discrimination.
- Staff observes what appears to be a disability severe enough to impact placement, affect program access, or presents a safety or security concern.
- The patient's medical file or classification file contains documentation of a disability.
- A third party, such as a family member or attorney, request an evaluation of the patient for an alleged disability."

The current screening process includes the *Murray v. Santa Barbara County* Remedial Plan screening process requirements.

Substantial Compliance

4. Are ADA screening results promptly entered in the ADA Tracking System?

Once a disability is verified and the accommodations are approved an MTO is generated. The MTO is routed to the Wellpath medical records office and medical records staff enter the information into the ADA Tracking System.

Substantial Compliance

Disability-Related Requests and Grievances

1. Has the County revised the ADA Request Form to contain an explanation of how to appeal a denial of accommodations?

Post monitoring tour, the County provided the Expert a copy of the Santa Barbara County Sheriff's Office Disability Request for Accommodations (REV-2021 ADA 1.1.) The County reports the form was recently revised with the following statement, "To Appeal The Above Decision Please Utilize Grievance Process." The County reports the revision of the form is still in process. The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies include specific guidance and directives for staff in regard to the ADA Request Form process. The policy states, "All denials of ADA accommodations may be appealed through the existing inmate grievance process." The Expert reviewed the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and found the Handbook does not contain an explanation on the process incarcerated people must follow to appeal a denial of

accommodations. The County must revise the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook to include an explanation for incarcerated people on how to appeal a denial of accommodations and guidance for staff on how an incarcerated person can appeal a denial of accommodations.

Partial Compliance

2. Does the County's grievance policy provide a procedure for people with disabilities to appeal any denial of an accommodation, and to report any disability-based discrimination or violation of the ADA, this Remedial Plan, or Jail ADA-related policy?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not provide a procedure for people with disabilities to appeal any denial of an accommodation, and to report any disability-based discrimination or violation of the ADA, the *Murray v. Santa Barbara County* Remedial Plan, or Jail ADA-related policy. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

3. Are incarcerated people who are Deaf or hard of hearing interviewed and provided a qualified SLI as part of the grievance/appeal process?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not provide a procedure for people who are Deaf and/or Hard of Hearing to be interviewed and provided a qualified SLI as part of the grievance/appeal process. Staff interviewed stated incarcerated people who are Deaf and/or Hard of Hearing are provided with a qualified SLI as part of the grievance/appeal process. The County did not provide the Expert with documentation for cases where Deaf and/or Hard of Hearing were provided a qualified SLI as part of the grievance/appeal process. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

4. To ensure ADA accommodations requests and ADA grievances are promptly addressed, does the County:

- a) Respond to an individual's Request for Accommodations within 72 hours of receipt?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement.

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

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement.

- c) Have an established expedited process for urgent ADA requests and grievances (e.g., situations in which a person's safety or physical well-being is at risk)?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement.

- d) Allow each incarcerated person to retain accommodation(s) they possess at the time of arrival at the Jail, or that they have been previously provided by the Jail, pending review of a grievance/appeal regarding the denial or removal of such accommodation(s), absent an individualized security concern that is documented?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement.

The County did not provide the Expert with completed grievances and/or appeals, therefore, the Expert could not measure the County's compliance with these requirements. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Un-ratable

5. Do grievance forms contain an "ADA" box to indicate that a particular grievance relates to a disability-related issue?

The County produced a blank Santa Barbara County Sheriff's Office Custody Operations – Inmate Grievance Form (SH – 585a) that the County reports is in the

process of being finalized. The Form includes a "ADA" box, however, the County reported the Form is awaiting print (in carbonless NCR from).

Partial Compliance

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

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include this requirement. Additionally, the County did not provide the Expert with completed grievances and/or appeals, therefore, the Expert could not measure the County's compliance with these requirements. Staff interviewed stated in cases where the reviewing supervisor reviews a grievance with disability-related issues, the grievance is processed and responded to as an ADA grievance. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

Un-ratable

7. Are grievance forms readily available and accessible to all incarcerated people at all times?

During the monitoring tour the Expert asked housing unit deputies if grievance forms were readily available and accessible to incarcerated people. Of the eight (8) housing units two (2) did not have grievance forms available. However, the housing unit staff stated they could obtain them if needed. The County must ensure all housing units have grievance forms readily available and accessible to all incarcerated people at all times.

Partial Compliance

8. Are grievance forms available in large print (minimum 18-point font) to accommodate people with vision impairments?

As part of document production, the County produced a large print (18-point font) version of the grievance form used by the County to accommodate incarcerated people with vision impairments. However, the large print grievance forms were not available in the housing units.

Partial Compliance

9. Are written grievance responses, including the resolution, the basis for a denial (if applicable), and the process for appeal provided to incarcerated persons with a disability?

The County did not provide the Expert with completed grievances and/or appeals, therefore, the Expert could not measure the County's compliance with these requirements. The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies include a requirement for completed grievance responses to be returned to incarcerated people.

Un-ratable

10. Are all prisoners made aware of the disability grievance procedures, including the availability of accommodations and staff assistance to submit a grievance and/or appeal?

As part of document production, the County produced the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook (Revised January 2020). The Expert reviewed and found the Handbook contains the requirements of the *Murray v. Santa Barbara County* Remedial Plan. However, while on-site, the Expert obtained a version of the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook (Revised March 2021) from the Inmate Release Center property area where the Handbooks are issued. This version did not contain the requirements of the *Murray v. Santa Barbara County* Remedial Plan. The County must ensure that the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook being issued to incarcerated people contain the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

11. Has the County implemented a specific tracking system regarding the submission, processing, and responses for disability-related grievances and complaints?

The County reports the Jail currently uses ATIMS to log and track all grievances. On-site the County provided the Expert a screen shot of the ATIMS Grievance Tracking screen. The Expert notes there are 22 grievance categories and "ADA" is not an available category in the "Grievance Type" data field. The Expert does note the ATIMS screenshot includes a dropdown selection called, "ADA Considered" in the "Grievance Flag" field. It could not be determined if this field has the capability to track all ADA-related grievances. It is recommended the County include an "ADA" selection in the Grievance Type dropdown menu.

Partial Compliance

12. Does the County regularly review the disability related grievances and complaint information for quality assurance purposes?

The County reported the ADA Coordinator is actively involved in reviewing and responding to the ADA-related grievances. However, the County has not implemented a quality assurance/monitoring process. The County must ensure staff regularly review the disability related grievances and complaint information for quality assurance purposes.

Non-Compliance

Housing Placements

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

- a) The need for a lower bunk?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual (305 Bed Assignment) and found the policy addresses the management and assignment of incarcerated people to lower bunks. The MTO for Patient Housing (Identification of Special Needs) includes the documentation of approval for Lower Bunk. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (Classification Unit) for housing placement/determination.

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

The Wellpath MTO for Patient Housing (Identification of Special Needs) includes the documentation of approval for "House in ADA Cell", "Shower Chair/ADA Shower", and "Grab Bars." The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (Classification Unit) for housing placement/determination.

- c) The need for accessible toilets?

The Wellpath MTO for Patient Housing (Identification of Special Needs) includes the documentation of approval for "House in ADA Cell" and "Grab Bars." The MTO is completed and approved by the Medical Provider after an

individualized evaluation and provided to custody staff (Classification Unit) for housing placement/determination.

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

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual (209 Americans with Disabilities Act) and found the policy does not address the housing for incarcerated persons who require no stairs in the path of travel. The Wellpath MTO for Patient Housing (Identification of Special Needs) includes the documentation of approval for Lower Tier. The MTO is completed and approved by the Medical Provider after an individualized evaluation and provided to custody staff (Classification Unit) for housing placement/determination.

e) The need for level terrain?

The Wellpath MTO for Patient Housing (Identification of Special Needs) does not include the documentation of approval for level terrain.

Based on this, the Expert finds the County is in partial compliance with the requirements if the *Murray v. Santa Barbara County* Remedial Plan

Partial Compliance

2. Are incarcerated people with disabilities housed in the Jail consistent with their individual security classification?

The Main Jail Classification Housing Plan and the Classification Investigations & Intelligence Unit Objective Jail Classification Plan contains the classification and housing plan for the Jail. The Main Jail Classification Housing Plan lists South Dorm-Medical as ADA Housing. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual (209 Americans with Disabilities Act (ADA), states, "All inmates with mobility disabilities shall be housed in a housing unit within their classification level." During the on-site monitoring tour, the Expert noted incarcerated people with disabilities were housed in the following locations:

- East Module
- Intake and Release Center
- Main Basement Dorm
- North West Isolation
- South Dorm
- South Isolation

The Expert notes no incarcerated people with disabilities were housed in the Minimum Support Facility (MSF). During the interviews of incarcerated people, two (2) incarcerated people informed the Expert their classification score was minimum, and they would be housed in the MSF if not for their disability-related accommodation needs. The Expert notes there is no accessible housing and path of travel concerns (steps/stairs) for incarcerated people to access the MSF.

Partial Compliance

3. Are incarcerated people with disabilities placed by Classification staff in:
- (a) inappropriate security classifications because no ADA-accessible cells or beds are available?

As stated above, incarcerated people with disabilities are housed in the South Dorm due to no accessible housing for incarcerated people classified as minimum.

Non-Compliance

- (b) designated medical areas unless the prisoner is currently receiving medical care requiring such placement?

The County reported and the Expert notes there is no specific medical housing area for incarcerated people at the Main Jail. South Dorm is primarily used to house incarcerated people who may require immediate access to medical staff. Based on South Dorm being in the general vicinity of the medical treatment area classification, staff house incarcerated people who may need immediate access to medical staff. However, South Dorm is not considered/classified as medical housing. There are no incarcerated people with disabilities housed in medical areas.

Substantial Compliance

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

As stated above, incarcerated people with disabilities are not housed in the MSF due to a lack of accessible housing. Since all male workers are selected from the MSF population, incarcerated people with disabilities housed in other areas of the Jail and who have a minimum classification are not able to participate in the work program.

Non-Compliance

Visitation

1. Are family/personal and professional visitation areas accessible for people with disabilities and visitors?

During the on-site monitoring tour, the Expert notes the County is currently conducting all family/personal and professional visits via Zoom/Video. The locations of the Zoom/Video visits are accessible to visitors and incarcerated people. In addition, the Expert toured the visiting areas and found there are 81 visiting stations that do not have a permanent stool and can be accessed by incarcerated people with disabilities. The Accessibility Expert will have to confirm if the visiting areas (family/personal and professional) comply with the Americans with Disabilities Act Architectural Guidelines. This will be conducted by the Accessibility Expert.

Partial Compliance

2. Does the County perform an individualized assessment as needed and ensure people with disabilities have full access to visitation at the Jail?

The Wellpath MTO includes the documentation of approval accommodations the incarcerated people with disabilities need to access the Jails programs, services, and activities. After the individualized evaluation is conducted, the MTO is provided to custody staff. Custody staff ensures the required accommodations are provided so the incarcerated person can access the Jail's programs, services, and activities. Once the ADA tracking system includes the functional capability to track people with disabilities and their accommodation and Effective Communication needs, the Expert will measure the County's compliance with the *Murray v. Santa Barbara County* Remedial Plan requirement that the County ensure people with disabilities have full access to visitation at the Jail.

Partial Compliance

Access to Programs, Services, and Activities

1. Do incarcerated people with disabilities, including those housed in specialty health care units, have equal access to programs, services, and activities available to similarly situated people without disabilities, consistent with their health and security needs?

All incarcerated people with mobility disabilities who require a wheelchair for ambulation do not have access to accessible exercise equipment. None of the recreational yards with recreational exercise equipment have accessible yard equipment in place for incarcerated people with mobility disabilities. Additionally,

minimum level incarcerated people with disabilities, who are housed in South Dorm due to a lack of accessible housing in the MSF do not have access to work assignments.

The Expert notes the Sheriff's Treatment Program (STP) is available to incarcerated persons in the following locations:

- Main Jail East 23
- Main Jail East 1 and South Dorm
- Minimum Support Facility
- D-Barracks (Protective Custody)
- Main Jail Women's BA 1 and 4
- Main Jail Women's (Protective Custody) West 1

Santa Barbara Community College Partnership is available to the following incarcerated persons:

- General Population Males and Females
- Protective Custody Males and Females

EDVO Tablet Program is available to all incarcerated persons who do not participate in the STP.

Incarcerated people with disabilities have access to all other programs, services, and activities available to non-disabled incarcerated persons.

Partial Compliance

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

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

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

The program facilitators stated they do not receive a list of incarcerated people with disabilities or their accommodations needs. They stated the incarcerated people would have to self-identify their disability and/or accommodation needs. The only accommodations the program staff provide to incarcerated people with disabilities is facilitating the provision of reading glasses, assistance in understanding the program content, and an SLI. No other accommodations (auxiliary aids, large print, magnifiers) are available for incarcerated people with disabilities.

b) Work Assignments

No information was provided by the County regarding disabled incarcerated people being assigned to work assignments because only incarcerated people who are housed in the MSF are eligible for work assignments, and based on the Active ADA Alerts Report, no incarcerated people with disabilities are housed in the MSF.

c) Dayroom and other out-of-cell time

All incarcerated people with disabilities have equal access to the dayroom and other out-of-cell time. The Expert notes other portions of the *Murray v. Santa Barbara County* Remedial Plan will address access to dayroom for all incarcerated persons housed in the Santa Barbara County Jail.

d) Outdoor recreation (including accessible exercise equipment)

Accessible exercise equipment is not available in any of the Jail's recreation yards.

The Expert notes the physical layout and structure of the exercise yards vary significantly in size and availability of exercise opportunities at the Main Jail. The Expert also notes the MSF recreation yard provides a larger yard and additional recreation opportunities for incarcerated persons housed in the MSF. Since incarcerated persons with physical and mental health disabilities are excluded from the MSF, they are not provided equal access to recreational opportunities as non-disabled incarcerated persons housed in the MSF. Incarcerated people with physical and mental health disabilities housed in the South Dorm and South Tank likewise have access to a smaller and inferior yard as compared to the non-disabled incarcerated person housed in the general population who can access the Main Yard. Furthermore, when not used as COVID-related quarantine units the Northwest Isolation unit and the New East Isolation unit provide inferior outdoor recreation space for the incarcerated people with mental health disabilities. who are generally housed in Northwest and New East Isolation Units.

e) Structured programming (including in-cell activities)

The program facilitators stated they do not receive a list of incarcerated people with disabilities or their accommodation needs. They stated the incarcerated people would have to self-identify their disability and/or accommodation needs. The only accommodations the program staff provide to incarcerated people with disabilities is facilitation the provision of reading glasses, assistance in understanding the program content, and an SLI. No other accommodations

(auxiliary aids, large print, magnifiers) are available for incarcerated people with disabilities.

f) Showers

Although incarcerated people with disabilities are escorted to an accessible shower, the Expert notes County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir identifies deficiencies regarding incarcerated persons with disabilities access to showers. Some of the deficiencies noted include:

- Inmates will have to take their shower in the South housing unit.
- Staff noted they would like to have one ADA shower in each section of the jail.
- Dress-In-128 Shower, water closet, and lavatory do not meet all accessibility requirements necessary for compliance.
- South Dorm Toilets and Shower- Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- Medium Security Facility Males Latrine E - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- New East Isolation - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- Main Jail Basement Dorm 1 - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- Main Jail Basement Dorm 2 - Shower, water closet, grab bars, mirror, accessories, and lavatory do not meet all accessibility requirements necessary for compliance.
- Main Jail Basement Dorm 3 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail West Dayroom 1 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail West Dayroom 13 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail West Dayroom 16 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail East Dayroom 4 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail East Dayroom 6 - Shower does not meet all accessibility requirements necessary for compliance.

- Main Jail Dorm C17 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail East Dorm 23 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail East Dorm 24 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail East Isolation Shower - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail Isolation Shower 213 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail South ADA Shower E128 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail South Isolation Shower R 7-12 - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail South Shower - Shower does not meet all accessibility requirements necessary for compliance.
- Main Jail South Tank and Shower 137 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Dayroom New East 1 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Closet and Shower N136 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Dayroom D130 - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation Dayroom A - Shower does not meet all accessibility requirements necessary for compliance.
- New East Isolation ISO Cell 164 - Shower does not meet all accessibility requirements necessary for compliance.

g) Telephones and/or videophones

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to videophones for deaf and/or hard of hearing incarcerated people. The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The County advised the Expert that in cases where a deaf and/or hard of hearing incarcerated person requests access to videophones, the incarcerated person advises the Custody Deputy, and the Custody Deputy provides access to the technology. The County must ensure policies and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard of hearing prisoners have equal access to communication with friends and family.

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

The County advised the Expert recreational reading material is provided to the County by donations. During the monitoring tour, the Expert noted easy reading, large print books, and other materials are not available and accessible to people with a vision-related disability.

- i) Religious services

Religious services are provided on a one-on-one basis, and most incarcerated people with disabilities are provided equal access. Incarcerated people who are deaf and whose preferred/primary method of communication is ASL/SLI must be provided an SLI during the religious program.

- j) Family/personal and professional visits

All visiting areas are accessible to incarcerated people with disabilities.

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

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

Partial Compliance

- 3. Does the County's policy include the provision of assistance in reading or scribing legal documents, sick call requests, grievances, documents related to disciplinary procedures, and documents related to health care encounters?

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara CA includes specific directives for medical staff to provide reading and writing/scribing medical-related documents to the incarcerated people with disabilities. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual includes specific directives to staff for the provision of assistance (reading and scribing) for the grievance process, Inmate Request Form, and assistance during the disciplinary process. However, the policies and procedures do not include directives for staff regarding the provision of assistance in reading or scribing legal documents for incarcerated persons with disabilities. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to include the requirements of the *Murray v. Santa Barbara County Remedial Plan*.

Partial Compliance

4. Are incarcerated people with disabilities provided with equitable work opportunities?

All male work positions require the incarcerated person to be housed in the MSF. Currently, disabled incarcerated people are not housed in the MSF. The County provided a "Work Crew Roster For Disabled Inmates." The roster includes the following work positions:

- Laundry Folding
- Linen Exchange
- Kitchen
- Gardner
- Yard Cleaner/Trash pick up

The roster does not list any disabled incarcerated people assigned to these work positions.

The County must ensure incarcerated people with disabilities are provided with equitable work opportunities.

Non-Compliance

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

The County did not provide job duty statements for the incarcerated people's work positions. The County must ensure job duty statements are clear and include essential functions and specific criteria.

Non-Compliance

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

The Initial Health History and Physical Exam (NCCHC), which is conducted within 14 days on a person's arrival at the Jail, includes a check box for "Work Restrictions." The MTO for Patient Housing includes a section for medical staff to document Physical Limitations. Although the County conducts the Initial Health History and Physical examination and the MTO includes a section for medical staff to document Physical Limitations, the County does not have in place duty

statements listing the essential functions for the incarcerated person job assignments. Without these in place, medical staff cannot conduct an individualized assessment to determine if the incarcerated person can perform the essential functions of the job assignment with or without the need for reasonable accommodations.

Partial Compliance

Health Care Appliances, Assistive Devices, Durable Medical Equipment

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

Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara CA includes the specific directives for the provision of HCA/AD/DME to people with a disability. The policy includes the requirement for an individualized assessment by medical staff and also includes guidelines and directives for the maintenance and repair of Durable Medical Equipment.

Substantial Compliance

2. Does an incarcerated person's request for a particular device or other accommodation given primary consideration, and is the request granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available?

Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara CA requires the approval of Durable Medical Equipment only as medically necessary. The policy defines medical necessity as "Health care services that are determined by the licensed practitioner to be reasonable and necessary to protect life, prevent significant illness, or disability, or alleviate severe pain, and are supported by health outcome data as being effective medical care." During the on-site monitoring tour, the Expert was informed by the County the approval of canes for incarcerated people are not authorized. In cases where incarcerated people arrived with a cane, the County would swap the cane for a walker. Additionally, the Expert was informed there had been some cases where medical staff determined the authorization of an assistive device was not medically necessary, and therefore the incarcerated person was not prescribed the assistive device. In these cases, the ADA coordinator issued the incarcerated person the assistive device as an accommodation. The County must ensure the policies and practices include the requirement that an incarcerated person's request for a particular device or other accommodation is given primary consideration and the

request is granted unless the request is unreasonable for specific, articulated reasons allowable under the ADA or unless other effective accommodations are available. The County's contract medical provider and the incarcerated persons interviewed stated the medical provider requires historical medical information as part of the evaluation and assessment process when making a determination to approve or deny a HCAs/ADs/DME.

The Expert notes Title II of the ADA does not address the requirement of a medical provider to approve or prescribe HCAs/ADs/DME. The ADA does require and states,

"§ 35.130 General prohibitions against discrimination.

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

A public entity, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of disability

Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service;

Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

Provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

Provide different or separate aids, benefits, or services to individuals with disabilities or to any class of individuals with disabilities than is provided to others unless such action is necessary to provide qualified individuals with disabilities with aids, benefits, or services that are as effective as those provided to others."

It is the Expert's position the ADA requires the County to ensure incarcerated persons are provided access to the Jail's programs, services and activities. The County cannot "deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, or service" and cannot "provide a qualified individual with a disability with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others." The County must ensure incarcerated persons with a disability are provided access to the Jail's programs, services, and activities.

28 CFR §108 Definition of a "disability" states a disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual
- A record of such an impairment

- Being regarded as having such an impairment

28 CFR §108 further states a determination of whether the impairment substantially limits a major life activity requires an individualized assessment. This assessment is conducted by qualified medical professional. Once it is determined the person has a qualified disability, the county must provide the disabled person with a requested accommodation (if the accommodation request is reasonable and not medically harmful). The need for accommodations is determined by the incarcerated persons need of the accommodation to access the Jail's programs, services, and activities. It is not based on medical treatment and necessity. As an example, if the incarcerated person requests a cane for ambulating, a cane should be provided unless the provision of the cane would be medically harmful to the individual. The fact that the provider prefers to prescribe a walker instead of a cane is a violation of the ADA when the incarcerated disabled person's request is a reasonable request for a cane.

This determination should be a two-step process:

1. A qualified healthcare professional conducts an individualized assessment of the incarcerated person to determine if they have a qualified disability and/or impairment, and if so,
2. Provide the incarcerated disabled person with an accommodation that is reasonable so the incarcerated person can access the Jail's programs, services, and activities. The incarcerated person's personal preference should be granted unless the request is unreasonable and/or would be medically harmful. The County and Wellpath must ensure a process is put in place with policies, procedures, post orders, and duty statements that accomplishes this goal.

Non-Compliance

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

Wellpath Policy HCD-110_F-10 Durable Medical Equipment Medical Supply – Santa Barbara CA includes the specific directives and guidance for the approval of personal assistive devices. However, the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not contain any guidance and directives for the approval and/or removal of personal assistive devices or a process for an individualized assessment to be conducted when determining the removal of a personal assistive device based on a safety or security risk. The County reported incarcerated people who arrive at the Jail with a personal assistive device are issued County-owned assistive devices during the

medical intake screening process. The County reported individuals who arrive with a cane are issued a walker based on the cane being a security threat (potential weapon). This is a blanket practice, and the County does not conduct an individualized assessment in these cases. The County must develop and implement policies and practices for staff to conduct individualized assessments when determining a personal assistive device is a safety or security risk in cases where the personal assistive device is not allowed.

Non-Compliance

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

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. Based on this, the Expert could not measure the County's compliance with this requirement.

Un-ratable

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

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. Based on this, the Expert could not measure the County's compliance with this requirement.

Un-ratable

6. Did the ADA Coordinator consult with medical staff to determine an appropriate alternative accommodation?

The County did not provide documentation of any cases where staff determined it was necessary to remove a personal HCA/AD/DME for security reasons. Based on this, the Expert could not measure the County's compliance with this requirement.

Un-ratable

7. Has the County implemented a written policy governing the release of people who need assistive devices?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the manual only addresses the release of incarcerated people with personal wheelchairs. The County must develop and implement policies for the release of people who need other assistive devices as required by the *Murray v. Santa Barbara County Remedial Plan*.

Non-Compliance

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

The Expert toured the property room and identified seven (7) personal mobility devices being stored in the property room. A review of the JMS found that of the seven (7) devices, three (3) of the devices belonged to incarcerated people who had been released. The Expert also notes the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not contain specific directives/guidance for staff to ensure personal mobility devices being stored in the property room are returned to incarcerated persons upon release. The County must develop and implement policies and procedures to ensure the personal mobility devices being stored are returned to incarcerated persons upon their release.

Non-Compliance

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

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County Remedial Plan*.

Un-ratable

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

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County Remedial Plan*.

Un-ratable

11. Did the County document this process in the ADA Tracking System for purposes of individual tracking and quality assurance?

The County's policies and procedures do not address these requirements. Additionally, the County did not provide documentation for any cases meeting this criterion. The County must develop and implement policies and procedures for the release of people who need assistive devices as required by the *Murray v. Santa Barbara County Remedial Plan*.

Un-ratable

Transportation

1. Did the County provide reasonable accommodations for people with disabilities when they are in transit, including during transport between facilities, to and from court, or to and from outside health care services?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies include specific guidance and directive for staff to ensure incarcerated people who require accessible transportation and/or assistance during the transport are provided accommodations. The Transportation staff reported they identify incarcerated people who require accommodations during the transport by reviewing information/reports from ATIMS (SBSO Santa Barbara Sheriff's Court-Appointments by Booking) and the Active ADA Alerts report distributed by the ADA Coordinator. A review of these documents reflects these documents identify incarcerated persons who require accessible transportation. The Transportation staff also reported they ensure incarcerated persons (who require accessible transportation and/or accommodations) are provided the accommodations during the transport. The Transportation staff stated they would use accessible transportation and/or provide assistance to the incarcerated people. All incarcerated people with Mobility-Disabilities interviewed confirmed the County provides accessible transportation and/or assistance to them during the transport.

Substantial Compliance

2. Are prescribed HCAs/ADs/DME for people with disabilities available to them at all times during the transport process, including in temporary holding cells?

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding the requirement for staff to ensure HCAs/ADs/DME for people with disabilities are available to them at all times during the transport process, including in temporary holding cells. The Transportation staff interviewed stated incarcerated persons with prescribed HCAs/ADs/DME are able to retain the devices during the transport, including while they are in temporary holding cells. All incarcerated people with Mobility-Disabilities interviewed confirmed the County allows them to retain their HCAs/ADs/DME at all times during the transport process, including while they are in the temporary holding cells. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to ensure specific guidance and directives are included for staff to ensure prescribed HCAs/ADs/DME for people with disabilities are available to them at all times during the transport process, including in temporary holding cells as required by the *Murray v. Santa Barbara County Remedial Plan*.

Partial Compliance

3. Does the County maintain a sufficient number of accessible vehicles to ensure timely transport of people with disabilities that require special transportation?

During the on-site monitoring tour, the Expert confirmed that the County has two (2) operational accessible vehicles in the County's fleet.

Substantial Compliance

4. Do staff provide assistance to people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and found the policies do not include specific guidance and directives requiring staff to provide assistance to incarcerated persons with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles. The Transportation staff interviewed stated in the event an incarcerated person with a mobility disability requires assistance to ensure safe access on and off of transport vehicles, staff would provide assistance. All incarcerated people with mobility disabilities interviewed confirmed where they require assistance to ensure safe access on and off of transport vehicles, staff would provide assistance. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual to ensure specific guidance and directives for staff to ensure

staff is required to provide assistance to incarcerated people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

Effective Communication

1. Has the County developed and implemented a Custody Operations policy to ensure that people with disabilities receive accommodations and services necessary to provide Effective Communication consistent with the provisions of the Settlement Agreement?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found that although the County has an Effective Communication Policy (370 Communication with Persons with Disabilities), the County has not developed and implemented a Custody Operations policy to ensure incarcerated people with disabilities receive accommodations and services necessary to provide Effective Communication, consistent with the provisions of the Settlement Agreement. A review of policy 370 Communication with Persons with Disabilities found this policy provides specific directives for the Santa Barbara County Sheriff's Enforcement Deputies. The County must develop and implement an Effective Communication policy and procedure for the Custody Operations as required by the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

2. Does the County assess all people detained at the Jail for any period of time for Effective Communication needs and take steps to provide Effective Communication based on individual need?

The Wellpath medical intake screening process assesses all people processed and detained at the Jail for disabilities. The receiving screening includes the following questions to assess Effective Communication needs (Wellpath Receiving Screening):

- Developmental Disability – (have an individual education plan, or attend special education classes?) When observing the medical intake screening, the Expert noted medical staff did not ask the individual if they had attended special education classes and only asked if they had a developmental disability.
- Patient Education – Is patient able to read or write (English/Spanish). The Expert notes the medical intake screening does not include an assessment

for Effective Communication as the screening process only asks the individual if they can read or write.

Wellpath Policy HCD-110_E-02 Receiving Screening – Santa Barbara, CA does not contain a process to assess people being detained at the Jail for Effective Communication needs. Wellpath Policy HCD-110_E-04 Initial Health Assessment – Santa Barbara, CA does not contain a process to assess people being detained at the Jail for Effective Communication needs. The Initial Health History and Physical Exam (NCCHC), which is conducted within 14 days of an incarcerated person's arrival at the Jail, includes the following questions to assess Effective Communication needs:

- Interpreter used? (If yes, list language and name of interpreter) *If yes is marked, an alert will automatically generate for an interpreter Needed.
- ADA Issues – Hearing, Glasses, Contacts, Other.
- Developmental Disability - *If yes is marked, an alert will automatically generate for ADA/Special Needs, and a task will generate for Psychiatric Sick Call for today.
- Physical Examination – Visual Acuity (Snellen)
- Hearing – Appears Adequate, Hearing Diminished, Deaf, Other

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara CA states, "All patients shall be screened for the need of accommodation assistance to achieve effective communication as part of the intake receiving screening process, Health Assessment and Physical Exam, and as needed at each interaction with health care staff on an on-going basis."

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual 209 Americans with Disabilities Act (ADA) states, "IDENTIFYING DISABLED INMATES AT INTAKE: The medical screening process during Intake provides the ability to identify most disabilities and the need for accommodations prior to the housing of the inmate. It is the responsibility of Medical staff, Registered Nurse (RN), to assess inmates during intake to determine if a disability exists. This assessment information will be entered on the Intake Medical/Mental Health Screening Form and the Inmate Disability Notification and Tracking form."

Although the County has processes in place to identify the Effective Communication needs of people being processed into the Jail, the County is not conducting an assessment to identify Effective Communication needs and is only asking the individuals questions. Individuals with barriers to Effective Communication are typically reluctant to disclose their inability to read and write and will more often respond with a "yes" when asked if they can read or write. The County needs to develop an assessment tool/process to identify the people who

are detained at the Jail for Effective Communication needs and take steps to provide Effective Communication based on their individual need. The disabilities that require identification of Effective Communication needs include:

- Vision
- Hearing
- Speech
- Learning Disabled (includes individuals that have not been diagnosed)
- Intellectually Disabled

Partial Compliance

3. Do the County custody and health care policies and procedures contain sufficient guidance on the provision of Effective Communication?

Wellpath Policy HCD-110_F-09 Effective Communication – Santa Barbara CA contains sufficient guidance for Wellpath staff on the provision of Effective Communication. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual contains some guidance on the provision of Effective Communication for incarcerated people with hearing (interpreters), vision (interpreters), intellectual disabilities (assistance in completing the Inmate Request Form and Grievance Process) and assistance during the disciplinary process. However, the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not contain sufficient guidance on the provision and documentation of Effective Communication required by the *Murray v. Santa Barbara County* Remedial Plan. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and ensure the policy and procedures contain sufficient guidance on the provision of Effective Communication as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

4. Did staff assess individual Effective Communication needs at the beginning of the medical intake screening and at the beginning of the classification screening to facilitate Effective Communication throughout those and all subsequent processes?

The Expert observed the medical intake screening process and interviewed classification staff regarding the assessment and provision of Effective Communication. During the observation of the medical intake screening process, the medical provider conducting the medical intake screening did not assess the individual Effective Communication needs at the beginning of the medical intake screening. During the interviews with the Classification Unit, the classification staff

reported they do not query or review the ADA Tracking System at the beginning of the classification screening process. The County must develop and implement policies and procedures for medical intake staff and classification staff to assess the individual's Effective Communication needs at the beginning of the medical intake screening and classification screening and ensure staff conducts the assessments.

Non-Compliance

5. Did staff provide the enhanced procedures for the provision of Effective Communication in the following situations:

a) Due Process Events, including the following:

- i. Classification processes?
- ii. Disciplinary hearing and related processes?
- iii. Service of notice (to appear and/or for new charges)?
- iv. Release processes?
- v. Probation encounters/meetings in custody?

The County did not produce completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. Based on this, the Expert was not able to measure the County's compliance with these requirements.

Un-ratable

b) Clinical Encounters, including the following:

- i. Determination of medical history or description of ailment or injury?
- ii. Diagnosis or prognosis?
- iii. Medical care and medical evaluations?
- iv. Provision of mental health evaluations, rounds, group and individual therapy, counseling, and other therapeutic activities?
- v. Provision of the patient's rights, informed consent, or permission for treatment?
- vi. Explanation of medications, procedures, treatment, treatment options, or surgery?
- vii. Discharge instructions?

The County did not produce any completed documents for medical, dental, and mental health encounters. The County must ensure staff provide the enhanced procedures for the provision of Effective Communication.

Non-Compliance

6. Did staff identify each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s)?

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure that staff identify each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s).

Non-Compliance

7. Did staff provide effective reasonable accommodation(s) to overcome the communication barrier?

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure staff provide effective reasonable accommodation(s) to overcome the communication barrier identify each person's Disability where there may be a barrier to comprehension or communication requiring reasonable accommodation(s).

Non-Compliance

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

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure staff document the method used to achieve Effective Communication and how the staff person determined the person understood the encounter, process, and/or proceeding.

Non-Compliance

9. When determining what auxiliary aid or service to provide, did staff give primary consideration to the request of the person with Effective Communication needs? (The aids may include bilingual aides, SLIs, readers, sound amplification devices, captioned television/videotext displays, Videophones and telecommunication services for deaf persons, audiotaped texts, Braille materials, large print materials, writing materials, and signage).

The County did not produce any completed documents for medical, dental, and mental health encounters, completed classification documents, completed disciplinary reports, completed service of notices (to appear and/or for new charges), completed release documents, and probation encounters/meetings in custody. The County must ensure that when determining what auxiliary aid or service to provide, staff give primary consideration to the request of the person with Effective Communication needs.

Non-Compliance

10. Did staff ensure that all outside education, program, and service providers at the Jail provided Effective Communication for people participating in such programs?

Based on the COVID-19 restrictions, the County reported all outside education, program, and service providers are currently not providing services at the Jail. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

Access for Individuals with Hearing Impairments

1. Has the County developed and implemented a policy for newly arrived and newly identified people with hearing disabilities to determine each person's preferred method of communication?

The Wellpath Policies and Procedures for Santa Barbara County (HCD-110_F-09 Effective Communication – Santa Barbara, and the Santa Barbara County) includes a process for all patients to be screened for the need of accommodation or assistance to achieve effective communication as part of the intake receiving screening process, Health Assessment and Physical Exam, and as needed at each interaction with health care staff on an on-going basis. The policy also requires health care staff to determine the primary accommodation or assistance required to achieve effective communication by reviewing the alerts and problems list in the health record. However, during the Experts observation of the medical intake screening process and review of the Receiving Screening Questions, Medical Treatment Order for Patient Housing, and the Initial Health History and Physical Exam (NCCHC) do not contain specific questions for the identification of

an incarcerated person's (with a hearing disability) preferred method of communication.

Although the County has a policy in place, the County must ensure the screening tools contain specific questions for the identification of the preferred method of communication, and staff must implement this process as required by the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

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

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires an SLI to be used during exchanges of health care information with patients whose primary method of communication is American Sign Language (ASL). The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 requires the use of an SLI (at no cost to the incarcerated people) in cases where the incarcerated person is deaf and is reliant on ASL.

The County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. During subsequent monitoring tours, the County will need to provide these documents to the Expert if available. The County must develop and implement policies for these requirements.

Un-ratable

3. Did staff log when, for whom, and for what purpose an SLI was used?

The County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

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

The County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

5. In cases where an incarcerated person who's preferred method of communication is SLI waives an SLI, did staff log the method of communication of the waiver?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara requires that if the patient refuses the assistance of an SLI, the patient must sign a refusal of clinical services form, and the circumstances must be documented on the form. However, there is no requirement for staff to document/log the method of communication of the waiver. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 does not address the *Murray v. Santa Barbara County* Remedial Plan requirements for documenting/logging the method of communication of the waiver.

The County produced a document from ATIMS (Inmate History – Inmate Notes) that reflects an incarcerated person waived an SLI, and custody staff used written communication to communicate and document the waiver. The County must ensure policies and procedures are revised with the *Murray v. Santa Barbara County* Remedial Plan requirements.

Partial Compliance

6. In cases where an incarcerated person who's preferred method of communication is SLI waives an SLI,, did staff log the method staff used to determine that the waiver was knowing and freely given?

The policies and procedures do not address the requirement for staff to log the method staff used to determine the waiver was knowing and freely given in cases where an incarcerated person (whose preferred method of communication is SLI) waives an SLI.

Additionally, the County produced a document from ATIMS (Inmate History – Inmate Notes) that reflects an incarcerated person waived an SLI. Custody staff used written communication to communicate and document the waiver. However,

staff did not document that the waiver was knowing and freely given. The County must ensure staff document/log the method staff used to determine the waiver was knowing and freely given in cases where an incarcerated person (whose preferred method of communication is SLI) waives an SLI and include these requirements in policy.

Non-Compliance

7. Does the County maintain a contract or service agreement with interpreter services, including a VRI service, in order to provide such services for deaf or hard of hearing incarcerated people?

The County produced an Agreement between Independent Living Resource Center, Inc. and Santa Barbara Sheriff's Office dated 5/17/18 (no expiration date). The Agreement includes the Interpreting Services Terms and Conditions. The Terms state, Except for emergency requests, all requests for interpreting or notetaking services must be submitted 72 hours (3 business days in advance to ILRC's Operations Coordinator. The Agreement defines Emergency and Emergency-Legal as "urgent requests for immediate services typically in medical, mental health, job-related, law enforcement or legal settings." The County also states they use the services of VRI. However, information on the VRI services was not provided.

Substantial Compliance

8. Does the County ensure that appropriate Jail staff have sufficient guidance regarding use of SLI/VRI services?

The Wellpath Policy, HCD-110_F-09 Effective Communication – Santa Barbara and the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 include directives and some guidance for staff to provide an SLI for incarcerated people identified as Deaf and whose primary/preferred method of communication is ASL. The policies do not outline who the SLI provider is and how to schedule/contact the SLI provider. The County must modify the policies to ensure sufficient guidance is included for staff to schedule and ensure SLI services are provided when required.

Partial Compliance

9. If the incarcerated person did not indicate that lip reading was their preferred method of communication, was lip-reading the sole method of Effective Communication used by staff?

The County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

10. In cases where the use of an SLI was not practicable or was waived by the incarcerated person, did Jail staff employ the most effective form of communication available?

The County did not produce any documents that reflect the provision of an SLI during intake for due process functions, health care encounters, and Jail programming for the Expert to measure compliance with these requirements. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

11. Are videophones available for deaf and hard of hearing incarcerated persons?

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to videophones for deaf and/or hard of hearing incarcerated people. The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The County advised the Expert that in cases where a deaf and/or hard of hearing incarcerated person requests access to videophones, the incarcerated person advises the Custody Deputy, and the Custody Deputy provides access to the technology. The County must ensure policies and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard of hearing prisoners have equal access to communication with friends and family.

Partial Compliance

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

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding access to VRS technology for deaf and/or hard of hearing incarcerated people. The County advised the Expert the County provides deaf and/or hard of hearing incarcerated persons access to video phones (zoom/facetime platform). The Expert did not provide information regarding VRS technology. The County must ensure policies

and procedures are developed and implemented, and guidance is provided to staff to ensure deaf and/or hard of hearing prisoners have access to VRS technology.

Non-Compliance

13. Are deaf/hard of hearing incarcerated people provided with twice as much time for calls using telecommunication relay services, such as a videophone or TDD/TTY, to account for the fact that such conversations take longer than spoken conversations?

The County advised the Expert that access to telephones for non-disabled incarcerated persons is not timed, and in some cells and dorm housing locations, incarcerated persons have unrestricted access to telephones between the hours of 7:00 a.m. to 10:00 p.m. Additionally, the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding the amount of time incarcerated people and disabled incarcerated people have access to telecommunication technology. The County must ensure policies and procedures are revised and include language where a disabled incarcerated person who uses videophone and TTY/TDD technology has either unrestricted access to phones as non-disabled incarcerated persons have and/or are provided additional time (twice as much) for calls using telecommunication relay services.

Non-Compliance

14. Did staff document the time that each prisoner used and had access to videophone/VRS/TDD/TTY equipment?

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual does not include language regarding the requirement for staff to document the time each incarcerated person uses and has access to videophone/VRS/TDD/TTY equipment. However, the County provided a document from ATIMS (SBSO Santa Barbara Sheriff Inmate History-Inmate Notes ADA-VRS and Videophone) documenting two (2) occasions where an incarcerated person used and had access to videophone technology. The County must ensure policies and procedures are revised and include language where requiring staff to document the time each prisoner uses and has access to videophone/VRS/TDD/TTY equipment.

Partial Compliance

15. Were incarcerated people who require an SLI as their primary method of communication provided an SLI for education, vocational, and religious programs?

The County did not produce any documents that reflect incarcerated people who require an SLI as their primary method of communication were provided an SLI for education, vocational, and religious programs for the Expert to measure compliance with these requirements. Based on this, the Expert could not measure compliance with these requirements.

Un-ratable

16. In housing units where an individual with a hearing-related disability resides, are public announcements communicated as consistent with individual Effective Communication needs? (This includes announcements regarding visiting, meals, recreation release, and recall, count, lock-up, and unlock. Verbal announcements may be effectively communicated via written messages on a chalkboard, or dry erase board, or by personal notification, as consistent with individual need).

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual includes the following language regarding announcements, "If a hearing-impaired inmate does not respond for an appointment, visit, meal or dayroom time the housing unit Custody Deputy shall follow up with the inmate immediately to ensure that do not wish to attend the event." The County advised the Expert the use of a public address system to make announcements is not in place at the Jail. Announcements are made via in-cell intercoms or face-to-face notifications in dorm-style housing or cells that do not have intercoms in place. The County must ensure the requirements of the *Murray v. Santa Barbara County* Remedial Plan are incorporated into the existing policies and must include the requirement that staff effectively communicate announcements to incarcerated persons with disabilities who require effective communication.

Partial Compliance

17. Were the procedures for public announcements communicated to incarcerated people during the orientation process?

A review of the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook found that the Handbook does not contain information on the procedures for public announcements. The County must revise the Santa Barbara County Sheriff's Office Custody Operations Orientation Handbook and ensure the procedures for public announcements are communicated to incarcerated people during the orientation process.

Non-Compliance

18. Have the procedures for public announcements been incorporated into relevant policies and post orders?

A review of the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual found that it does not contain information on the procedures for public announcements. The County must revise the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual and ensure the procedures for public announcements are incorporated into relevant policies and post orders.

Non-Compliance

Prisoners with Intellectual/Developmental Disabilities

1. Has the County developed and implemented a comprehensive written policy and procedure regarding people with Intellectual and/or Developmental Disabilities?

Within the Wellpath Policies and Procedures for Santa Barbara County, there are some procedures for the identification of people with Intellectually Disabilities. The screening is limited to observations by medical staff (HCD-110_E-02 Receiving Screening - Santa Barbara CA 6.6.8). Referral to a caseworker (e.g., the local Regional Center for Developmentally Disabled) for the purpose of diagnosis identification and/or treatment within 24 hours of identification, excluding holidays and weekends (HCD-110_E-02 Receiving Screening - Santa Barbara CA 6.8). The Wellpath Policy HCD-110_F-08 Verification and Accommodation of Disability - Santa Barbara CA does not include a process for the identification of incarcerated people with Developmental Disabilities. The Wellpath Policy HCD-110_E-48 Initial Health Assessment - Santa Barbara CA includes an area for the Medical Provider to document an alert for ADA/Special Needs and to generate a task for Psychiatric Sick Call.

There are also Wellpath Policies and Procedures for Santa Barbara County that address the establishment of a treatment plan for incarcerated people diagnosed with a Developmental Disability (HCD-110_F-03 Mental Health Services - Santa Barbara CA 6.6.8 and HCD-110_F-01 Patients with Chronic Disease and Other Special Needs - Santa Barbara CA). This policy also includes a process for the identification of incarcerated people diagnosed with a Developmental Disability as a Special Needs incarcerated person.

The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 209 Americans with Disabilities Act (ADA) Revised 01/2017 includes language for staff to provide assistance and ensure incarcerated persons with Developmental Disabilities are provided assistance and understand the Inmate Request Form, and Grievance and Disciplinary Processes. Additionally, the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 243 – Special Care Inmates includes requirements for the

provision of special care and housing for incarcerated people with Developmental Disabilities.

Although the County has some policies and procedures regarding people with Intellectual and/or Developmental Disabilities in place, the policies and procedures are not comprehensive and do not include all of the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Partial Compliance

2. Do the policy and procedures include the following?
 - a) Screening?
 - b) Identification of their adaptive support needs and adaptive functioning deficits?
 - c) Monitoring, management, and accommodations for people with Intellectual or Developmental Disabilities?

The policies and procedures detailed above do not include a comprehensive screening and monitoring, management, and provision of accommodations for incarcerated people with disabilities. The policies and procedures also do not include the identification of adaptive functioning deficits and the requirement for staff to provide adaptive supports. The County must policies and procedures include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

3. In cases where a person is known to have or suspected of having an Intellectual or Developmental Disability, did the County contact the appropriate Regional Center within the next business day of the person's arrival at the Jail?

The Wellpath policy, HCD-110_E-02 Receiving Screening - Santa Barbara CA Section 6.8, requires a referral to a caseworker (e.g., the local Regional Center for Developmentally Disabled) for the purpose of diagnosis identification and/or treatment within 24 hours of identification, excluding holidays and weekends. The Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, 243 – Special Care Inmates requires contact with Tri-County Regional Center If the inmate is a Tri-County Regional Center patient. Staff is required to contact Tri-County Regional Center in Oxnard at 1-805-485-3177 or the Santa Barbara office at 1-805-962-7881 and advise them when a developmentally disabled incarcerated person is in custody. The notification must occur within 24 hours of the incarcerated person's custody.

The County produced an excel spreadsheet (Contact with Tri-County Regional Center). The excel spreadsheet reflects contact with the Regional Center on

11/5/20; however, the excel spreadsheet does not reflect the date the incarcerated person was processed into the Jail. Based on this, the Expert cannot determine if the County complied with the *Murray v. Santa Barbara County* Remedial Plan requirement to contact the Regional Center within the next business day of the person's arrival at the Jail. The excel spreadsheet reflects the incarcerated person was released from the Jail on 04/08/21.

During the incarcerated person interviews, the Expert interviewed an incarcerated person who stated he was a consumer and was provided services from Tri-County Regional Center. The incarcerated person provided the Expert with a letter from the Regional Center advising him of a change in his assigned caseworker. The County was not aware of this incarcerated person and he was not listed on the County's ADA Active Alerts List.

Non-Compliance

4. Did the County request the incarcerated person's current IPP (Individualized Program Plan) with the individual's authorization?

The excel spreadsheet (Contact with Tri-County Regional Center) does not reflect if the County requested the incarcerated person's current IPP when contact with the Regional Center was made on 11/5/20. The County must ensure documentation is maintained reflecting the IPP request.

The County must ensure staff request the incarcerated person's current IPP with the individual's authorization.

Non-Compliance

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

The County did not provide case notes or documentation reflecting that medical and custody staff reviewed the IPP to ensure all communications and services being provided to the incarcerated person with Intellectual Disabilities were appropriate. The County must ensure that once received, medical and custody staff reviews the IPP to ensure all communications and services being provided are appropriate.

Non-Compliance

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

The County did not produce any documents reflecting an incarcerated person suspected of having an Intellectual Disability (who was not already a Regional Center client) was processed and identified during the intake process or while housed at the Jail. In cases where the incarcerated person is not a Regional Center client, the County must request the Regional Center (or other appropriate agency) perform an evaluation.

Non-Compliance

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

There were no documents produced by the County to measure compliance with this requirement. Additionally, the County's policies do not address this requirement. The County must ensure the policies and procedures are revised and address the *Murray v. Santa Barbara County* Remedial Plan requirements.

Non-Compliance

8. Were incarcerated people identified as having an Intellectual or Developmental Disability provided with accommodations tailored to their needs, which include but are not limited to communications at the appropriate comprehension level, more time to complete directions, and specific behavioral supports?

There were no documents produced by the County to measure compliance with these requirements. Additionally, the County's policies do not address these requirements. The County must ensure the policies and procedures are revised and address the *Murray v. Santa Barbara County* Remedial Plan requirements.

Non-Compliance

9. Did a multidisciplinary team that includes appropriate health care staff monitor and ensure appropriate care for people with an Intellectual or Developmental Disability?

The Wellpath Policies and Procedures for Santa Barbara County address the multidisciplinary team for incarcerated people diagnosed with a Developmental Disability include HCD-110_F-03 Mental Health Services - Santa Barbara CA 6.6.8 and HCD-110_F-01 Patients with Chronic Disease and Other Special Needs - Santa Barbara CA. These policies define the Treatment Plan as "A patient-specific individualized mental health treatment plan for special needs patients with input

and documentation including, but not limited to: QHP, QMHP, custody staff, community resources, etc. when available." The policies state, "The treatment plan includes and is not limited to the following:

- Diagnostic information
- Individualized risk and protective factors
- Program participation plan such as individual and group treatment as well as structured programming
- Recommendations concerning housing
- Job assignment"

These policies do not include specific guidelines and processes for the monitoring and appropriate care for people with an Intellectual or Developmental Disability. The County advised the Expert that specific cases are reviewed during "HARP" (High Alert Risk Person) meetings. During the HARP meetings, the staff discusses mental health and classification case factors as well as treatment plans for the incarcerated people being monitored by the HARP team. The County advised the Expert that the County (with representatives from medical, mental health, and custody) reviews specific cases as part of the HARP meeting process. Although the County provided the Expert with a HARP Meeting Participants (April 26, 2021, a review of this document reflects no cases for incarcerated people identified with an Intellectual or Developmental Disability.

There were no specific cases for Intellectual or Developmentally Disabled incarcerated people being produced. It is recommended the County establish and implement specific policies for a multidisciplinary team (including appropriate health care staff) to monitor and ensure appropriate care for people with an Intellectual or Developmental Disability. The County must ensure a multidisciplinary team (including appropriate health care staff) monitors and ensures appropriate care for people with an Intellectual or Developmental Disability.

Non-Compliance

10. Did the multidisciplinary team develop an individualized plan for each person with an Intellectual or Developmental Disability?

The County did not produce any individualized treatment plans for a person with an Intellectual or Developmental Disability. The County must ensure a multidisciplinary team develops an individualized plan for each incarcerated person with an Intellectual or Developmental Disability.

Non-Compliance

11. Did the individualized plan address safety, vulnerability, and victimization concerns?

The County did not produce any individualized treatment plans for a person with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses safety, vulnerability, and victimization concerns.

Non-Compliance

12. Did the individualized plan address adaptive support needs?

The County did not produce any individualized treatment plans for a person with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses adaptive support needs.

Non-Compliance

13. Did the individualized plan address programming, housing, and accommodation needs?

The County did not produce any individualized treatment plans for a person with an Intellectual or Developmental Disability. The County must ensure the individualized plan addresses programming, housing, and accommodation needs.

Non-Compliance

14. Was the multidisciplinary team's plan reviewed on a regular basis and updated as needed?

The County did not produce any individualized treatment plans for a person with an Intellectual or Developmental Disability. The County must ensure the multidisciplinary team's plan is reviewed on a regular basis and updated as needed.

Non-Compliance

Physical Accessibility Requirements

1. Has the County implemented an ADA transition plan to remedy Main Jail physical plant features that could result in access barriers for people with disabilities?

The County produced an ADA Self-Evaluation and Transition Plan of the Santa Barbara County Jail conducted by Vanir. The Transition Plan does not have an issue date. However, the Vanir Transition Plan reflects the site evaluation was conducted from September 6, 2016, to June 7, 2018. The County did not provide

information regarding the implementation schedule of the Transition Plan. The Expert notes the County of Santa Barbara - Santa Barbara Jail ADA Transition Plan for Adult Detention Facility completed by Vanir identifies physical plant accessibility barriers of the Main Jail. The Expert has no information indicating any of these accessibility barriers have been removed. The barriers identified in the Vanir report must be removed as part of the ADA transition plan.

Partial Compliance

2. Has the ADA transition plan been implemented in the timeframe set forth in the Stipulated Judgment?

The Stipulated Judgment requires the County to fully implement all of the remedial measures, according to the specified timeframes (where identified), set forth in the Remedial Plan. For remedial measures requiring a remodel, reconfiguration, or renovation of the Main Jail, Defendants shall fully implement those measures on or before July 1, 2023, subject to all applicable California Environmental Quality Act ("CEQA") review processes, permitting requirements, public comment and hearing requirements, and other public approval processes. The County did not provide the Expert the status of the implementation schedule of the Transition Plan.

Un-ratable

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

The Expert notes the County is taking some reasonable steps to promote and ensure accessibility for people with disabilities. These steps include the use of interim measures in addressing existing access barriers in order to ensure safety and program access for people with disabilities during the period of implementation of the ADA transition plan at the Main Jail. Some of these interim measures include:

- Escorting Mobility-Disabled incarcerated people to accessible shower location.
- Escorting and assisting Mobility-Disabled incarcerated people to accessible exercise yard facilities.

However, there continues to be some areas where incarcerated people with disabilities are not provided access to some of the Jail's programs, services, and activities. This is primarily related to access to work assignments. Only

incarcerated people who reside in the Minimum Support Facility are able to access work assignments. Mobility disabled incarcerated people are not housed in the Minimum Support Facility due to lack of accessible housing. The County must ensure mobility disabled incarcerated people have the opportunity to participate in the Jail's work assignment program using interim measures pending the completion of the Transition Plan (i.e. escorting mobility disabled incarcerated people to the specific work assignments if safety and security measures allow).

Partial Compliance

4. Does the North Branch Jail provide adequate accessibility for people with disabilities, consistent with accessibility requirements under federal and state law?

The Expert notes that as of the date of the monitoring tour, the Northern Branch has not been activated. Additionally, the Expert conducted an ADA Accessibility survey and produced a Joint Neutral ADA Accessibility Report - Northern Branch Jail dated June 22, 2021 under separate cover. This report addresses the ADA physical plant accessibility issues for the Northern Branch Jail.

Un-Ratable

Alarms/Emergencies

1. Has the County implemented written policies regarding the expectations of staff as to persons with disabilities during emergencies and alarms, including as to disabilities that may affect their ability to comply with orders or otherwise respond to emergencies and alarms?

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found the County has not implemented written policies regarding the expectations of staff as to persons with disabilities during emergencies and alarms, including as to disabilities that may affect their ability to comply with orders or otherwise respond to emergencies and alarms. The County must ensure policies and procedures are revised to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

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

The Expert reviewed the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual, and the Santa Barbara County Sheriff's Office Policy Manual and found the policies do not ensure appropriate handling of people with mobility-related disabilities who are unable to prone out or take a seated position on the ground during an alarm or emergency. The County must ensure policies and procedures are revised to include the requirements of the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

3. Have the policies been communicated to staff?

Based on the County not having policies and procedures in place, the Expert could not rate this item for compliance.

Un-ratable

4. Have the policies been communicated to people with disabilities using Effective Communication?

Based on the County not having policies and procedures in place, the Expert could not rate this item for compliance.

Un-ratable

5. In order to facilitate appropriate accommodations during alarms or emergencies, does the County offer, but not require, individuals who have disabilities visible markers to identify their disability needs (e.g., wristbands)?

The County reported that currently, incarcerated people with disabilities who require accommodations during alarms or emergencies are not offered visible markers to identify their disability needs (e.g., wristbands). The County must establish a policy and implement this process as required by the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

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

During the on-site tour, the Expert confirmed each unit had the Active ADA Alerts list posted in the Custody Deputy's workstation. This list includes the name,

housing location, Disability, and accommodation needs for the incarcerated people housed in the Santa Barbara County Jail.

Substantial Compliance

7. Has the County installed visual alarms appropriate for people who are deaf or hard of hearing?

During the on-site review, the Expert noted all housing units, with the exception of the Northwest housing units, have visual alarms installed. The County must ensure the visual alarms meet the NFPA 72, 'National Fire Alarm Code' standards and visual alarms be installed in the Northwest housing units.

Partial Compliance

8. Do all housing units have emergency and fire exit routes notices posted?

During the on-site review, the Expert noted none of the housing units had emergency and fire exit routes notices posted. The County must ensure all housing units have the emergency and fire exit routes notices posted as required by the *Murray v. Santa Barbara County* Remedial Plan.

Non-Compliance

Quality Assurance

1. Has the County developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must develop and implement written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies.

Non-Compliance

2. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of requests for ADA accommodations?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies and procedures. The County must ensure the written policies and

procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of requests for ADA accommodations.

Non-Compliance

3. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related grievances?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related grievances.

Non-Compliance

4. Do the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related training?

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of ADA-related training.

Non-Compliance

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

The County reports they have not developed and implemented written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies. The County must ensure the written policies and procedures regarding monitoring compliance with ADA requirements and Jail ADA policies include monitoring of the use of the ADA Tracking System.

Non-Compliance

6. Has the County developed an ADA accountability plan that ensures quality assurance, tracks violations of the ADA and the Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures?

The County reports an ADA accountability plan has not been developed. The County must develop and implement an ADA accountability plan that ensures quality assurance, tracks violations of the ADA and the Jail's ADA policies, and establishes staff accountability for egregious, serious, or repeated violations of the ADA and Jail ADA-related policies and procedures. The ADA accountability plan must be incorporated into the Santa Barbara County Sheriff's Office, Custody Operations – Policies and Procedures Manual.

Non-Compliance



Signature

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

A handwritten signature in blue ink that reads "Mike Brady". The signature is written over a horizontal line.

Mike Brady
Director
Sabot Consulting

June 22, 2021

Date