

# Inmates with Disabilities

## 8000.1 INMATES WITH DISABILITIES

The Federal Americans with Disabilities Act (ADA) and the California Disabled Persons Act (CDPA) provide, in general, that qualified individuals with disabilities shall not be excluded from participation in, denied the benefits of, or subjected to discrimination in a public entity's services, programs, or activities, based upon a disability. The ADA and CDPA apply to all OCSD jail facilities.

For the purpose of this policy, when referring to the term "inmate," the Orange County Sheriff's Department is referring to incarcerated individuals within our custody, including but not limited to sentenced and un-sentenced inmates, civil detainees, US Marshals inmates, CPC 1170(h) inmates, etc.

Inmates with disabilities are entitled to the same rights, privileges, and services as other inmates of the same classification level. An inmate is covered by the ADA when the inmate has a permanent, temporary, or intermittent condition that impacts a major life activity. Some examples of major life activities include bathing, caring for oneself, moving from place to place, understanding, communicating or interpreting instructions, and eating.

Each inmate covered under the ADA must be reasonably accommodated where necessary to ensure safe and meaningful access to the Jail's services, programs and activities, such as modified housing for wheelchair access, use of assistive devices, effective communication, or closed captioning on the television for someone with a hearing impairment. There is not a fixed list of appropriate accommodations or assistive devices. Provision of reasonable accommodations and assistive devices should be based on a case-by-case, individualized assessment of the needs of the person with a disability.

### DEFINITIONS:

- (a) **Disability:** An individual has a disability if there is a physical or mental impairment that substantially limits one or more major life activities; or the individual has a record of such an impairment; or the individual is regarded as having such an impairment.
- (b) **Physical or mental impairment:**
  - 1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic, lymphatic, skin, and endocrine.
  - 2. Any mental or psychological disorder such as organic brain syndrome, mental illness, and specific learning disabilities
  - 3. The phrase physical or mental impairment includes, but is not limited to, contagious and non-contagious diseases; orthopedic, vision, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; intellectual/developmental disability;

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emotional illness; HIV disease (whether symptomatic or asymptomatic); tuberculosis; and issues caused by drug addiction and alcoholism.

- (c) Major life activities: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- (d) Has a record of such an impairment: Has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.
- (e) Is regarded as having an impairment:
  - 1. Has a physical or mental impairment that does not substantially limit major life activities, but that is treated by a public entity as constituting such a limitation.
  - 2. Has a physical or mental impairment that substantially limits major life activities but only as a result of the attitudes of others toward such impairment or, has none of the impairments defined in paragraph one (1) of this definition, but is treated by a public entity as having such an impairment.
- (f) Intellectual/Developmental Disability: A disability characterized by significant limitations in intellectual functioning (such as learning, reasoning, and problem-solving) and in adaptive behavior (conceptual skills such as language, literacy, money, time, and self-direction; social and interpersonal skills; and practical skills such as personal care and schedules/routines). This includes people for whom the onset of the disability occurred before age 18 (developmental disabilities) and people for whom events later in life resulted in similar limitations (e.g., traumatic head injury, stroke, or dementia).
- (g) Mobility Disability: An impairment that affects an inmate's ability to move physically and which substantially limits the inmate's ability to perform one or more major life activities, including but not limited to standing, lifting, stooping, and/or ambulating.
- (h) Vision, Hearing, or Speech (VHS) Disability: An impairment that substantially limits the major life activity of hearing, seeing, or speaking; being perceived as having such an impairment; or having a history of such impairment. If the use of ordinary corrective lenses results in a limitation to a major life activity and an inmate is in possession of such lenses, then the inmate's vision impairment does not constitute a disability for the purposes of this policy.
- (i) Reasonable Accommodation: Any change in the facility or field environment, policies, procedures, or the manner in which tasks are completed that enables a qualified individual with a disability to participate in and receive the same benefits from a program or service. This includes ensuring a qualified individual's opportunity to receive the same benefit of service. Reasonable accommodation does not require fundamental alteration of the nature of a program or activity.
- (j) Auxiliary Aids and Services: Includes but is not limited to, assistive communication devices for the deaf, hard of hearing, and visually impaired (e.g., VRI/VRS, TDD/TTY, closed caption video as necessary and appropriate, Braille, audio technology, large print); a qualified interpreter (or, in some circumstances, an interpreter who demonstrates proficiency adequate to the task); providing a reader or note taker;

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use of an elevator by mobility-impaired inmates to enable access to programs; and modification or acquisition of adaptive equipment and devices.

- (k) **Undue Burden:** An accommodation(s) which would impose an "undue burden" – that is, an unreasonable financial or administrative cost based on overall resources available, or compromise the safety or security of staff, inmates, or others – does not need to be provided
- (l) **Fundamental Alteration:** An accommodation(s) that would require a fundamental change to the basic nature of service, program, or activity does not need to be provided.
- (m) **Qualified Individual with a Disability:** An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.
- (n) **Effective Communication:** Whatever is written or spoken must be as clear and understandable to the person with a disability as reasonably possible. This applies whether the communication is written, spoken, electronic, or any other form.
- (o) **Behavioral Health Bureau (BHB):** The Custody Operation's Behavioral Health Bureau (BHB) oversees the department's mission to address Mental Health, Substance Use Disorder, and compliance with the Americans with Disabilities Act within the jails of Orange County. The Behavioral Health Bureau is made up of an BHB/ADA team led by the BHB Captain. The Bureau staffs two (2) Sergeants at the Central Jails Division (CJX), one (1) Sergeant at Theo Lacy Facility (TLF), and James A. Musick Facility (JAMF) who supervise the Deputies and Correctional Services Assistants on the BHB/ADA team. The BHB/ADA team facilitates the day-to-day interaction with inmates with ADA/disability-related needs.

## **8000.2 ADA PROCEDURES**

### **(a) Intake**

1. The Booking Loop will be utilized to receive, book, and process all incoming qualified inmates with disabilities. The booking process includes self-commitment bookings and the pre-booking process. Intake screenings are performed by Orange County Health Care Agency Correctional Health Services (CHS) staff. Screening is required to identify impairments, disabilities, or the need for reasonable accommodations. Common types of disabilities include, but are not limited to, mobility, dexterity, visual, hearing, speech, mental illness, and intellectual/developmental disability.
2. When CHS becomes aware of a qualified inmate with a disability, an interview will occur between CHS, Classification staff, ADA Compliance Staff, and the inmate to determine reasonable accommodations and auxiliary aids for the inmate. The decision as to what type of accommodation/modification is appropriate is made on a case-by-case basis. Likewise, OCSD shall report to CHS staff all observations about an inmate's potential disability and/or need

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for an accommodation, which may have been revealed to OCSD and not to HCA. This is relevant any time during incarceration. For more information about inmates with disabilities, refer to CCOM Section 1204.2 – Inmates with Disabilities.

3. Inmates with disabilities may arrive with an assistive device, such as a cane, crutch, walker, wheelchair, reading glasses, prescription glasses or an orthopedic or prosthetic appliance. Unless the Watch Commander determines and documents, based on an individualized assessment in the Safety and Security Assessment Form, that the device or appliance constitutes an immediate risk of bodily harm to inmates or staff, or threatens the security of the facility, the inmate shall be allowed to retain the device or appliance. If there is a security issue with a specific device (e.g., metal tipped cane), the Watch Commander will consult with CHS and the inmate will be provided a County-approved substitute device. Inmates will be permitted to possess their assistive device in a temporary holding cell at all times. If the personal device or appliance is confiscated, the Watch Commander who conducted the individualized assessment shall send the ADA Compliance Unit a copy of the completed Safety and Security Assessment Form and send an email detailing the events to [REDACTED]. If an orthopedic or prosthetic appliance was removed, the inmate will be examined by a physician within 24 hours. The ADA Compliance Unit shall ensure the inmate is provided a copy of the "Petition for Return of Orthopedic or Prosthetic Appliance" in accordance with California Penal Code Section 2656(b). The Safety and Security Assessment Form can be accessed on the OCSD intranet.
4. Triage Medical Staff will contact the Operations Sergeant and the ADA Deputy whenever a qualified inmate with a disability enters triage. If the Sergeant is not available, the telephone call will automatically transfer to the Receiving Guard Station Deputy (available 24 hours-a-day).
5. The ADA Deputy shall complete periodic reviews during the period where the device has been removed and/or they have been issued an alternate accommodation, in order to determine whether the inmate is at risk of harm or needs additional assistance to ensure safe and meaningful access to the Jail's services, programs, and activities.
6. For more information about inmates requiring the use of orthopedic or prosthetic devices while in custody, refer to CCOM Section 2108.1 - Screening Process.
7. Triage CHS staff will complete a [REDACTED] according to CHS policy and procedures. Triage CHS staff will indicate "ADA" and the specific impairment(s) on the form. A copy of this form will be given to Classification, ADA, and booking staff.
8. The Operations Sergeant or the Receiving Guard Station Deputy will designate a First Floor Deputy to ensure reasonable accommodations are made during the booking process.

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9. If an inmate is a wheelchair user, mobility impaired, vision impaired, and/or requires the use of an ADA accessible holding cell, the Classification Deputy will conduct a face-to-face classification interview with the inmate at the holding cell.
10. The Classification Deputy will then complete the bottom portion of the J-112, scan and email the completed form to [ADACompliance@ocsheriff.gov](mailto:ADACompliance@ocsheriff.gov), and place the hard copy in the designated bin to be collected by ADA staff.
11. The Operations Sergeant will enter the following information into the Corrections Sergeant Log under the drop-down menu, "ADA Booking Process":
  - i. The date and time the inmate enters the triage area.
  - ii. The name of the Deputy assigned to ensure reasonable accommodations are made.
12. Reasonable accommodations will be made during the intake process. Some examples are:
  - i. Using a counter modified for accessibility to assist inmates who are not able to reach or see over standard counters.
  - ii. Conducting face-to-face interviews by Medical and Classification staff, for inmates who are not able to stand.
  - iii. Fingerprint using a portable rolling cart or clipboard, so the inmate does not have to reach up above shoulder height.
  - iv. If CHS determines that an inmate needs a mobility device, VHS auxiliary aid, or other assistive device during the intake process, CHS staff will ensure that the inmate receives the device promptly.
  - v. When the inmate needs a standard mobility device (wheelchair, walker, cane, or crutches) or tapping cane, the inmate shall be provided the device as soon as possible, but not to exceed four (4) hours after being booked.
  - vi. Using effective communication for inmates with disabilities which affect communication. For the service of notice to appear and/or for new charges and for the classification interview and process, staff will complete the Effective Communication form for inmates with disabilities affecting communication, refer to CCOM Section 8000.11 – Effective Communication.
13. Inmates who have special or chronic medical needs will be accommodated and/or expedited through the booking process per CHS instructions. Booking staff shall refer to the [REDACTED] for specifics regarding accommodations during the booking process.
14. If an inmate arrives at the Jail with a personal assistive device that is exchanged for a county-owned device, staff shall ensure that the personal device is placed with the inmate's property and returned to the inmate upon release.
15. The ADA Compliance Unit will be notified if CHS authorizes an inmate's family or friends to bring a personal assistive device to the Jails for use by the inmate.

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The ADA Compliance Unit also may authorize an inmate's family or friends to bring a personal assistive device to the jails for use by the inmate.

16. Staff assigned to the IRC or TLF visiting guard station shall take possession of these devices in coordination with the ADA Compliance Unit. Staff shall inspect the device and if there are no security concerns, provide it to the inmate promptly.
17. If contraband is discovered and the Watch Commander determines that there is an additional risk of utilizing the device for contraband and/or the device must be retained for evidence, the device can be confiscated.
18. If staff confiscate the device, staff must immediately notify the Watch Commander who must conduct a Safety and Security Assessment. The Watch Commander will confer with CHS staff about a suitable alternative device.
19. If the device is confiscated, staff shall send the ADA Compliance Unit [REDACTED] a copy of the Safety and Security Assessment form.

(b) Housing and Classification of Inmates with Accommodations

1. If CHS staff identify a housing need, pursuant to CHS policy, they will notify the Classification unit, who shall in turn, email the ADA Compliance Unit of an inmate's housing accommodations.
2. Inmates with a disability shall be housed in the most integrated setting appropriate, consistent with their individual security classification, in facilities that accommodate their disabilities and in which they have equivalent access to programs, services, and activities.
3. An inmate's need for a mobility device or tapping cane in a housing unit shall not be a basis for assigning the inmate to the infirmary, a medical unit, or a mental housing unit, or for excluding the inmate from placement in those settings should they otherwise be warranted.
4. The fact that an inmate has a disability and/or requires a reasonable accommodation shall not be a factor in determining an inmate's security classification.
5. Not all inmates with a mobility disability or tapping cane require an ADA accessible cell or unit. However, the inmate may still require reasonable accommodations related to their housing such as a cell with certain ADA features (grab bars), lower bunk/lower tier, or access to an ADA accessible shower facility.
6. Where CHS staff or ADA Compliance unit staff advise the Classification Unit that an inmate requires a housing accommodation (e.g., ADA Cell, ADA Housing, lower bunk/lower tier), the Classification Unit/PMU Unit shall determine the appropriate housing location consistent with the inmate's classification and disability-related needs.
7. Classification Unit/Population Management Unit (PMU) staff (in most circumstances) shall ensure that the inmate is placed in the appropriate housing

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within 24 hours of the ADA Compliance Unit or CHS staff determination of that need.

8. Classification Unit/PMU staff shall notify the ADA Compliance Unit [REDACTED] if an ADA Housing Unit is being taken offline for repairs so that the ADA Compliance Unit can evaluate the needs of the inmates housed in ADA Units.

9. Any housing closures or mass housing transfers will be disclosed to the ADA Compliance Unit at the earliest possible time so that arrangements and accommodations can be continued in their new housing assignment.

#### (c) Accessible Housing

1. Qualified inmates with a disability will have access to the same services, programs, and activities offered to other inmates of the same classification level.
2. Inmates with disabilities will be provided accessible showers, toilets, sinks, equipment, etc., consistent with their disability and accommodation needs.
3. Inmates will be permitted to possess their prosthetic or assistive device in their housing location at all times (absent a security risk based on an individualized assessment, refer to CCOM Section 8000.2(a)(3)).
4. When an inmate requiring an assistive device is moved outside of their assigned housing location for court, visiting, chow hall, medical appointment, etc., while being moved between floors, up or down stairs and/or escalators, a Deputy may escort the inmate on a case-by-case basis in order to maintain the inmate's safety.

#### (d) Court Transfer Procedures

1. Inmates requiring the use of accessible holding cells will either be held in cells that are accessible or be prepared for court in their respective housing units and moved directly from their housing units to awaiting vehicles in the court transfer area.

#### (e) Release Procedures

1. Reasonable accommodations will be provided to inmates during the release process. Inmates requiring the use of accessible cells will either be held in cells that are accessible or prepared for release in their respective housing units and expedited through the release process. Staff shall ensure that any personal assistive device placed with the inmate's property is returned to the inmate upon release. If the inmate does not have any personal assistive device and was provided a county-owned device, the inmate will be permitted to retain the county-owned device upon release.
2. For inmates with disabilities affecting communication, staff will provide effective communication during the release process and will complete the Effective Communication form, refer to CCOM Section 8000.11 – Effective Communication.

#### (f) System-wide Functions

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1. The Behavior Health Bureau (BHB) Captain is designated as the ADA Coordinator and will manage the Sheriff's Department's ADA compliance and the ADA Compliance team, who are members of the BHB.
2. The BHB Sergeant at TLF, CMJ, CWJ, JAMF and IRC will serve as the ADA compliance officer for their respective facility. The Behavioral Health Sergeant will receive training on accessibility standards, their application in jail settings, and the compliance officer's responsibilities to process and respond to requests for accommodation and/or complaints of denial of access to programs and services.
3. In addition to the facility Behavioral Health Sergeant, one Deputy from the CJX, IRC and TLF will be assigned to monitor ADA compliance under the ADA Coordinator.
4. Inmates identified by CHS staff will be interviewed by the facility ADA Deputy. Each inmate will be notified in writing regarding what level of programs and services they are eligible to receive based on classification level and medical needs. In addition, each inmate will receive a copy of the jail rules and correctional programs brochure. If an inmate requires assistance reading the orientation brochure, the ADA Deputy will take steps to ensure Effective Communication for the inmate.
5. Each week, the ADA Deputy will forward a current list of qualified inmates with disabilities to each area where they are housed. The list will specify what level of programs each inmate is eligible to participate in based on their classification level and medical needs.
- 6.
- 7.

### **8000.3 PROGRAMS AND SERVICES**

- (a) Qualified inmates with disabilities will have access to visiting, church services, inmate programs, dayroom/recreation, etc. consistent with their classification level.
  1. Inmates with disabilities will be provided the opportunity to work, both in the Jail and through the Community Work Program. Those who accept the opportunity will meet with the CHS ADA Compliance R.N. and ADA Compliance Unit. An individualized interactive process will take place to determine the type of assignment and provision of reasonable accommodations as needed to allow the inmate to participate.
  2. Staff supervising inmates must consider, with input from the inmate, reasonable accommodations that would make it possible for the inmate to perform the essential job functions and/or consider whether the inmate could, with or without reasonable accommodations, perform the essential job functions of another position.



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3. Staff shall notify the ADA Compliance Unit if they notice that an inmate with a disability is having trouble participating in programs and services, to discuss provision of reasonable accommodations as necessary to address the issue.
- (b) Staff will provide reasonable modifications to jail rules, policies, and practices to enable inmates to participate in the services, programs, and activities offered to other inmates of the same classification level. Some examples of reasonable accommodations include:
1. Using a sign language interpreter, Video Remote Interpreter (VRI), or other means to ensure proper communication with deaf inmates (e.g., jail rules & rights, Miranda admonishments, interviews, disciplinary hearings.) The complexity and importance of the communication, the number of people involved, and the length of the communication are some factors to consider when deciding on the best method of communication assistance.
  2. Providing Telecommunications Devices for Deaf Persons (TDDs), Video Relay Services (VRS), or other texting devices to allow deaf inmates to make telephone calls. These devices, and directions for usage, are maintained inside the Watch Commander's office.
  3. The device used to provide VRI and texting usage for deaf and/or hard-of-hearing inmates will be stored in a lock box, located in the Watch Commander's office. The directions for usage will be located inside the lock box. Watch Commander's notification is required for its usage. This device must be used under direct supervision of a Deputy. The Deputy must remain within a visual distance but not in audible range during any medical encounters or the inmate's use of the device to communicate with their attorney. The only exception is that a Deputy may remain in audible range during a medical encounter if there is a security need based on an individualized assessment.
  4. Providing wheelchairs, crutches, canes, or other assistive devices when necessary.
  5. Including the special needs of inmates in emergency evacuation plans and drills.
  6. Assistance in reading or scribing documents (legal, medical, request forms, grievances, due process etc.). Staff shall not provide assistance in reading legal mail, refer to CCOM Section 1900.3 – Incoming Inmate Mail and CCOM Section 1900.4 – Outgoing Inmate Mail.
- (c) If an inmate's disability interferes with their ability to participate in a program or service for which he or she is otherwise eligible, the ADA Compliance unit shall first determine whether the individual inmate can participate in the program or service if provided a reasonable accommodation. If a reasonable accommodation will allow an inmate with a disability to participate in a program, the facility shall provide the accommodation and allow the inmate to participate.
- (d) If a reasonable accommodation would result in a fundamental alteration of the program, actions must be taken that would not result in an alteration but would ensure that the inmate with a disability receives the benefits or services offered by the program.

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- (e) The County can refuse to provide a reasonable accommodation to an inmate with a disability if doing so will impose an Undue Burden – i.e., an unreasonable financial or administrative cost based on overall resources available, or compromise the safety or security of staff, inmates, or others – or will require a Fundamental Alteration to the basic nature of service, program, or activity.
- (f) Refusal to provide a reasonable modification pursuant to either of the preceding exceptions shall be based on a Safety-Security Assessment. If providing an alternative mobility device would mitigate the risk, the County shall provide the inmate with the designated alternative as expeditiously as possible. If the ADA Compliance Unit relies upon any of the above exceptions to deny an inmate with a disability the opportunity to participate in a program or service, the ADA Compliance Unit must document the basis for the determination in the inmate's ADA Inmate Activity Log and the jail management system.
- (g) The ADA Compliance Unit shall consult with the Division Commander and/or County Counsel regarding inmates who cannot be accommodated in housing, programming, or services.
- (h) Inmate Programs will conduct an annual review to determine whether the County offers structured programs and activities, including but not limited to, religious, educational, vocational, reentry, and substance use programs, on an equal basis to inmates with disabilities and whether there are access/accommodation barriers to be addressed. The ADA Compliance unit will evaluate the results of the review and provide input where needed.

#### **8000.4 DISABILITY DISCRIMINATION ALLEGATIONS**

- (a) Any qualified inmate with a disability who believes that they are the subject of disability discrimination should use the grievance procedure described in Jail Operations Manual 1600.5 and posted in all housing areas. The inmate should indicate in the box provided on the grievance form that the grievance is disability related. The grievance should be addressed to the facility Administrative Sergeant, who is the designated ADA coordinator for each facility. Staff reviewing grievances should assess whether a submitted grievance relates to an ADA/disability-related issue, and ensure that such grievances are processed accordingly even if the inmate does not check the "disability" box.

#### **8000.5 CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) ADA NOTIFICATIONS**

- (a) Pursuant to Federal Court Order, the California Department of Corrections and Rehabilitation (CDCR) is required under *Armstrong v. Brown* to send daily electronic notifications to county jails regarding newly booked parolees, who are Armstrong class members, providing information about their disability status and accommodations previously provided while in state prison. Keep in mind the person's disability or accommodations may have changed since release from state incarceration or while on parole. The OCSD guidelines for sharing CDCR notifications are as follows:

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1. ADA Compliance and CHS Case Management staff receives CDCR notifications via email.
  2. The inmate is located in the Jail Management System (JMS).
  3. ADA Compliance and CHS Case Management staff collaborate as necessary to determine course of action.
  4. CHS Case Management staff may follow up regarding medical issues. This may include a face-to-face interview with Case Management, including a follow up appointment(s) with a nurse or doctor, if needed.
  5. ADA compliance staff may follow up, as necessary to provide appropriate housing and programming accommodations.
  6. Every CDCR notification received is inputted into a database maintained by OCSD ADA Compliance staff according to the department records retention schedule.
- (b) Pursuant to Federal Court Order, under *Armstrong v. Brown*, CDCR Parole/Notice Agents are required to ask Armstrong class members to self-identify any disability needs related to assistive devices, housing, and programming. They will provide class members with a Reasonable Modification or Accommodation Request CDCR form and a self-addressed, postage-paid envelope. CDCR Parole/Notice Agents inform Armstrong class members they can use the form to file a grievance if they believe they are not receiving assistive devices, housing, or programming accommodations in the county jail.
- (c) Upon receipt of a CDCR Grievance from an Agent of CDCR, OCSD, and more specifically the ADA Compliance Team will follow the procedure for grievances requiring special handling. For more information about grievances requiring special handling, refer to CCOM Section 1600.5 (f) - Grievances Requiring Special Handling.

#### **8000.6 ADA ACCOMMODATIONS**

- (a) Staff shall ensure that inmates have use of their authorized devices and/or accommodations authorized by CHS and/or the ADA Compliance Unit.
- (b) Staff shall refer to the ADA Tracking List that is available to classification, transportation, facility, and programs staff, to ensure that staff accommodate an inmate's disability.
- (c) If staff is uncertain of an inmate's needed accommodations, they should contact CHS or ADA Compliance Unit to seek clarification.
- (d) Inmates are not permitted to have in their possession equipment or devices (e.g., a cane or wheelchair) that are not authorized for that inmate. Inmates are not permitted to have continued use of a device or accommodation after it has been discontinued by CHS staff. The possession of unauthorized ADA-related devices or accommodations constitutes contraband. Prior to disciplining an inmate for possession of an unauthorized device or accommodation, staff shall contact the ADA Compliance Unit [REDACTED], who shall determine if the

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inmate's device or accommodation constitutes contraband. As a general rule, an inmate with a disability should not be disciplined for having a device or other equipment that they legitimately need as an accommodation. OCSD staff should work collaboratively with CHS to ensure that appropriate equipment, devices, and accommodations are authorized based on individualized assessments.

(e) Housing Unit Staff Notification, Announcements and Alarms

1. Some inmates who are deaf and/or hard of hearing, blind or with low vision may not be able to hear announcements, alarms, or read written notices in the unit. These impairments will be listed on the Functional Needs List and the ADA Tracking List..
2. Depending on the inmate's level of impairment, staff assigned to housing units with inmates who are deaf and/or hard of hearing, blind or with low vision should use the following techniques for instructions, announcements, alarms, and written notices.
  - i. Prioritize the inmate's evacuation
  - ii. White board/written notes
  - iii. Speak one on one in an elevated clear voice.
  - iv. Speak closely enough to allow the inmate to lip-read.
  - v. Read the written notice.
  - vi. Provide the notice in large print.

(f) Inmates with disabilities, including but not limited to those with certain mobility or upper extremity disabilities or prosthetic limbs, will receive reasonable accommodations with respect to the following:

1. All searches, including pat searches and searches without clothing;
2. Application of restraint equipment; and
3. During counts.

(g) Housing Unit Orientation

1. When an inmate who is blind, low vision, deaf, hard of hearing or who has a developmental or intellectual disability is initially housed or is transferred to a new housing unit, a housing unit Deputy will promptly provide the inmate with an orientation to include the location of the inmate's cell/bunk; the location of toilets and showers; the location of emergency buttons and any necessary guidance as to emergency/alarm procedures; information as to how to request relevant accommodations (VRI/VRS, large print books, easy reading materials, etc.); and how to request assistance from staff working in the housing unit, including assistance with inmate message slips, medical message slips, and grievance forms, as well as activities of daily living. The housing Deputy will use effective communication to ensure the inmate can safely navigate the housing unit and understands how to request assistance. The nature and extent of the orientation will depend on the inmate's individual need. The housing Deputy

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will complete the Effective Communication form per CCOM Section 8000.11 – Effective Communication, and will document in the guard station Activity Log that this orientation was provided to the inmate and the Effective Communication form was completed.

#### **8000.6.1 ASCENSION CLARITY WHEELCHAIR LIFT**

The Ascension Clarity Wheelchair Lift is located in various housing locations within the Orange County Jails and should be the primary method of transporting any ADA inmate or any person with mobility issues that is unable to walk up a staircase safely to access upper level visiting and classroom areas within their housing location.

- (a) The wheelchair lift shall only be operated by Deputies.
- (b) The lift is for movement of people only and has a maximum occupancy of one person.
- (c) In the event an ADA inmate is unable to attend their visit within their housing location due to an inoperable lift, staff shall make arrangements for the inmate to attend their visit in another appropriate location.
- (d) Use of the lift will cease in cases of emergencies, such as exposure to fire, gas or fumes, direct liquid stream (ex. firehose) or earthquakes. Refer to CCOM Section 8000.9 – Evacuation and CCOM Section 8000.10 - Evacuation Chairs.

#### **8000.7 DEVICE MAINTENANCE**

- (a) Timing of issuance and maintenance of mobility devices and tapping canes after intake
  - 1. The jails have a supply of standard mobility devices (wheelchair, walker, cane, crutches) and tapping canes. Certain generic mobility devices (boots, splint, brace, etc.) may also be available on site.
  - 2. Staff have a responsibility to assist CHS staff in the timely issuance of standard mobility devices, tapping canes, and generic mobility devices (available on site), which must be issued as soon as possible but no more than four (4) hours after the determination of need by CHS or the ADA Compliance Unit.
- (b) The ADA Compliance Unit will inspect the device at the monthly interview with the inmate and will indicate on the ADA Inmate Activity Log whether the inmate has the assigned device; whether the inmate believes the assigned device is appropriate; whether the device is in good working order; and if the device requires repair or replacement or is inappropriate for the inmate and a description of the actions taken (e.g., to repair/replace the device, have the inmate evaluated for a different device, etc.).
- (c) Damaged or Destroyed Assistive Devices
  - 1. If an inmate's standard assistive device or tapping cane becomes damaged or destroyed such that the device is not operable and the inmate reports the problem to staff, staff must ensure that the inmate receives a replacement within 24 hours.
  - 2. Security staff shall notify CHS staff if an inmate needs a replacement device.

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3. Security staff shall send an email to the ADA Compliance Unit [REDACTED] notifying ADA Compliance Unit staff that an inmate reported a damaged or inoperable device and the steps that staff took to provide an alternative device. Staff must indicate in the email to the ADA Compliance Unit the time the staff member was notified by the inmate and the time the inmate received a replacement device.
- (d) Unless the inmate has an equivalent assistive device [REDACTED], the inmate is entitled to keep their county-issued assistive device or will be provided a comparable device at the time of release, consistent with their need for such device.

#### **8000.8 MOTORIZED MOBILITY DEVICES**

- (a) Motorized mobility devices are not generally permitted in the jails except as specified below.
- (b) The ADA Compliance Unit and a Medical Provider, in coordination with the Watch Commander, Captain, or Division Commander, shall determine the most appropriate manner to accommodate an inmate who requires a motorized mobility device in the circumstance where a medical provider or the ADA Compliance Unit have determined, based on an individualized assessment, that a motorized mobility device is the only reasonable modification that would meet the needs of the inmate with a mobility disability.

#### **8000.9 EVACUATIONS**

- (a) In the rare event of an evacuation, staff assigned to a housing unit shall refer to the ADA Tracking List identifying all inmates with disabilities and Effective Communication needs assigned to their housing unit. Staff will prioritize these inmates during an evacuation.
- (b) Based on the identified disabilities or special needs, staff will make efforts to assist in the evacuation of these inmates.

#### **8000.10 EVACUATION CHAIRS**

The evacuation chair is defined as a manufactured device used for transporting (ascending and descending) disabled persons through the stairwells.

- (a) The evacuation chair will be used during emergency situations when the elevators are not an option for transportation.
  1. Documentation shall be made in the guard station activity log in addition to documentation in any incident report for the emergency event.
- (b) The evacuation chair will be used for transportation from floor to floor for purposes of attending court, programs, medical appointments etc., when elevators are not an option for transportation.
  1. In non-emergency situations, the chair will only be used with inmate verbal consent.

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2. Supervisor notification, and guard station log documentation is required if the evacuation chair is used during a non-emergency event.
- (c) Inmates will be assisted into the chair by a staff member trained in the use of the evacuation chair.
  1. Only staff trained in evacuation chair use will be permitted to use it.
  2. Fire/Life/Safety Deputies will be responsible for conducting staff briefing training for the chair every 6 months.
- (d) A staff member will always accompany the inmate in an evacuation chair and at no time will the inmate be left unattended.
- (e) Following the use of the evacuation chair, the facility ADA Deputy will be notified.
  1. The Fire/Life/Safety Deputy will ensure the chair is returned to its home location
  2. The Fire/Life/Safety Deputy will ensure the evacuation chair is maintained, in serviceable condition.

#### **8000.11 EFFECTIVE COMMUNICATION**

It is the responsibility of all Orange County Jail staff to ensure Effective Communication (EC) with all disabled inmates. A disability affects communication if it affects hearing, seeing, speaking, reading, writing, or understanding. Inmates who have disabilities affecting communication include, but are not limited to, inmates who are blind or have low vision, who are deaf or hard of hearing, who have a speech, learning, Intellectual/Developmental Disability, who have traumatic brain injury, or who have a mental illness. Staff shall provide Effective Communication such that inmates with communication-related disabilities can participate as equally as possible in jail programs, services, and activities for which they are otherwise qualified. The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the inmate; the nature, length, and complexity of the communication involved; and the context in which the communication is taking place. To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the inmate with a disability.

In determining what accommodations, including types of auxiliary aids and services, are necessary to achieve effective communication, staff shall give primary consideration to the requests of the inmate.

- (a) The standard for ensuring effective communication is higher for "Due Process" events and includes the following:
  1. Identifying the inmate's preferred method of communication.
  2. Documenting the EC provided on the OCSD Effective Communication (EC) form, including what accommodation[s] were given and how the staff member determined that the inmate understood the proceeding, encounter, instructions etc. The EC form can be accessed on the OCSD intranet.

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- (b) Events and other processes that rise to the level of the higher standard for ensuring EC by OCSD staff are as follows:
1. Classification interviews and processes.
  2. Housing Unit Orientation
  3. Responses to Grievances and Grievance Appeals
  4. Sergeant's Disciplinary hearings.
  5. All Minor/Major Jail Rule Violation Interviews (e.g., serving initial copies of documents, etc.).
  6. Service of notice (to appear and/or for new charges).
  7. Discharge planning and release processes.
- (c) Prior to the situations listed in subsection (b) above, OCSD staff will identify if the inmate requires reasonable accommodation(s) for Effective Communication by reviewing the inmate's "Medical and ADA Notification Form" [REDACTED] or ADA Tracking List for indication of the accommodation required. For these encounters, OCSD staff will document the Effective Communication provided on the OCSD Effective Communication (EC) form (including what accommodation(s) were given and how the staff member determined that the inmate understood the proceeding, encounter, instruction, etc.) Documentation on the EC form will be made as to why assistance was given (e.g., hearing disability, vision disability, Intellectual/Development Disability). Staff shall document on the EC form the assessment method that validated the inmate understood or did not understand the information provided. For example, staff may indicate as follows:
1. Inmate reiterated in their own words what was explained.
  2. Inmate asked pertinent questions pertaining to the exchange of information.
  3. Inmate summarized the exchange of information in their own words.
  4. Effective Communication was not reached – Effective Communication not validated (explain why not).
  5. Effective Communication was reached – Effective Communication validated.
  6. Notes with information exchanged between an inmate and staff in the absence of a Sign Language Interpreter.
- (d) Effective Communication forms are available in IRC triage and on the [REDACTED].
1. Staff shall complete the Effective Communication (EC) form and email it to [REDACTED]
  2. If the ADA Compliance Unit has not received the Effective Communication (EC) form by the end of the staff member's shift, ADA Compliance will contact the appropriate shift sergeant to assist in obtaining the completed EC form.
- (e) EC Accommodations and Assistance



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1. An inmate with hearing, vision, speech impairments, or intellectual/developmental disability, and inmates with severe mental illnesses, may require accommodations or assistance to achieve Effective Communication.
  2. Assistance or accommodations may include one or more of the following:
    - i. Use of a qualified sign language interpreter
    - ii. Use of Simple English
    - iii. Use of a bilingual aide
    - iv. Repeated statements
    - v. Speaking slowly
    - vi. Rephrasing statements
    - vii. Using written communication
    - viii. Using lip reading (only if the inmate's preferred/primary method of communication is lip reading)
    - ix. Use of sound amplification device
    - x. Captioned television/video text displays
    - xi. Speech-to-text and real time captioning
    - xii. Videophones and other telecommunication devices for deaf inmates
    - xiii. Braille materials
    - xiv. Screen readers
    - xv. Reading documents to inmate
    - xvi. Providing magnifier
    - xvii. Using large print
    - xviii. Using scribe
    - xix. Any other tool that was used to facilitate Effective Communication
  3. OCSD jail staff or inmate "readers" shall not be used to read aloud information pertaining to personal health information.
- (f) The Orange County Sheriff's Department will make qualified interpreter services available (via a contract sign language service provider or Video Remote Interpretation Services) on a 24-hour basis for complex, confidential or important communication with a deaf/hearing-impaired or speech-impaired inmate, e.g., Due Process events as required by subdivision (b) of this Policy.
1. The use of sign language interpreters as well as all efforts to obtain the services of a certified sign language interpreter shall be fully documented on the EC form.
  2. Absent exigent circumstances, staff certified in sign language will not be used as interpreters for complex, confidential or important communication, e.g., due process events or clinical encounters.

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3. Under no circumstances shall staff rely on inmate interpreters, or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an interpreter could compromise the inmate's health or safety.
4. If the inmate refuses or waives the use of a sign language interpreter, this will be documented on the EC form.

#### (g) Sign Language Interpreters

1. Not all inmates with a hearing or speech impairment use Sign Language. Staff shall reference the inmate's [REDACTED] form or ADA Tracking List for indication of "Effective Communication-Sign Language" indicating that the inmate uses Sign Language as their preferred means of communication.
2. Interpreter services are available on a 24-hour basis. If a Sign Language Interpreter is needed, staff will notify the Sergeant or ADA Compliance Unit who will contact the County's contracted provider to plan for a Sign Language Interpreter to assist the inmate.
3. Where Sign Language is identified as the inmate's primary language, Sign Language interpreting (on site or VRI) will be provided during the following events:
  - i. Intake and booking
  - ii. Meetings with classification
  - iii. Housing Unit Orientation
  - iv. Disciplinary process
  - v. Service of notice (to appear and/or for new charges)
  - vi. Programming
  - vii. Discharge planning and release processes
  - viii. Health and mental health encounters as described in CHS policy
4. If a Sign Language Interpreter is not available, or is waived by the inmate, staff shall employ the most effective form of communications available when communicating with the inmate, such as written notes.
5. An inmate's ability to lip read shall not be used by staff as a means of Effective Communication unless it is the inmate's preferred/primary method of communication.
6. Staff shall complete the Effective Communication (EC) form and notify (email) the ADA Compliance Unit and record when, for whom, and for what purpose a sign language interpreter was used.
7. If there is a safety or security risk presented that does not permit the use of a Sign Language interpreter or VRI device, staff must document the justification for proceeding without those services on the Effective Communication (EC) form.

#### (h) Illiteracy and Disability Accommodations

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1. Disabled inmates who cannot read and/or write might have difficulty gaining access to disability-related services if needed. Staff will provide these inmates with assistance with reading and writing to access services and programs. Examples include, but are not limited to, filling out inmate message slips, grievances, and commissary forms.
2. If an inmate cannot read or write and the inmate has a disability, that information will be indicated on the inmate's [REDACTED] ADA Tracking List or CHS Functional Needs List.

#### **8000.12 TRANSPORTATION AND TRANSFER OF INMATES WITH ACCOMMODATIONS**

- (a) Transportation staff will accommodate disabled inmates with transportation accommodation needs.
- (b) For inmates with a disability, transportation staff or court transfer staff will refer to the Court List (for court), or ADA Tracking List, or contact the inmate's housing unit to determine if special arrangements are needed for the inmate's transportation whenever the inmate is transferred between facilities, to court, or other outside appointments. Specifically, inmates who use wheelchairs and/or inmates who have difficulty navigating steps without assistance must be transported in vehicles equipped with a wheelchair lift and other mandated safety equipment (e.g., a wheelchair van).
- (c) Transportation or court transfer staff will immediately advise a supervisor when circumstances prevent their ability to transport the inmate. Staff should not ask persons who require accessible transportation to accept inaccessible transportation.
- (d) Inmates requiring the use of an accessible holding cells will either be held in cells designated to be accessible or be prepared for court in their respective housing units and moved directly from their housing units to awaiting vehicles in the court transfer area.
- (e) Staff shall ensure that an inmate's assistive device or tapping cane is transported with the inmate whenever the inmate is transferred in between facilities, to court, or other outside appointment. The assistive device will be available to the inmate at all times (absent a specific security concern that is documented).
- (f) Staff will assist inmates with disabilities getting on and off transport vehicles whenever necessary.

#### **8000.13 INMATES WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**

- (a) A qualified medical or mental health provider will identify whether an inmate is intellectually or developmentally disabled based on verification/evaluation methods outlined in CHS policy.
- (b) CHS staff shall immediately enter intellectual or developmental disability information into the CHS electronic health record system and notify Classification staff by submitting a [REDACTED]. Classification shall forward the information—via email—to the ADA Compliance Unit.

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- (c) CHS Case Management, ADA RN Coordinator or their designee will input intellectual or developmental disability information, including any accommodations, adaptive supports, and communications needs, onto the CHS Functional Needs List.
- (d) The ADA Compliance Unit will send the ADA Tracking List to all housing locations/guard stations that house inmates with intellectual or developmental disabilities and to Inmate Programs and work supervisors.
- (e) Adaptive Support Needs Logs
  1. For any inmate identified as intellectually or developmentally disabled, or severely and persistently mentally ill (SPMI), CHS staff shall initiate and send an Adaptive Support Needs Log to the ADA Compliance Unit via email at [REDACTED]
  2. The ADA Compliance Unit will forward the Adaptive Support Needs Log to the appropriate housing location/guard station which houses the inmate.
  3. The ADA Compliance Unit will collect all completed Adaptive Support needs Logs at the end of each calendar month, or upon the inmate's release. For those inmates still in custody, a new Adaptive Support needs Log will be provided to the inmate's housing location for the next month.
  4. Sergeants shall review and sign all Adaptive Support Needs Logs for their area of supervision on a weekly basis. Any incomplete or deficient logs shall be immediately addressed.

#### **8000.14 HOUSING INMATES WITH INTELLECTUAL/DEVELOPMENTAL DISABILITIES**

- (a) Designated housing for inmates with Intellectual/Developmental Disabilities inmates shall include housing units that have the program capabilities to meet their needs.
- (b) Inmates who do not have Intellectual/Development Disabilities who have been carefully screened for predatory and victimization concerns may (and should) be housed with inmates with Intellectual/Developmental Disabilities, as inmates with Intellectual/Developmental Disabilities should be housed in integrated settings.
- (c) Identified medical/psychiatric care needs must take precedence and may dictate placement in a health care setting pending resolution of those needs.
- (d) Placement in a health care setting must not prevent an inmate with an Intellectual/Developmental Disability from receiving adaptive support services.
- (e) An inmate with an Intellectual/Developmental Disability must not be placed in units with less restrictive access to programs, services, and activities solely because of their disability status.
- (f) Staff assigned to the inmate's housing location shall use the Adaptive Support Needs Log to aid them in areas where ID/DD inmates may need reminding to complete basic life skills and tasks. Minimum standards to aid these inmates with Intellectual/Developmental Disabilities in the housing units may include but are not limited to:
  1. Showers: prompt as deemed necessary by medical/mental health staff.
  2. Brushing Teeth: prompt as deemed necessary by medical/mental health staff.

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3. Laundry Exchange: prompt during routine laundry exchange if indicated.
  4. Cell Cleaning: prompt when a cell or bed area needs cleaning. Prompt the inmate to clean their cell/bed area. If the inmate is unable to complete the task(s), please advise both shift Sergeant and CHS mental health staff to assist with this item. Advise Classification unit, if necessary, for possible housing change.
  5. Outdoor Recreation/Dayroom: prompt when offered. Prompt the inmate to use recreational/leisure time.
  6. Clinical Appointments: prompt as deemed necessary by medical/mental health staff.
  7. Assessment for Victimization: If this box is checked, a Deputy will have a weekly one-on-one private discussion with the inmate to ensure the inmate is safe from abuse and exploitation. Intellectually or developmentally disabled inmates may be vulnerable to verbal, physical, and sexual abuse, as well as property loss through theft, coercion and manipulation. If the inmate relays victimization concerns, staff will comply with all applicable OCSD policies and procedures to ensure the inmate's safety and/or prevent the inmate from being the victim of property loss.
  8. Staff will document their reminders and any assessments for victimization on the Adaptive Support Needs Log For additional information refer to CCOM Section 8000.13(e) - Adaptive Support Needs Log.
- (g) Pressuring/Victimization: At least once per month, or within one (1) week of arrival on a new unit, BHB/ADA Deputy will conduct a private one-on-one interview to ensure the inmate is safe from abuse and exploitation.
1. The BHB/ADA Deputy will document the confidential one-on-one interviews. If the inmate relays victimization concerns, staff will comply with all applicable OCSD policies and procedures to ensure the inmate's safety and/or prevent the inmate from being the victim of property loss.

#### **8000.15 MULTIDISCIPLINARY TEAM FOR INMATES WITH INTELLECTUAL/DEVELOPMENTAL DISABILITIES**

Multidisciplinary Team (MDT): The MDT is a multiple member multidisciplinary team, comprised of staff from the BHB/ADA Compliance Unit, Classification staff, the Facility Captain or Division Commander and staff they assign to participate, CHS staff and Inmate Programs staff.

- (a) The MDT shall monitor and ensure appropriate care and support for inmates with Intellectual/Developmental Disabilities.
- (b) For each inmate with an Intellectual/Developmental Disability, the MDT will develop an individualized plan that addresses: (a) safety, vulnerability, and victimization concerns, (b) adaptive support needs; and (c) programming, housing, and accommodation needs. The plan will be reviewed quarterly. If a member of the team becomes aware that an inmate with an Intellectual/Development Disability has a change in (a), (b) or (c) above, the team will promptly review and, if necessary, update the inmate's plan. Relevant staff, including housing Deputies, the ADA Compliance Unit, and work

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supervisors/teachers shall be informed, as appropriate, as to: inmates with Intellectual/Developmental Disabilities, their individualized plan, and related accommodations and adaptive support needs and staff responsibilities to provide for such needs as well as to monitor for and address any safety, vulnerability, or victimization concerns.

- (c) The MDT review will examine any existing or potential safety and security concerns. This includes the potential for victimization and whether the inmate can function safely under limited custody supervision.
- (d) The review will ensure provision of adaptive support services as determined by CHS.
- (e) The MDT must identify/confirm specific adaptive support services that must be provided to the inmate.
- (f) The MDT must examine the recent ADA Inmate Activity Logs, CHS records as appropriate, and those from the work supervisor/teacher (if applicable) and query the inmate to ensure that the adaptive supports (as indicated by a clinician) are being provided by the Housing Deputies, CHS staff, ADA Compliance Unit and work supervisors/teachers (if applicable).
- (g) Staff who supervise inmates with an Intellectual/Developmental Disability may consult at any time with the MDT members, and the MDT may initiate a plan review as a result.
- (h) For inmates with an Intellectual/Developmental Disability, or a learning disability, staff should provide access to easy reading books, magazines, and electronic tablet programs consistent with the individual's reading and cognitive abilities, such that they have equal access to such materials as compared with other inmates. Staff should consult with the ADA Compliance unit as needed on this and related issues.

#### **8000.16 ADA COMPLIANCE UNIT**

The ADA Compliance Unit is a resource for all staff. If staff have any questions about an inmate's disability or the inmate's accommodations, staff should contact the ADA Compliance Unit. This unit is trained in the ADA and is not a Medical Provider. They do not make the determination that an inmate has a disability. However, the unit plays a key role in ensuring disabled inmates are provided with accommodations as needed during their incarceration.

- (a) Responsibilities
  - 1. The ADA Compliance Unit is authorized to provide accommodations and housing modification requests for inmates and will provide appropriate documentation as needed. If the ADA Compliance Unit identifies that an inmate's disability requires evaluation from a Medical or Mental Health Provider, the ADA Compliance Unit may, if appropriate, provide temporary accommodations for disabilities pending evaluation by the Provider.
  - 2. When an inmate, who has not been seen by a medical provider, reports to the ADA Compliance Unit that they have a disability, the ADA Compliance Unit shall contact the CHS ADA Coordinator or CHS Case Management for a medical appointment.
  - 3. When an inmate reports a non-urgent disability-related concern to the ADA Compliance Unit (through an inmate message slip or verbally), the ADA

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Compliance Unit shall respond to the concern as soon as practicable, and no later than within [REDACTED]. For concerns that raise significant and imminent health or safety risks, staff shall address the concern immediately.

4. When an inmate reports a maintenance issue with a mobility assistive device that is still operable but presents a safety issue, the ADA Compliance Unit shall assess and address the maintenance or repair as soon as practicable but generally no later than within [REDACTED]
5. When staff or a third party (e.g., a family member) makes a request to the ADA Compliance Unit for an evaluation of a potential disability and the ADA Compliance Unit determines a potential disability requires evaluation from a Medical or Mental Health Provider, the ADA Compliance Unit shall, where appropriate, offer an inmate a reasonable accommodation on a temporary basis and make a Medical/Mental Health referral to CHS for evaluation.
6. During intake the ADA Compliance Unit will receive notification that an inmate has a potential disability or a confirmed disability, and/or need for an accommodation.
  - i. Within [REDACTED] of receiving notification from CHS that an inmate has been identified during intake as having a potential or confirmed disability, the ADA Compliance Unit shall meet with the inmate, and through effective communication, identify what reasonable accommodations(s) are necessary, if any, including reasonable accommodations ordered by the medical provider. The ADA Compliance Unit will also explain, through effective communication, the work and program opportunities that are available, and any relevant policies related to accommodations for alarms and emergencies, including the availability of identification vests for inmates who are hearing or vision impaired.
  - ii. Each inmate will receive a written copy of the Orange County Jail Rules and Orientation brochure as well as the ADA information brochure. Each inmate will sign acknowledging receipt of those documents. If an inmate is unable to read or understand the written material, due to various types of disabilities, ADA Compliance staff will make the appropriate accommodations to ensure effective communication.
  - iii. ADA Compliance Unit shall document an inmate's disability as well as reasonable accommodations, including any Effective Communication needs, in the JMS and on the ADA Tracking List.
7. The ADA Compliance Unit will generate an ADA Inmate Activity Log (contact log) documenting the initial ADA interview and subsequent interviews, taking place monthly. Each interview will consist of a face-to-face meeting with the inmate with a disability. The monthly interview includes but is not limited to:
  - i. A visual inspection of any assistive device, refer to CCOM Section 8000.7(b) – Device Maintenance.
  - ii. A discussion of any need for additional or alternative assistance device(s) or accommodation(s).

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- iii. A discussion of any need for a medical or mental health referral.
- iv. A discussion of any issues with housing.
- v. A discussion of any programs and work opportunities and any issues with programs, work, recreation, dayroom or visiting.
- vi. A discussion of any issues with transportation.

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

- (h) After Intake, pending medical provider verification, within [REDACTED] of receiving the notification from CHS that an inmate's disability has been identified, the ADA Compliance Unit (in coordination with the CHS ADA Nurse/Coordinator) shall review and provide, where appropriate, a temporary and reasonable accommodation pending the medical provider's evaluation.
- (i) The ADA Compliance Unit will share the ADA Tracking List with all housing units, Classification, Population Management Unit, Transportation and Inmate Programs.
- (j) If the ADA Compliance Unit determines that an inmate requires a mobility assistive device, the staff shall collaborate with the CHS ADA Nurse/Coordinator for the issuance of the device as well as appropriate documentation authorizing possession of the device.
- (k) If the ADA Compliance Unit determines that an inmate requires a modification to their housing assignment, the ADA Compliance Unit shall contact Classification and Population Management Units.
- (l) If the ADA Compliance Unit determines that an inmate needs a generic assistive device, (boot, brace, splint, sling) the ADA Compliance Unit shall coordinate with CHS ADA Coordinator and/or CHS staff to ensure that the inmate receives the device within [REDACTED]
- (m) If the Inmate's mobility assistive device has been removed following a Safety and Security Assessment, the ADA Compliance Unit will perform the following:
  - i. Conduct an in-person check-in with the inmate on the next business day after an assistive device is removed, to assess whether the replacement device and/or



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alternative accommodation is adequate to meet the individual's disability needs, including to assess jail programs and activities, and to take appropriate steps to address any such concerns.

- ii. If the device is removed during the intake process, the inmate must be re-evaluated by the ADA Compliance Unit [REDACTED] to determine if they can safely function without the mobility device.
  - iii. If the device is removed at any other time, the inmate must be re-evaluated by the ADA Compliance Unit [REDACTED] to determine if they can safely function without the mobility device.
  - iv. For each evaluation, the ADA Compliance Unit shall make a recommendation to the Facility Commander regarding whether the mobility device should continue to be withheld from the inmate, whether the replacement device and/or alternative accommodation is adequate, and whether the inmate has meaningful access to jail programs and activities. The ADA Compliance Unit shall document the rationale and any action taken in the inmate's ADA Inmate Activity Log.
- (n) ADA Compliance Unit staff shall meet with inmates whose preferred or only means of Effective Communication is sign language. The ADA Compliance Unit staff member shall use a sign language interpreter or VRI device for this meeting. The ADA Compliance Unit staff may explore the inmate's willingness to use alternative technologies as an alternative to sign-language. If the inmate is willing to use alternative technologies, ADA Compliance Unit staff shall evaluate the inmate's proficiency with reading, writing, and typing, and develop a plan regarding the use of alternative VHS technologies with the inmate. The plan will include the types of devices and in which settings they may be used. If the inmate expresses that sign language is their preferred method of communication, sign language interpretation or VRI will be provided, particularly for the events listed in CCOM Section 8000.11(g)(3) – Sign Language Interpreters, above.

#### **8000.17 DISABILITY-RELATED GRIEVANCE PROCESS**

- (a) Inmates with disabilities shall be informed of the disability grievance process. This will be done by posting this policy throughout the Jail, and relevant information provided in the orientation packet, and discussing the policy during the meeting with staff from the ADA Compliance Unit that occurs within seven days of an inmate being identified as having a disability. The disability grievance process shall be effectively communicated to inmates with disabilities affecting communication.
- (b) All grievances that relate to disability accommodations and/or raise any disability-based discrimination or violation of the ADA or Jail ADA-related policy will be tracked in the Grievance System.
- (c) All inmates, including inmates with disabilities, will have meaningful access to the grievance process and to grievance forms.
  - 1. Grievance forms will be readily available to inmates, either in the housing units or provided by staff promptly upon request.

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- (d) Jail staff can and should attempt to address grievances informally but may not, under any circumstances, refuse to provide a requested grievance form, destroy a grievance form, or otherwise obstruct or interfere with an inmate's ability to submit a grievance form.
- (e) Jail staff shall assist inmates who require accommodations to submit a grievance or to appeal a grievance response (e.g., people who are blind, have an Intellectual/Development Disability, have a learning disability, or who have physical disabilities that make it difficult or impossible for them to write, or are illiterate).
- (f) Responses to Grievances
  1. The Housing Sergeant who receives the grievance or appeal shall screen all ADA-related grievances and appeals within one day of receipt to determine whether the grievance presents an urgent issue regarding inmate's safety or well-being. For grievances and appeals that present an urgent issue, staff shall either (a) immediately provide an interim accommodation that addresses the urgent issue pending a final response to the grievance or (b) resolve the grievance promptly with participation of CHS staff, as appropriate. For grievances that raise significant and imminent health or safety risks, staff shall address the grievance immediately.
  2. The Facility Administrative Sergeant, in consultation with the ADA Compliance Unit, shall investigate all non-urgent ADA-related grievances and appeals and provide a written response within fourteen days of receipt.
  3. In limited circumstances where staff is unable to resolve the grievance within fourteen days (e.g., the inmate must be referred to a specialist and the appointment will not occur within fourteen days or the grievance involves a personnel complaint), staff should still provide a response within fourteen days. The response should communicate why the grievance cannot be resolved within the fourteen-day deadline and, if relevant, provide information regarding any subsequent events scheduled to resolve the grievance (e.g., a specialist appointment) and address, as appropriate, provision of interim accommodations pending resolution.
  4. If the grievance is a request for an accommodation, the response must articulate whether the inmate will be granted the requested accommodation, provided an alternative accommodation, or whether the requested accommodation is declined. If the requested accommodation is declined, the response must explain the reasoning for the decision. If an accommodation is provided (either the requested accommodation or an alternative), staff will document that the granted accommodation has been provided.
  5. In responding to an ADA-related grievance, the ADA Compliance Unit will obtain input from all sources, including OCSD and CHS staff, as necessary to respond to the grievance. Input from CHS staff may be required in circumstances where the grievance raises a question regarding whether the grievant has a disability or whether an accommodation requested by the grievant is reasonable. CHS staff may provide input based on a records review and/or in-person evaluation

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conducted for purpose of responding to the grievance, as circumstances warrant.

6. When necessary, the ADA Compliance Unit shall interview inmates regarding their requests for accommodations to gather information about or to clarify the nature of the request for accommodation.
  7. All grievance responses shall include an explanation of the process for appealing the grievance response.
  8. Staff shall ensure that they effectively communicate all grievance and appeal responses to the inmate. For inmates with disabilities affecting communication, staff will also complete the Effective Communication form per Policy 8000.11 for responses to grievances and appeals.
  9. When an inmate files a grievance or appeal of a grievance response, the inmate will be provided a copy of the grievance or appeal.
- (g) Inmates will not be subject to any retaliation for requesting accommodations or submitting grievances.

#### **8000.18 ADA TRAINING, ACCOUNTABILITY AND QUALITY ASSURANCE**

- (a) All custody, health care, and other Jail staff shall receive annual ADA training appropriate to their position.
  1. Staff will receive appropriate training on disability awareness, including the use and purpose of accommodations and modifications in accordance with the ADA and other federal and state disability law.
  2. Staff will receive appropriate training on Trauma-Informed Care, which will be included in the ADA training and Crisis Intervention training (CIT).
  3. The ADA training shall include formalized lesson plans and in-classroom or real-time virtual training for staff (including managers, supervisors, and rank-and-file staff) provided by certified or otherwise qualified ADA trainers. Self-directed study may be paired with real-time ADA training.
  4. CHS and OCSD staff shall receive periodic training on the range of potential accommodation and adaptive support needs of people with Intellectual/Developmental Disabilities.
- (b) ADA instructors shall have appropriate ADA training and subject matter expertise necessary to effectively provide ADA training to staff.
- (c) Allegations, from any source, that staff have violated the ADA or Jail ADA-related policies and procedures will be investigated. OCSD staff who OCSD finds have violated the ADA or Jail ADA-related policies and procedures shall be subject to OCSD's progressive discipline policy. CHS staff who the Health Care Agency finds to have violated the ADA or Jail ADA-related policies and procedures shall be subject to the Health Care Agency's discipline policy.