

**Dunsmore v. San Diego County  
 Sheriff's Department Case No.  
 3:20-cv-00406-AJB-DDL**

# First Status Report

## Julian Martinez Consulting LLC

The following are paragraphs from the *Dunsmore v. San Diego County Sheriff's Department* "ADA Settlement Agreement and Order", assigned to Julian Martinez for Neutral Expert Review. In the report, the specific paragraph provision language is followed by the Neutral Expert's findings, based on document review, staff and incarcerated person (IP) interviews, and on-site observations. The report also includes the Neutral Expert's recommendations for the County to consider implementing to move paragraphs into substantial compliance.

<b>Paragraph</b>	<b>Requirement</b>	<b>Rating</b>
<b>14</b>	ADA Unit Policies, Procedures and Training	PC
<b>15</b>	ADA Unit Face-to-Face Interviews	PC
<b>16</b>	ADA Unit Staffing	PC
<b>17</b>	ADA Notice of Rights	PC
<b>18</b>	Orientation	NC
<b>19</b>	Booking and Orientation Effective Communication	PC
<b>20</b>	Policy Revisions and Implementation	PC
<b>21</b>	Revision of Medical Services Division Policies	PC
<b>22</b>	Annual ADA Staff Training	NC
<b>23</b>	Provision of Draft Policies, Procedures and Training to Neutral Expert	PC
<b>24</b>	Development and Implementation of Policies, Procedures and Trainings to Identify IPs with Disabilities	PC
<b>25</b>	ADA Screening Process	PC
<b>26</b>	Screening of IPs, Completion of Functional Performance Assessment and Tracking of Disabilities	PC
<b>27</b>	Screening of IPs for Effective Communication	PC
<b>28</b>	Disability Tracking of Vision, Hearing, Medical, Mobility, Cognitive/Learning and Speech	PC
<b>29</b>	Disability Evaluations After Intake	PC
<b>30</b>	Mobility Accommodations During Booking	PC
<b>31</b>	Tracking of Disabilities and Accommodations	PC
<b>32</b>	Tracking of Effective Communication	SC

<b>Paragraph</b>	<b>Requirement</b>	<b>Rating</b>
33	Tracking of Housing, Classification, Transportation, Health Care Appliances, DME and AD	SC
34	Housing of Disabled IPs	PC
35	Housing of Disabled IPs in Different Classifications and Medical Units	PC
36	Determination of Disability Housing Requirements	PC
37	Housing of IPs With Assigned Wheelchairs in Low Tier and Accessible Low Bunk	PC
38	Housing of Mobility Disabled IP in Top of a Triple Bunk, Provision of Shower Chair and Accessible Showers	PC
39	Incidents When Accessible Housing is Not Available	PC
40	Check During Night Hard Count to Ensure IPs With Mobility Disabilities Are Occupying Assigned Bunks	PC
41	Training of Staff to Address IPs Sleeping on Floor	NC
42	Interim Measures to Ensure IPs With Mobility Disabilities Are Accommodated	PC
45	Accessible Housing for People with Disabilities	UR
46	Accessibility Bed Needs Assessment	UR
76	Disabled IPs' Access to Programs, Services and Activities	PC
77	Access to Programs, Services and Activities for IPs With Disabilities on an Equivalent Basis	PC
78	Equal Access to Educational, Vocational and Job Assignments	PC
79	Housing of Disabled IPs in a Manner That Allows Access to Programs, Services and Activities	PC
80	Access to Veterans Moving Forward for IPs Not Housed at VDF	PC
81	Plan to Provide Access to Vocational Programs Available at EMRF	PC
82	Policies, Procedures and Training for ADA Grievances and ADA Requests for Accommodations	PC
83	Healthcare Requests for New Reasonable Accommodations	PC
84	ADA Unit Response to Requests for Accommodation	PC
85	ADA Related Grievances	PC
86	Amendment of Grievance Form to Identify ADA Grievances and Tracking of ADA Grievances	PC
87	Availability of Grievance Forms	SC
88	Assistance in Completing Grievance Forms and Healthcare Requests	PC
89	Response Timeline for ADA Grievances	PC
90	ADA Unit Tracking of ADA Grievances and Quality Assurance and Corrective Action	PC
91	Effective Communication and Preferred Method of Communication	PC
92	Staff Use of IPs' Preferred Method of Communication	PC
93	Effective Communication for Due Process Events	NC

<b>Paragraph</b>	<b>Requirement</b>	<b>Rating</b>
<b>94</b>	Effective Communication for Health Care Encounters	PC
<b>95</b>	Effective Communication for Structured Programing	NC
<b>96</b>	Use of Auxiliary Aids and Services for Effective Communication	PC
<b>97</b>	Restraining IPs Whose Preferred Method of Communication is Sign Language Interpreting	PC
<b>98</b>	In-Person Response to Intercom for Deaf IPs Who Communicate in Sign Language	PC
<b>99</b>	Access to HCA/AD/DME	PC
<b>100</b>	Provision of County-Issued HCA/AD/DME	PC
<b>101</b>	Removal of HCA/AD/DME Due to Safety and Security Reasons	PC
<b>102</b>	Replacement of Personal HCA When Unusable	PC
<b>103</b>	Removal of HCA/AD/DME in Temporary Holding, Sobering or Observation Cells	PC
<b>104</b>	Provision of HCA/AD/DME Upon Release	PC
<b>105</b>	Development and Implementation of Policies, Procedures and Training for Evacuations and Emergencies	PC
<b>106</b>	Training on Disability Awareness and De-Escalation Related to Use-of-Force on Disabled IPs	NC
<b>107</b>	Screening for Intellectual, Learning and Developmental Disabilities	NC
<b>108</b>	Contacting Regional Center for IPP	SC
<b>109</b>	Provision of Adequate Supports for Intellectual, Learning and Developmentally Disabled IPs	PC
<b>110</b>	Provision of Accommodations and Adaptive Supports for Intellectual, Learning and Developmental Disabilities (Effective Communication, More Time to Respond and Act With Directions)	PC
<b>111</b>	Mental Health Staff Taking Appropriate Steps to Ensure Implementation of Individualized Plan	NC
<b>112</b>	Training for Staff and Contractors on Intellectual, Learning and Developmental Disabilities to Monitor and Address Safety, Vulnerability, or Victimization	NC
<b>113</b>	Equal Access to Books, Magazines and Future Electronic Tablet Program for Intellectual, Learning and Developmental Disabilities	NC
<b>114</b>	Provision of Discharge Planning for Intellectual, Learning and Developmental Disabilities	PC
<b>115</b>	Accommodations for Searches and Count	NC
<b>116</b>	Accommodations for Application of Restraints	NC
<b>117</b>	Accommodations When in Transit Between Facilities, Out to Court, and Outside Health Care Services	PC
<b>118</b>	Provision of Accessible Transportation	SC
<b>119</b>	Provision of Prescribed Assistive Devices During Transport Process	NC
<b>120</b>	Provision of Assistance to Mobility Disabled IPs to Ensure Safe Access on and off Transport Vehicles	PC
<b>121</b>	Inspection of Accessible Transportation Vehicles	PC

<b>Paragraph</b>	<b>Requirement</b>	<b>Rating</b>
<b>122</b>	Non-Discrimination Against IPs With Substance Use Disorders	NC
<b>124</b>	Equal Access to Programs, Services and Activities for IPs With Mental Health Disabilities	PC
<b>125</b>	Non-Discrimination Against People with Mental Health, Intellectual, Learning and Developmental Disabilities	NC
<b>126</b>	QMHP Assessment and Written Findings for incarcerated persons with Intellectual, Learning and Developmental Disabilities During the Disciplinary Process	NC
<b>127</b>	IPs Not Being Subjected to Discipline That Prevents the Delivery of Mental Health Treatment and Adaptive Supports	NC
<b>128</b>	No Discipline for Refusing Treatment or Medications or Engaging or Threats of Self-Injurious Behavior	NC
<b>129</b>	Provision of Accommodations During the Disciplinary Process	NC
<b>130</b>	Development of Quality Assurance and Auditing Program	UR
<b>131</b>	No Retaliation, Discrimination, Coercion, Intimidation, Threat, or Interference	PC

### III. ADA REMEDIAL ACTIONS

#### A. ADA Unit

14. *The County created an ADA Unit, effective June 2023. The County shall develop and implement policies, procedures, and training regarding the ADA Unit to ensure its effectiveness in facilitating the jail system's compliance with ADA requirements and the provisions set forth herein. The County shall ensure the ADA Unit has staffing, resources, and authority sufficient to carry out its duties, which include but are not limited to: coordinating and ensuring staff training related to ADA policies and requirements; ensuring provision of reasonable accommodations to incarcerated persons with identified disabilities; assisting staff, including facilities and health care staff, with identifying and accommodating incarcerated persons with disabilities; ensuring all complaints of alleged discrimination on the basis of disability in the San Diego County jail facilities that are received by the County are investigated and properly resolved in a timely manner; reviewing ADA-related requests and ensuring they are properly resolved in a timely manner; and reviewing and responding to ADA-related grievances in a timely fashion.*

**Compliance Rating:** Partial Compliance

**Policies** – Detention Services Bureau (DSB) Policy I.22 Lower Bunk Lower Tier Medical Instruction Assignment (May 29, 2024), DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), DSB Policy S.1 Supervision and Assignment of Incarcerated Workers (December 30, 2024), DSB I.21 Housing Unit Area Activity Log (November 6, 2024), DSB I.43 Count Procedures of Incarcerated Persons (June 18, 2025), DSB P.2 Telephone Access (May 29, 2024)

**Training** - Medical Services Division Training Unit (ADA Intake Procedures), San Diego County Sheriff Training Bulletin (ADA Intake Procedures), San Diego County Sheriff Training Bulletin (Incarcerated Persons ADA Accommodation Information), San Diego County Sheriff Training Bulletin [Americans with Disabilities Act (ADA) Unit], San Diego County Sheriff Training Bulletin (Service Animals for the Visiting Public), San Diego County Sheriff Training Bulletin [American Sign Language (ASL) Interpretation Services], Medical Services Division Training Unit (DSB.P.11: Effective Communication), San Diego County Sheriff Training Bulletin (I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment P&P Update), San Diego County Sheriff Training Bulletin (M.39 Incarcerated Persons with Disabilities and H.3 Evacuation Plans P&P Update), San Diego County Sheriff Training Bulletin (P.11 Effective Communication P&P Update), Medical Services Division Training Unit (ADA Policy Updates), Medical Services Division Training Unit (ADA Cognitive Assessment – Mental Health), San Diego County Sheriff Training Bulletin (ADA Intake Procedures), San Diego County Sheriff Training Bulletin [American (ASL) Interpretation Services Update], Medical Services Division Training Unit (ADA Speech Flag), Detentions Processing Division Booking Process, Detentions Processing Division Final Release Process, Detentions Processing Division Training Bulletin (Effective Communication with Incarcerated Person), San Diego County Sheriff Training Bulletin (Blue Envelope Program), San Diego County Sheriff Training Bulletin (Effective Communication)

**Documents Produced/Reviewed** – All policies and training listed above, Email 11/15/24 J-114 Incarcerated Worker Contract Update, Service Animals ADA Reference Guide,

Incarcerated Persons with Disabilities Quick Reference Guide for Staff, Assistive Devices and Durable Medical Equipment (DME) Reference Guide, Telephone Handset Amplifiers, Americans with Disabilities PowerPoint Training multiple trainings), InterpretManager App PowerPoint, ADA Unit PowerPoint, Purple Communications Video Phone Training, UbiDuo 3 Operator Training, Sheriff's Authorized Positions 8/21/25, ADA Unit Deputy Post Orders (June 20, 2024), ADA Unit Lieutenant Post Orders (June 24, 2024), ADA Unit Sergeant Post Orders (June 20, 2024)

## **Implementation**

The County reports that the ADA Unit is comprised of three (3) deputies, one (1) sergeant, one (1) lieutenant, and one (1) nurse. The Unit reports to a Captain, who reports to a Commander. The documents produced and reviewed by the Neutral Expert reflect that all positions are currently filled. The ADA Unit Lieutenant Post Orders include all of the requirements of the ADA Unit listed in the Settlement Agreement and Order. However, as this is the Neutral Expert's first review, the Neutral Expert cannot, at this time, determine whether the policies, training, and practices in place are effective in facilitating the jail system's compliance with ADA requirements and the provisions of the Settlement Agreement and Order.

The ADA Unit reported that ADA Unit staff coordinate and provide ADA training for new hires at the academy and for current staff at briefings, and that they create training bulletins. The ADA staff also conducts the 7-day, 60-day, and 6-month reviews to ensure the disabled IPs' identified reasonable accommodations are being provided. The ADA Unit also reviews and responds to ADA requests, grievances, telephone calls, and letters/emails from disabled IPs and the public.

The Neutral Expert commends the ADA Unit's determination and dedication in managing the SDO ADA policies and procedures and in assisting jail staff in ensuring they are aware of and trained in their specific responsibilities. It is evident that the ADA Unit staff understand their roles and the requirements of the Settlement Agreement and Order.

## **Recommendations:**

The ADA Unit must continue to:

- Coordinate and ensure staff are trained on ADA policies and requirements
- Ensure reasonable accommodations are provided to incarcerated persons with identified disabilities
- Assist staff, including facilities and health care staff, with identifying and accommodating incarcerated persons with disabilities
- Ensure all complaints of alleged discrimination are investigated and properly resolved in a timely manner
- Review ADA-related requests and ensure they are properly resolved in a timely manner
- Review and respond to ADA-related grievances in a timely fashion

15. *The ADA Unit shall conduct face-to-face interviews of people with "ADA Mobility," "ADA Hearing," or "ADA Vision" flags within seven (7) days of the initial flag placement, sixty (60) days after the first ADA interview, and every six (6) months thereafter. The ADA Unit shall*

*also conduct a face-to-face meeting with an incarcerated person with an identified disability upon the incarcerated person's request. As part of the ADA Unit interview, the ADA Unit shall effectively communicate to the incarcerated person information about the auxiliary aids and accommodations at the jail facilities that may meet that person's needs, as well as the process for requesting reasonable accommodations. The ADA Unit shall document this interview, including what was communicated and the provision of effective communication.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024)

**Training** - NA

**Documents Produced/Reviewed** – San Diego Sheriff's Department Inmate History Summary Report (1), San Diego County Sheriff's Department Progress Notes (6), January to July 2025 ADAI 7-Day Interview Excel Spreadsheets, January to July 2025 ADAI 7-Day, 60-Day, and 6 Month Interview Excel Spreadsheets, VRI JIMS Logs January to July 2025

### **Implementation**

DSB Policy M.39 Disabled Incarcerated Persons includes the requirement for ADA staff to conduct the ADA reviews and DSB Policy P.11 Effective Communication (May 29, 2024)

In review of the Excel Spreadsheets produced by the County, it is evident that the ADA Unit is conducting required 7-Day, 60-Day, and 6-Month interviews. However, the Neutral Expert cannot determine if the ADA Unit is conducting the required face-to-face interviews within 7-Days of flag placement . This is because the data produced does not include the date the ADA flag was placed and the date of the previous review. The Expert notes the County produced a San Diego Sheriff's Department Inmate History Summary Report that reflects an ADA Deputy was advised by the IP that he had a mental health (MH) disability, and the ADA Deputy referred the case to MH. No documents were produced for cases in which the IPs requested a face-to-face meeting with the ADA staff. The ADA Unit reported that the ADA nurse conducts the 7-Day, 60-Day, and 6-Month interviews with the ADA Unit custody staff. However, during the IP interviews, some IPs reported that only custody staff were present, not the ADA nurse. It is unclear whether the ADA nurse was (a) absent or (b) present but non-participatory. During the IP interviews, 13 IPs stated that the ADA Unit had not conducted an interview. Eight (8) of the 13 IPs had an "ADA Mobility," "ADA Hearing," or "ADA Vision" flag, and five (5) of the IPs did not have an "ADA Mobility," "ADA Hearing," or "ADA Vision" flag.

The Settlement Agreement and Order requires the ADA Unit to effectively communicate to the IP information about the auxiliary aids and accommodations at the jail facilities that may meet that person's needs, as well as the process for requesting reasonable accommodations. The Neutral Expert notes that the documents produced (VRI JIMS Logs January to July 2025) reflect eight (8) cases in which ADA staff used VRI to communicate effectively with the disabled IP during the ADA interview. However, no other documents were produced that reflect the ADA staff effectively communicated with IPs information about the auxiliary aids and accommodations at the jail facilities that may meet their needs, as well as the process for requesting reasonable accommodations for cases with "ADA Mobility," "ADA

Hearing,” or “ADA Vision” flags who require effective communication and whose preferred method of communication is not ASL.

Based on IP claims during the IP interviews, the County produced the BWC of the ADA Interviews. A review of the BWC reflects that the ADA interviews were conducted at the cell front, and the IP and the ADA Nurse had difficulty communicating due to background noise in the unit. For the interviews to be effective, the County must conduct the interviews face-to-face, especially the 7-day initial interview when essential ADA information is being provided, and for cases with IPs with communication disabilities.

**Recommendations:**

- Include the date of flag placement on the ADA 7-Day, 60-Day, and 6 Month Interview Excel Spreadsheets
- Include the date of the last ADA interview on the ADA 7-Day, 60-Day, and 6 Month Interview Excel Spreadsheets
- Provide proof-of-practice that the ADA staff conducts a face-to-face meeting with an IP upon their request
- Provide proof-of-practice that the ADA Unit effectively communicates with IPs with “ADA Mobility,” “ADA Hearing,” or “ADA Vision” flags who have an identified effective communication accommodation and whose preferred method of communication is not ASL, information about the auxiliary aids and accommodations at the jail facilities that may meet their needs, as well as the process for requesting reasonable accommodations
- Ensure the ADA Unit conducts the interviews face-to-face (not cell front) in a setting and manner that facilitates effective communication, especially the 7-day initial interview when essential ADA information is being provided, and for cases with IPs with communication disabilities

16. *The ADA Unit currently consists of three deputies, one sergeant, one lieutenant, and one nurse. The Unit reports to a Captain, who reports to a Commander. Additionally, the Unit is supported by an attorney and a supervisory nurse. A designated mental health clinician supports the ADA Unit for individuals with mental health or intellectual disabilities to ensure that reasonable accommodations and equal, meaningful program access are provided. The custody, medical, and mental health staff members within and supporting the ADA Unit shall have staffing, resources, and authority necessary to ensure that incarcerated people with disabilities timely receive reasonable accommodation and equal, meaningful access to programs, services, and activities. The designated ADA deputies currently function as liaisons for each facility with their primary office located with the ADA Unit. Each facility shall also have at least one staff member who is designated to liaison with the ADA Unit as needed along with their other assigned duties. The County shall maintain an ADA Unit and ensure that the contact information for the ADA Unit and the name and contact information for the ADA Coordinator are clearly posted and accessible in the intake area, in every jail facility housing unit, and in the public lobby of each facility.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** - NA

**Documents Produced/Reviewed** – Excel Spreadsheet with information of ADA Liaisons for Facilities and Courts, Notice of Non-Discrimination on the Basis of Disability (English and Spanish), San Diego Sheriff's Office Incarcerated Person ADA Information Brochure (English and Spanish)

## **Implementation**

The ADA Unit Deputy Post Orders (June 20, 2024), ADA Unit Lieutenant Post Orders (June 24, 2024), and ADA Unit Sergeant Post Orders (June 20, 2024) include detailed responsibilities and specific duties for the ADA Custody positions. The County did not produce the post orders for the ADA nurse, the designated mental health clinician who supports the ADA Unit, or the ADA liaisons. During the on-site review, staff reported that the ADA liaisons do not have a post order outlining their specific roles and responsibilities. The ADA Unit's staff Post Orders include all requirements of the ADA Unit listed in the Settlement Agreement and Order. However, as this is the Neutral Expert's first review, the Neutral Expert cannot, at this point, determine whether the staffing, resources, and authority are in place for the ADA Unit to ensure that incarcerated people with disabilities receive timely reasonable accommodations and equal, meaningful access to programs, services, and activities. The Neutral Expert commends the ADA Unit's determination and dedication in managing the SDSO ADA policies and procedures and assisting the jail staff in ensuring they are aware and are trained in their specific responsibilities, ensuring that IPs with disabilities receive timely, reasonable accommodation and equal, meaningful access to programs, services, and activities. It is evident that the ADA unit staff understand their roles and the requirements of the Settlement Agreement and Order.

The County produced a list of ADA Liaisons. The Neutral Expert notes that the County has an identified ADA Liaison for each facility (San Diego Central Jail [SDCJ], George Baily Detention Facility [GBDF], Rock Mountain Detention Facility [RMDF], East Mesa Reentry Facility [EMRF], South Bay Detention Facility [SBDF], Las Colinas Detention and Reentry Facility [LCDF], and Vista Detention Facility [VDF]), San Diego Court, El Cajon Court, Chula Vista Court, Vista Court, Juvenile Court, Kearny Mesa Court, Madge Bradley Building, and for the Contraband Narcotics Interdiction Team. The Neutral Expert notes that at RMDF, there are three (3) ADA Liaisons, and at SBDF, there are four (4) ADA Liaisons, with all other facilities having one (1). The County also produced certifications from the Rocky Mountain ADA Center Training for completion of the ADA History and Overview for 19 of the 20 ADA Liaisons. One of the ADA Liaisons, when interviewed, stated there is no formal duty statement; however, he reported that he assists with ADA interviews, helping with ADA devices, forwards ADA requests to the ADA Unit, and responds to direction from the ADA Unit for individual cases. He reported he dedicates approximately five (5) to ten (10) percent of his work time to ADA liaison duties.

During the on-site review, the Neutral Expert confirmed that, with the exception of the RMDF public lobby, the contact information for the ADA Unit and the name and contact information for the ADA Coordinator were clearly posted and accessible in the intake area in all jail facility housing units and intake areas toured, and in the public lobby of each facility. The Neutral Expert noted that in some housing units at SDCJ, the notices were placed on the lower section of the entry door to the Pod/Mod and were located in an area difficult for the IPs to see/read.

There is currently one (1) ADA nurse assigned to the ADA Unit. At this point, it cannot be determined if the nurse has the time/capacity to complete all ADA nurse tasks required under the Settlement Agreement and Order. These tasks include conducting complete functional assessments, providing 1:1 ADA contacts, reviewing and responding to ADA health care requests/grievances, and completing tasks related to work and program clearance/accommodations (when implemented). The County must evaluate the need for additional medical staff as part of the ADA Unit staffing/structure.

During the IP interviews, 30 IPs reported not being informed and not knowing how to contact ADA staff.

**Recommendations:**

The ADA Unit must continue to:

- Ensure that IPs with disabilities receive timely, reasonable accommodations and equal, meaningful access to programs, services, and activities
- Develop post orders for the ADA Nurse, ADA liaisons, and the designated mental health clinician who supports the ADA Unit
- Ensure the ADA Liaisons are s engaged in assisting the ADA Unit in its functions
- Ensure all ADA notices are positioned in an area and at a height where the IPs can view and read the information (Post tour, the County reported that ADA Notices have been moved. This will be confirmed during the next review)

**B. ADA Notices and Orientation**

17. *The Sheriff's Office shall ensure that people with disabilities are informed of their rights under the ADA via the ADA Notice, IP Handbook and/or ADA/Disability information brochures. This includes the process for requesting a reasonable accommodation and how and where to file grievances. This ADA Settlement Agreement and Order and the 2023 ADA Order shall be made available to incarcerated people through video kiosks and in hard copy upon request.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons May 29, 2024, DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), P.11 Effective Communication (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – Notice of Non-Discrimination on the Basis of Disability (English and Spanish), San Diego Sheriff's Office Incarcerated Person ADA Information Brochure (English and Spanish), San Diego County Sheriff's Office ADA Unit Interview Questions, San Diego Sheriff's Office Facility Handbook (March 2025), Joint Motion and Order Re Accessibility at Central Jail, Effective Communication Policy and Practice, and Provisional Class Certification, Joint Motion and Order RE: Remaining ADA Issues and Resolving Claim for Relief, and Order Granting Joint Motion for Class Certification and Approval of Proposed Class Action Notice Plan, and the San Diego County Sheriff's Department Dunsmore Class Certification Notice Request Logs (SDCJ, GBDF and SBDF).

## Implementation

The Notice of Non-Discrimination on the Basis of Disability (English and Spanish), San Diego Sheriff's Office Incarcerated Person ADA Information Brochure (English and Spanish), and the San Diego Sheriff's Office Facility Handbook (March 2025), contain information regarding the IPs' rights under the ADA and the process for requesting a reasonable accommodation and how and where to file grievances. These are available for IPs to view (with the notice of non-discrimination posted on the housing unit walls and the other documents on the kiosk). However, during the on-site review, 35 of 52 IPs interviewed reported not being provided with a copy of the San Diego Sheriff's Office Incarcerated Person ADA Information Brochure. Twenty-six IPs interviewed reported they were not aware or informed of how to request an accommodation or how and where to file grievances, and 35 reported they were not aware of disability-related information in the handbook. During the on-site review, staff reported that the ADA Brochure is available; however, they do not routinely offer or provide the ADA Information Brochure. The County also reported that the San Diego Sheriff's Office Facility Handbook is not provided (hard copy) to IPs and is available on the Kiosks. The Neutral Expert notes that the San Diego County Sheriff's Office ADA Unit Interview Questions include the following question. "Do you know how to and/or have you been able to request or access: New Reasonable Accommodations and File a Grievance?" During the on-site review, the Neutral Expert did not have an opportunity to observe an ADA Unit 7-Day review, which is where the ADA Unit Interview Questions would be asked and the required information provided to the IPs. Staff also reported that the ADA Unit conducts ADA reviews only for IPs with "ADA Mobility," "ADA Hearing," or "ADA Vision" flags, and that MH staff or Counselors meet with IPs identified with cognitive, learning, developmental, intellectual, and mental health disabilities. However, IPs interviewed with these disabilities also reported that they were not aware or informed of how to request an accommodation or how and where to file grievances and disability-related information in the handbook.

Additionally, although the ADA Settlement Agreement and Order and the 2023 ADA Order are available on the Kiosks, IPs interviewed, especially those with cognitive, learning, intellectual, and developmental disabilities, reported that they do not know how to access the Kiosks. The Neutral Expert notes that the County has a process for documenting the provision of hard copies of the ADA Settlement Agreement and Order, as well as the 2023 ADA Order, when requested by the IPs. The County produced the San Diego County Sheriff's Department Dunsmore Class Certification Notice Request Logs for SDCJ, GBDF, and SBDF. No logs were produced for VDF, LCDRF, EMRF, or RMDF. The Neutral Expert also notes that the San Diego County Sheriff's Department Dunsmore Class Certification Notice Request Logs do not include information on the provision of a hard copy of the ADA Settlement Agreement and Order, and the 2023 ADA Order.

### Recommendations:

- Ensure all IPs with a qualified disability are offered and provided information about their rights under the ADA, the process for requesting a reasonable accommodation, and how and where to file grievances
- Ensure IPs are provided a hard copy of the ADA Settlement Agreement and Order and the 2023 ADA Order when requested
- Provide all IPs with the ADA Information Brochure and establish a mechanism where the IP and staff document the offering and provision of the information required by paragraph 17 of the Settlement Agreement and Order

18. *The County shall ensure that any orientation materials it provides (including written and video materials) are accessible to all people with disabilities, including but not limited to individuals with vision disabilities, intellectual or cognitive disabilities, hearing disabilities, or any other disabilities that may affect communication. The orientation materials shall include information on ADA rights; the process for requesting a reasonable accommodation; the ADA request and grievance processes, including the location of forms, how to submit them, and how to obtain assistance completing them; and information about the ADA Unit and how to contact them. The orientation video shall be available in closed captioning and Spanish. The video shall be provided in sign language consistent with effective communication requirements, including as set forth in the 2023 ADA Order.*

**Compliance Rating: Non-Compliance**

Policies – DSB Policy T.2 Orientation for Incarcerated Persons (November 7, 2023), and DSB Policy P.11 Effective Communication (May 29, 2024)

**Training - NA**

**Documents Produced/Reviewed – NA**

**Implementation**

Although the County reported that this paragraph is not ready for review, upon reviewing the policies produced, the Neutral Expert notes that DSB Policy T.2 Orientation for Incarcerated Persons requires that all facilities ensure that IPs are oriented at or before the time of placement into a living unit. The orientation is required to be provided to IPs in English, Spanish, and sign language. The orientation is required to be documented, and some of the content of the orientation includes information on rules and disciplinary procedures, grievance procedures for IPs, programs and activities available, medical services, and classification/housing assignments. The orientation is also required to be documented. The policy also requires the orientation video to be played at least once per day at each of the Sheriff's detention facilities and a verbal orientation to be provided by the Jail Population Management Unit (JPMU) deputy at the time the IP is assigned a housing designation. The Neutral Expert will review this paragraph for compliance during future reviews and will focus on the requirements for the County to ensure that orientation materials it provides (including written and video materials) are accessible to all people with disabilities, including but not limited to individuals with vision disabilities, intellectual or cognitive disabilities, hearing disabilities, or any other disabilities that may affect communication. The Neutral Expert will also focus on the requirements for the orientation materials to include information on ADA rights; the process for requesting a reasonable accommodation; the ADA request and grievance processes, including the location of forms, how to submit them, and how to obtain assistance completing them; and information about the ADA Unit and how to contact them and that the orientation video is available in closed captioning and Spanish and provided in sign language consistent with effective communication requirements. During the IP interviews, 40 of the 52 IPs reported they had not viewed the orientation video.

**Recommendations:**

- Ensure that any orientation materials the County provides to IPs (including written and video materials) are accessible and effectively communicated to all IPs with disabilities, including but not limited to IPs with vision disabilities, intellectual or cognitive disabilities, hearing disabilities, or any other disabilities that may affect communication

- Ensure the orientation materials, when developed includes information on ADA rights; the process for requesting a reasonable accommodation; the ADA request and grievance processes, including the location of forms, how to submit them, and how to obtain assistance completing them; and information about the ADA Unit and how to contact them
- Ensure the orientation video is available in closed captioning and Spanish
- Ensure the orientation video is provided in sign language, consistent with the effective communication requirements

19. *At all stages of the booking and orientation process, the County shall continue to provide reasonable accommodations and support to incarcerated persons with disabilities affecting communication, such as those who have developmental or intellectual disabilities, are blind, low-vision, or hard of hearing, as necessary to ensure effective communication of booking or orientation information that is being shared. Incarcerated persons with hearing disabilities who use sign language are covered in the 2023 ADA Order and shall receive effective communication as previously agreed to and as required by current Detentions Services Bureau Policy.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** - Incarcerated Persons with Disabilities Quick Reference Guide for Staff, Assistive Devices and Durable Medical Equipment (DME) Reference Guide, Telephone Handset Amplifiers, Americans with Disabilities PowerPoint Training (multiple trainings), InterpretManager App PowerPoint, ADA Unit PowerPoint, Purple Communications Video Phone Training, UbiDuo 3 Operator Training,

**Documents Produced/Reviewed** – Jan 2025 to September 2025 ADAE @ Booking, Jan 2025 to September 2025 ADA EC (all), San Diego County Sheriff's Department Progress Notes (10), San Diego County Sheriff's Department Auxiliary Aid Device Logs VDF, SDCJ, SBDF, RMDF, LCDRF, GBDF, and EMRF (185), Medical Clearance questions, and ADA Functional Assessment

### **Implementation**

Medical staff interviewed reported that the IP's preferred method of communication is identified during the intake medical receiving screening and the second-stage medical screening, where a medical provider and/or a QMHP conducts an ADA Functional Assessment. The medical staff also reported that staff creates an alert in TechCare, which populates in the Jail Information Management System (JIMS), where booking, intake, and classification, and all other staff can view the flag and required accommodations. The San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. includes the process for medical intake staff to identify IPs with communication disabilities and their accommodation needs, refer them to the second-stage medical screening, and complete the ADA Functional Assessment. Custody staff interviewed reported that intake booking staff identify IPs with communication disabilities and their accommodation needs by reviewing the JIMS ADA report, the accommodations noted on the Booking Intake/Personal Property Inventory (J-15), and the IP's face card. Custody staff also reported that they can access

disability-related information and accommodations on JIMS (Flags), consistent with policy M.39, Disabled Incarcerated Persons. Both the custody and medical staff reported that the identified accommodations are provided during the booking and orientation processes. DPT and custody staff interviewed reported that they are made aware of disabled IPs who require accommodations, such as effective communication and accessible holding cell placement, by healthcare staff or by viewing the flags in JIMS. Staff reported that accommodations are provided, such as VRI, UbiDuo, speaking louder, using simple language, and placement in accessible holding cells.

The County produced the medical clearance questions, the ADA Functional Assessment questions, and the Neutral Expert confirmed that they both include questions about communication disabilities and accommodation needs. However, during the on-site observation of the medical clearance process, the Neutral Expert noted that in two cases observed, in one case, staff used a personal list of questions they had created and did not ask all the questions required by the medical clearance, and in the other case, staff asked the questions from memory, not all disability-related questions were asked. Based on this, it is possible that communication disabilities are not being identified, and therefore, custody staff are not being made aware of the existence of a communication disability and accommodation need, and potentially, effective communication accommodations are not being provided.

The documents produced by the County (Jan 2025 to September 2025 ADAE @ Booking, Jan 2025 to September 2025 ADA EC All, San Diego County Sheriff's Department Progress Notes) reflect 11 cases where staff documented the provision of effective communication accommodations (VRI, written notes) during the booking process (classification, booking, MH assessment). The Neutral Expert notes that in most of the cases, staff did not document the type of encounter for which the provision of effective communication accommodations was intended. The progress notes reviewed reflect that there were four (4) cases where an SLI was provided during the medical screening process. Additionally, there were four (4) cases where medical staff documented the IP's preferred method of communication. There were no cases where staff documented the use of effective communication accommodations during the orientation process.

During the IP interviews, 7 of the 15 IPs with identified communication disabilities reported that effective communication was not provided during the booking/intake process.

For future reviews, the Neutral Expert will have to select cases for IPs with communication accommodations that were booked into the jails and request Body Worn Camera (BWC) as proof of practice that staff provided the required accommodations.

### **Recommendations:**

- Ensure medical staff ask all questions in the TechCare portion of the medical clearance and receiving screening
- Although not required by the ADA Settlement Agreement and Order, ensure staff document in JIMS the type of encounter EC is being provided for the Neutral Expert to identify the type of encounter when rating the provision of effective communication required by this paragraph
- Ensure staff provide EC accommodations for all IPs with an identified disabilities affecting communication, such as those who have developmental or intellectual disabilities, are blind, low-vision, or hard of hearing, as necessary to ensure effective communication of booking or orientation processes

## **C. ADA Policies, Procedures, and Training**

20. *The County shall revise and implement systemwide Detention Services Bureau policies and procedures and facility specific-policies and procedures, and training as necessary to ensure compliance with the ADA, related federal and state disability laws, the ADA's implementing regulations, and the requirements set forth herein.*

**Compliance Rating:** Partial Compliance

**Policies** - Policies listed in Paragraph 14

**Training** – Trainings listed in Paragraph 14

**Documents Produced/Reviewed** – See Above

### **Implementation**

The Neutral Expert notes that the County has revised and implemented some policies (DSB Policies) and facility specific-policies and procedures (Green Sheets) and training. However, revision and implementation of systemwide Detention Services Bureau policies and procedures, and facility specific-policies and procedures, and training are ongoing.

### **Recommendations:**

- Continue revising and implementing systemwide policies and procedures, and facility specific-policies and procedures, and training as necessary to ensure compliance with the ADA, related federal and state disability laws, the ADA's implementing regulations, and the requirements of the ADA Settlement Agreement and Order

21. *The County shall revise and implement Medical Services Division policies as necessary to ensure compliance with the ADA, related federal and state disability laws, the ADA's implementing regulations, and the requirements set forth herein.*

**Compliance Rating:** Partial Compliance

**Policies** - San Diego Sheriff's Office Medical Services Division, Orientation for Health Staff C.9.1 (7/10/24), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1 (3/21/25), San Diego Sheriff's Office Medical Services Division Incarcerated Persons with Chronic Diseases, Disabilities, or Other Special Needs F.1 (3/21/25) (3/3/25)

**Training** - NA

**Documents Produced/Reviewed** – All policies listed above

### **Implementation**

The Neutral Expert notes that the County has revised and implemented some Medical Services Division policies. However, revision and implementation of Medical Services Division policies to ensure compliance with the ADA, related federal and state disability laws, the ADA's

implementing regulations, and the requirements of the ADA Settlement Agreement and Order is ongoing.

**Recommendations:**

- Continue revising and implementing Medical Services Division policies as necessary to ensure compliance with the ADA, related federal and state disability laws, the ADA's implementing regulations, and the requirements of the ADA Settlement Agreement and Order
22. *The County shall ensure that all current and future jail staff receive annual ADA training appropriate to their position. This requirement includes County and contracted staff (custody, health care, programs, administrative, etc.), who must follow the Sheriff's Office's Detention Services Bureau's and/or Medical Services Division's policies and procedures. The ADA training may include, but is not limited to, training bulletin, in-classroom, real-time virtual, and/or interactive virtual training for staff. Trainers will have subject matter expertise or be provided training-for-trainers instruction by the ADA Unit. All new jail staff shall also receive ADA training appropriate to their position. The initial training provided to staff and contractors will cover all topics addressed in section III, ADA Remedial Actions, of this ADA Settlement Agreement and Order, as relevant to their respective positions and job duties.*

**Compliance Rating:** Non-Compliance

**Policies - NA**

**Training –** Trainings listed in Paragraph 14

**Documents Produced/Reviewed – NA**

**Implementation**

Although the County reported this paragraph is not ready for review, in review of the training documents produced, the Neutral Expert notes that the County has developed and provided training to staff (custody and medical). However, with the exception of training provided to new recruits in the academy, the Neutral Expert notes that the training provided is primarily training bulletins conducted via briefings and the Learning Management System ("LMS"). The Neutral Expert strongly recommends that the initial annual ADA training be presented in a formal classroom setting where the class participants can engage with the presenter on any questions or areas of the training that require clarification. All staff interviewed reported that they receive ADA training in Training Bulletins via the LMS and briefings.

**Recommendations:**

- Develop the annual training curriculum for all staff that is appropriate to the staff's (County and contracted) position
- The Neutral Expert strongly recommends that the initial annual ADA training be presented in a formal classroom setting where the class participants can engage with the presenter on any questions or areas of the training that require clarification. Follow-up training can be presented using other training modalities
- Ensure all new jail staff receive ADA training appropriate to their position

- Ensure the training curriculum covers all topics addressed in section III, ADA Remedial Actions, of the ADA Settlement Agreement and Order, as relevant to their respective positions and job duties

23. *The County shall provide draft revisions of the aforementioned policies, procedures, and trainings to the neutral expert for prompt review and comment. Any documents, including draft revisions of the aforementioned policies, procedures, and trainings, that either side provides to the neutral expert shall be shared with counsel for the other side as noted in paragraph 137 of this ADA Settlement Agreement and Order.*

**Compliance Rating:** Partial Compliance

**Policies** – Policies listed in Paragraph 20

**Training** - NA

**Documents Produced/Reviewed** – Policies listed in Paragraph 20

**Implementation**

The Neutral Expert notes that the County has begun revising and implementing DSB Policies and facility specific-policies and procedures (Green Sheets) and training. However, revision and implementation of systemwide Detention Services Bureau policies and procedures, and facility-specific policies and procedures, and training are ongoing. The County has provided draft revisions of policies and procedures to the Neutral Expert for review and comment.

**Recommendations:**

- Continue to provide draft revisions of policies, procedures, and training to the Neutral Expert for review and comment
- Establish an agreed upon process for the parties to follow for the review of policies, procedures, and training being revised/implemented

***D. Identification and Tracking of Incarcerated Persons with Disabilities***

24. *The County shall develop and implement policies, procedures, and training to ensure that the jail system, including all relevant custody, health care, administrative, and program staff, identifies and tracks all incarcerated persons with disabilities who report and/or have been identified to require accommodations throughout a person’s time in custody.*

**Compliance Rating:** Partial Compliance

**Policies** – Policies listed in Paragraph 14

**Training** – Trainings listed in Paragraph 14

**Documents Produced/Reviewed** – NA

## Implementation

The Neutral Expert notes that the County has revised and implemented some DSB Policies and facility specific-policies and procedures (Green Sheets) and training. However, revision and implementation of systemwide DSB policies and procedures, and facility-specific policies and procedures, and training are ongoing.

### Recommendations:

- Continue revising and implementing systemwide policies and procedures, and facility specific-policies and procedures, and training to ensure that the jail system, including all relevant custody, health care, administrative, and program staff, identifies and tracks all incarcerated persons with disabilities who report and/or have been identified to require accommodations throughout a person's time in custody
25. *The County shall ensure that the jail facility ADA screening process includes, at minimum, consideration of the individual's own claim to have a disability, documentation of a disability in the County's health record, staff observation that the person may have a disability, communications regarding a person's disabilities provided by the California Department of Corrections and Rehabilitation or other law enforcement agencies, and any information from a third party, such as a friend or family, about a person's disability-related conditions and needs.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** - NA

**Documents Produced/Reviewed** – ADA Functional Assessment, Medical Clearance questions

## Implementation

Medical staff interviewed reported that disabilities and the associated accommodations are identified during the intake medical receiving screening and the 2<sup>nd</sup>-stage medical screening, where a medical provider and/or a QMHP conduct an ADA Functional Assessment. The medical staff also reported that staff create an alert in TechCare (flag), which populates in the Jail Management System (JIMS), where booking, intake, and classification, and all other staff can view the disability-related flag and required accommodations. The San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. includes the process for medical intake staff to identify IPs with physical, intellectual, cognitive learning, and psychiatric disabilities and associated accommodation needs; refer IPs to the 2nd-stage medical screening; and complete the ADA Functional Assessment. The policy also includes obtaining information from the arresting officer regarding disabilities and accommodation needs, DSB Policy M.39 Disabled Incarcerated Persons states, "Identification of an incarcerated person with a disability can occur at any point during an individual's incarceration (e.g., Jail Population Management Unit (JPMU) interview, outside agency, by the advisement of a family member, etc.)."

The County produced the medical clearance questions, the ADA Functional Assessment questions, and the Neutral Expert confirmed that they both include questions about disabilities and accommodation needs. However, during the on-site observation of the medical clearance process, the Neutral Expert noted that in . Based on this, it is possible that disabilities and their associated accommodations are not being identified, and therefore, staff are not being made aware of the existence of a disability and associated accommodation need, and potentially, accommodations are being provided.

The policies do not include the requirement for the ADA screening process to include, at a minimum, consideration of, documentation of a disability in the County's health record, staff observation that the person may have a disability, and communications regarding a person's disabilities provided by the California Department of Corrections and Rehabilitation ("CDCR"). The County reported that in cases where the County receives an Armstrong Notification from CDCR, the ADA Nurse or a QMHP completes an ADA Functional Assessment. This process is not formalized in policy.

### **Recommendations:**

- Ensure medical staff ask all questions in the TechCare portion of the medical clearance and receiving screening
- Revise DSB Policy M.39 Disabled Incarcerated Persons and San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1 to include the requirement for the ADA screening process to include, at minimum, consideration of, documentation of a disability in the County's health record, staff observation that the person may have a disability, and communications regarding a person's disabilities provided by the CDCR
- Formalize the CDCR notifications process for *Armstrong* class members
- Produce CDCR notifications for people with disabilities to the Neutral Expert

26. *All incarcerated persons shall be screened by health care staff who have received the training specified in Paragraph 22 during the intake process to identify disabilities and reasonable accommodations. If an incarcerated person is identified to have a disability that requires accommodation, health care staff will update the person's health record and collaborate with sworn staff as needed to ensure the person is appropriately accommodated through the booking and classification process. For incarcerated persons who health care staff have preliminarily screened and identified to have a disability, health care staff shall conduct an effective ADA Functional Performance assessment during the booking process. Health care staff shall document any housing accessibility features and accommodations required by an incarcerated person during their time in custody in the person's health record, and that information will be reflected in the disability tracking system. Health care staff conducting the intake shall be responsible for documenting the person's disability and any accommodations the person requires in the person's health record, and that information will be reflected in the disability tracking system.*

**Compliance Rating:** Partial Compliance

**Policies - Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training documents listed in Paragraph 14

**Documents Produced/Reviewed** – Completed ADA Functional Assessments (January 2025 to September 2025), Completed Medical Clearances (January 2025 to September 2025), Completed Receiving Screenings (January 2025 to September 2025),

### **Implementation**

Medical staff interviewed reported that all arrestees processed into the San Diego County Jails are screened for disabilities, and the associated accommodations are identified during the intake medical receiving screening and the 2nd stage medical screening, where the medical staff and/or a QMHP conducts an ADA Functional Assessment. The medical staff also reported that staff update the person's health record by creating an alert in TechCare (flag), which populates in the Jail Management System (JIMS), where booking, intake, and classification, and all other staff can view the disability related flag and required accommodations. The San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. includes the process for medical intake staff to screen and identify IPs with physical, intellectual, cognitive learning, and psychiatric disabilities and associated accommodation needs, referral to the 2nd stage medical screening, and completion of the ADA Functional Assessment. Custody staff interviewed reported that intake booking staff identify IPs with disabilities and their accommodation needs by viewing the JIMS ADA report or the accommodations that are noted on the Booking Intake/Personal Property Inventory (J-15) and the IP's face card. Custody staff also reported that they can access disability related information and accommodations on JIMS (Flags) consistent with DSB Policy M.39 Disabled Incarcerated Persons. Both the custody and medical staff reported that the identified accommodations would be provided during the booking and classification processes.

The County produced the medical clearance questions, the ADA Functional Assessment questions, and the Neutral Expert confirmed that they both include screening questions for disabilities and the associated accommodation needs. The County also produced completed ADA Functional Assessments, completed Medical Clearances, and completed Receiving Screenings (January 2025 to September 2025). These documents reflect health care staff are screening arrestees being processed into the San Diego County Jails to identify disabilities and reasonable accommodations. In cases where an IP is identified as having a disability that requires accommodation, medical staff update the health record (create a flag), and the disability-related information is available to custody staff so custody staff can provide the required accommodations during the booking and classification process. For incarcerated persons who medical staff preliminarily screened and identified as having a disability, medical/QMHP staff conduct an ADA Functional Performance assessment as part of the booking process. Medical staff also document some housing accessibility features and accommodations required by the IP during their time in custody in the health record, and that information is reflected in the ADA Tracking System. However, during the on-site observation of the medical clearance process, the Neutral Expert noted issues in two cases observed. In one case, staff used a personal list of questions they had created and did not ask all the questions required by the medical clearance, and in the other case, staff asked the questions from memory, and not all disability related questions were asked. Based on this, it is possible that disabilities and the associated accommodations are not being identified, and therefore, custody staff are not being made aware of the existence of a disability and the associated accommodation, and potentially, accommodations are being provided.

Additionally, although the County produced the Medical Services Division Training Unit (ADA Intake Procedures), San Diego County Sheriff Training Bulletin (ADA Intake Procedures), Medical Services Division Training Unit (DSB.P.11: Effective Communication), San Diego County Sheriff Training Bulletin (I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment P&P Update), San Diego County Sheriff Training Bulletin (M.39 Incarcerated Persons with Disabilities, Medical Services Division Training Unit (ADA Policy Updates), Medical Services Division Training Unit (ADA Cognitive Assessment – Mental Health), Medical Services Division Training Unit (ADA Speech Flag), and San Diego County Sheriff Training Bulletin (Effective Communication), the County did not produce training records for medical staff that received the training.

### **Recommendations:**

- Ensure medical staff screen and ask all questions in the TechCare portion of the medical clearance and receiving screening.
- Provide training records for health care staff who have received the training specified in Paragraph 22

27. *The intake screening shall assess all incarcerated persons for whether they have a disability that affects communication. Health care staff shall identify the accommodations necessary to achieve effective communication with an incarcerated person determined to have a communication-related disability, and document them in the person's health record. That information will be reflected in the disability tracking system. Health care staff shall give primary consideration to the preference of the person with a disability as to the method of communication and accommodation.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to September 2025 VRI JIMS Logs, Jan 2025 to September 2025 JIMS Archived Effective Communication Medical Instruction, Medical Clearance questions, and ADA Functional Assessment

### **Implementation**

Medical staff interviewed reported that the IP's preferred method of communication is identified during the intake medical receiving screening and the second-stage medical screening, where a medical provider and/or a QMHP conducts an ADA Functional Assessment. The medical staff also reported that staff creates an alert in TechCare, which populates in the Jail Management System (JIMS), where booking, intake, and classification, and all other staff can view the flag and required effective communication accommodations. The San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. includes the process for medical intake staff to identify IPs with communication disabilities and their accommodation needs, referral to the second-stage medical screening, and complete the ADA Functional Assessment. Custody staff interviewed reported that IPs with communication disabilities and their accommodation needs are tracked, and the information is available for

staff on the JIMS ADA report, which is consistent with DSB Policy M.39 Disabled Incarcerated Persons.

The County produced the medical clearance questions, the ADA Functional Assessment questions, and the Neutral Expert confirmed that they both include questions about communication disabilities and accommodation needs. However, the Neutral Expert notes that the medical clearance does not ask the questions related to a disability that impacts communication first. The order of the questions should be reorganized so that the need for effective communication can be identified at the beginning of the receiving screening, allowing the required accommodations to be identified and provided throughout the rest of the screening process.

The documents produced by the County, Jan 2025 to September 2025, VRI JIMS Logs, Jan 2025 to September 2025, JIMS Archived Effective Communication Medical Instruction reflects the County is identifying IPs who have a communication disability and their associated accommodation needs (preferred method of communication). The Neutral Expert confirmed that this information is reflected on the ADA Tracking Report as required by the Settlement Agreement and Order. However, during the on-site observation of the medical clearance process, the Neutral Expert noted issues in two cases observed. In one case, staff used a personal list of questions they had created and did not ask all the questions required by the medical clearance, and in the other case, staff asked the questions from memory, and not all disability related questions were asked. Based on this, it is possible that communication disabilities are not being identified, and therefore, custody staff are not being made aware of the existence of a communication disability and accommodation need, and potentially, effective communication accommodations are not being provided.

**Recommendations:**

- Ensure medical staff ask all questions in the TechCare portion of the medical clearance and receiving screening
- Reorganize the initial screening questions so that the need for effective communication can be identified at the beginning of the receiving screening, allowing the required accommodations to be identified and provided throughout the rest of the screening process.

28. *“Disability tracking system” refers to the manner by which ADA disability and accommodation needs information is maintained and utilized across disciplines (custody, health care, reentry services, etc.). The County shall track individuals who have disabilities that require accommodations, other than medical or mental health treatment only, using 6 medical flags: ADA Vision, ADA Hearing, ADA Medical, ADA Mobility, ADA Cognitive/Learning, and ADA Speech. If health care staff add one of these flags into a person’s health record, that flag and the accompanying accommodation notes populate into other systems and reports that can be accessed without seeing the rest of the health record. The information cannot be modified outside of the health system.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – JIMS Live ADA Medical Instructions Reports (VDF, LCDRF, GBDF, RMDf, SDCJ, SBDF, EMRF)

## **Implementation**

The County tracks all IPs who have disabilities and their associated accommodations in the JIMS ADA Tracking System (Active Wheelchair Transport Special Cond, No Stairs Special Cond, Housing Accessibility Features). When ADA Flags are entered in TechCare by medical staff, the flags are populated in JIMS. The information is available to staff by accessing the JIMS and viewing the information on the screen or printing the information as a housing report, facility report, or jail system report (all facilities). During the on-site review, the County provided the Neutral Expert with daily JIMS Live ADA Medical Instructions Reports for each respective facility being reviewed. The Neutral Expert notes that the information in the report includes the medical flags required by paragraph 28. They include ADA Cognitive Learn, ADA Hearing, ADA Mobility, ADA Medical, ADA Vision, and ADA Speech. When medical staff add one of these flags to an IP's health record, the flag and the accompanying accommodation notes populate into JIMS and can be accessed without seeing the rest of the health record. Additionally, the information cannot be modified outside of TechCare. However, this paragraph requires that, in addition to the flag populating into the ADA tracking system, the accompanying accommodation notes must also populate into other systems and reports that can be accessed without seeing the rest of the health record. Paragraph 38 requires medical staff to evaluate an IP with an identified mobility disability to determine if they require a lower bunk and/or lower tier and whether the IP can access the bottom or middle bunk of a triple bunk. In addition, health staff must evaluate mobility disabled IPs to determine if they require access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower. The ADA Functional Assessment includes the following questions for the medical staff to evaluate the IP for mobility and dexterity:

- Can you perform the following without assistance?
  - Walk on level surface – Yes/No
  - Climb stairs – Yes/No
  - Transfer to bed – Yes/No
  - Transfer to toilet – Yes/No
  - Transfer to shower – Yes/No
  - Step on/off bus – Yes/No
  - Maneuver wheelchair – Yes/No
  - Stand – Yes/No
  - Lift – Yes/No
  - Bend – Yes/No
  - Reach – Yes/No
  - Use Hands – Yes/No

This evaluation allows the medical staff to identify the required accommodations. However, in reviewing the JIMS Live Medical Instruction Reports, the Neutral Expert notes that the reports include the following mobility-related medical instructions:

- Lower Bunk
- Lower Bunk and Tier
- No Top Triple Bunk

The SDCJ JIMS Live Medical Instruction Report also includes the following information in the “Housing Accessibility Features” column, which the County reported is tied to the cell and not the IP:

- ADA Compliant Shower
- ADA Compliant Shower and Grab Bars
- ADA Wheelchair Compliant
- Non-compliant toilet grab bars
- Non-compliant shower without step
- No-compliant shower grab bars

Although these accessible features are available, it is unknown how custody staff are being made aware of the accessible features the mobility-disabled IPs require, so the County can ensure the IPs are provided the required accommodations. Additionally, although the medical staff can evaluate the accommodations required by Paragraph 38 with the questions in the ADA Functional Assessment, it is unknown if they are providing custody with the following accommodations: access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower. It is possible that medical staff are providing this information as some IPs are housed in accessible locations; however, the Neutral Expert notes this information is not being populated in the JIMS Live Medical Instruction Report and is not aware of how custody is making the housing determinations.

Custody and Programs staff have access to the ADA information in JIMS, and all housing unit staff interviewed reported that the ADA roster report is printed daily, so staff can be aware of disabled IPs and the associated accommodations.

The functionality of the tracking system meets the Settlement Agreement and Order; however, in some case the “Active Medical Instructions” column only states “Please see progress note and QMHP note.” This is not sufficient information for staff to know the accommodations they must provide the IP.

**Recommendations:**

- Ensure the accommodations of access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower, are included in the Disability Tracking System.
- Ensure that the “Active Medical Instructions” column, includes all necessary ADA-related information gathered by health care staff, to address the issues of JIMS providing only a reference to medical record information to which custody staff does not have access (e.g., “Please see progress note and QMHP note”).

29. *The County shall maintain a process for conducting disability evaluations for persons after the medical intake screening, when warranted by individual circumstances. The identification of disabilities or requests for reasonable accommodations may occur at any time during an individual’s incarceration (e.g., staff observation, incarcerated person request, reported by third parties such as family, etc.). Health care staff shall then conduct an ADA Functional Performance assessment. Health care staff conducting the assessment shall be responsible for documenting the person’s disability and any new or modified accommodation needs in the*

*person's health record, and that information will be reflected in the disability tracking system. Health care staff shall notify the Jail Population Management Unit ("JPMU") immediately of any impact to the person's housing needs.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** - NA

**Documents Produced/Reviewed** – ADA Flags After Booking (January 2025 to October 2025), Completed ADA Functional Assessments (January 2025 to October 2025) approximately 202

### **Implementation**

DSB Policy M.39 includes a detailed process staff must follow for the identification of disability accommodations after intake. This includes:

- If at any point during an individual's incarceration, a staff member identifies that an incarcerated person has a disability that requires accommodation that is not identified in their JIMS Medical Instructions, the incarcerated person shall be referred to the Sheriff's health staff for assessment.
  - The staff member who routed the incarcerated person to health staff shall document the incident in an Incident Report within JIMS with the primary incident type code: "ISR, Inmate Status Report".
  - Health staff shall notify JPMU if the incarcerated person has added JIMS Medical Instructions that impact their housing needs. At a minimum, this is done using Medical Instruction flags in TechCare that populate into JIMS and the ADA List included in the JIMS Web Floor Count (Updated) report (or the unit equivalent list containing ADA information).
  - Incarcerated persons can submit requests for new reasonable accommodations via the Healthcare Request form and process.

Medical staff reported that they conduct disability evaluations after the medical intake screening for cases referred by staff, based on an IP request or reported by a third party. The ADA Nurse, QMHP, or other medical staff would conduct an ADA Functional Assessment and referral to a medical provider for determination of housing and/or other accommodations.

Custody staff interviewed reported that in cases where they observed an IP with a potential disability that wasn't identified as having a disability in the ADA Tracking reports, they would refer the IP to medical/mental health for an evaluation.

Based on the review of the documents produced by the County, "ADA Flags After Booking" (January 2025 to October 2025) and completed ADA Functional Assessments (January 2025 to October 2025), it is evident that the County has established and maintains a process for conducting disability evaluations for IPs after the medical intake screening. Medical staff conduct an ADA Functional Performance assessment, document the IP's disability and any new or modified accommodation needs in TechCare, and populate the information into the ADA tracking system, including notifying JPMU of any impact on the IP's housing needs. However, to ensure this process is completed as required, the Neutral Expert will need to

evaluate the entire process. As reported in paragraph 83, the County did not provide the Neutral Expert with completed Healthcare Request forms requesting disability accommodations.

**Recommendations:**

- Provide the Neutral Expert with completed Healthcare Request forms where the IP is requesting a disability evaluation
30. *During the booking and intake process, persons with mobility disabilities who require accessible accommodations, including but not limited to those who use a wheelchair in housing, shall be placed in accessible holding cells. Such persons shall be permitted to retain and have access to the assistive device(s) they need to accommodate their disability unless there is a specific safety risk (see Assistive Devices section, below).*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Temporary Inaccessible cell due to safety risk

**Implementation**

DSB Policy M.39 requires that IPs with mobility disabilities who require accessible accommodations, including but not limited to those who use a wheelchair, be placed in accessible holding cells, and assisted through the booking and intake process as necessary. Custody staff reported mobility disabilities and the associated housing accommodations are identified during the intake medical receiving screening and the 2nd stage medical screening where the medical staff conducts an ADA Functional Assessment and medical staff creates an alert in TechCare which populates in the Jail Information Management System (JIMS) where booking, intake and classification and all other staff can view the flag and required mobility housing accommodations. Custody staff also reported that intake booking staff identify IPs with mobility disabilities and housing accommodation needs by viewing the JIMS ADA report or the accommodations that are noted on the Booking Intake/Personal Property Inventory (J-15) and the IP's face card. Custody staff also reported that, based on the accommodations listed, mobility disabled IPs who require accessible housing accommodations are placed in accessible holding cells. The documents produced by the County only include cases that were placed in inaccessible cells post-intake.

Custody staff reported that the identified accommodations are provided during the booking and orientation processes. Custody staff interviewed reported that they are made aware of disabled IPs who require accommodations, such as accessible holding cell placement and the need for assistive devices, by healthcare staff or by viewing the flags in JIMS. Staff reported that IPs are placed in accessible holding cells and are allowed to retain their prescribed assistive device in the holding cells unless there is a safety and security concern.

Most mobility disabled IPs who had been issued assistive devices during the intake process reported they were allowed to retain and have access to their assistive device(s) during the

intake process. Listed below are cases where the IPs reported they were not provided accommodations during the booking and intake process:

- IP reported he arrived with a cane and a prosthetic leg, and both were removed, and he was provided a wheelchair. Alleged staff used force to remove the prosthetic. Reported he was provided his prosthetic one (1) week later. Alleged his prosthetic was damaged when removed.
  - County response- Prosthetic was removed during booking 10/8/25 and returned 10/22/25 (see attached BWC and ADAI notes). There is no Record of UOF. There is no Record of damage.
    - The Neutral Expert notes the IP was without his prosthetic for 14 days. The ADA Functional Assessment (10/9/25) reflects “Pt reports deputies took it at intake due to safety reasons.” The ADA interview notes (10/22/25) reflects, “IP had previously requested his personal prosthetic leg from property. Leg located in the property and deemed to be safe for IP to have in custody. Leg given to IP and Outgoing Property slip completed.” The BWC shows the Deputy advising the IP that “per policy, he can’t keep your own, it’s a safety hazard.” The IP is heard stating, “It’s my leg, I will fight for that.” The BWC does not show the IP relinquishing the prosthetic to staff or the moment staff obtained possession of the prosthetic.
- IP reported he was placed in a non-accessible holding cell for three (3) days.
  - County response - IP was moved to secondary due to contraband found in wheelchair. After clearing secondary, IP informed JPMU he could not be housed in ■ due an incident during his previous incarceration (see ISR). IP was provided a non-ADA accessible cell on 9/20/25; however, the cell did have grab bars.
    - The Neutral Expert notes the ISR (9/18/25) reflects, “XXXX will be housed in a Non-Designated Wheelchair Module once a cell is available.” There is no documentation that the IP was placed in an accessible holding cell pending housing.
- IP reported he slipped in the sallyport, was placed in the WRAP, and placed in a room without his tapping cane and glasses. Alleges he was provided his tapping cane the next day.
  - County response - IP was under the influence and placed into a Sobering Cell (see attached SOB ISR).
    - The Neutral Expert notes that the ISR reflects that the IP was placed in a sobering cell.
- IP reported he had a brace at booking, staff took the brace and issued a cane.
  - County response – IP requested knee brace and admitted to leaving knee brace at home during ADA Functional Assessment. See Progress Notes, ADA Functional Assessment and Appliance Authorization.
    - The Neutral Expert notes the ADA Functional Assessment reflects the IP response is “No” to the question “Upon arrest, did you have these assistive devices with you?”
- IP reported he was placed in a non-accessible holding cell for 1-2 days.
  - County response - See attached BWC of \*\*\*\* not in ADA Cell. SDCJ ADA Cells

were recently labeled, and Green Sheets are in the process of being updated.

- The Neutral Expert notes that the BWC shows the IP being removed from a non-accessible holding cell.
- IP reported he arrived with a rollator walker, and it was swapped out for a standard walker.
  - County response - IP stated during ADA interview, personal walker was left at home (see ADAI event notes, interview form). Today via BWC IP confirmed the walker was left with AO EPD.
    - The Neutral Expert notes that the ADA Interview Question form reflects that the IP requested a seated walker. The BWC reflects the IP stated, “they (the jail) made the cop take it away, they wouldn’t let me keep it.”
- IP reported cane and wheelchair are taken away in the holding cells.
  - County response – IP’s cane was taken away while being placed into holding cells at VDF. Upon reviewing his In-Custody History, it appears the IP when accepted into our custody was placed into contraband watch for meeting the VDF Secondary Placement Criteria’s/Boisterous behavior (See Incident [REDACTED]) attached. Furthermore, when reviewing BWC video there was no BWC footage of the IP’s initial Classification Interview. However, when the Deputy was interviewing another IP during the booking process, I could see the IP sitting on a secondary bench with a cane in his hand (Please see below BWC Image). I had a discussion with the Deputy about the IP and asked him if he could remember him. The Deputy stated he remembered the IP vaguely but did remember that at the time the IP was being accepted into custody, he was screaming at the Intake Staff and was placed into secondary for further evaluation because he met the criteria for contraband watch. I asked the Deputy if the below individual in the image appeared to be the IP. The Deputy stated that IP appeared to look like the IP.
    - The Neutral Expert notes that the BWC image shows the IP sitting on a bench outside of the holding cells. The IP reported that the cane and wheelchair are taken away in the holding cells not taken away in general.

During the next review, the Neutral Expert will identify cases where the IP has a medical instruction for accessible housing and ask that the County produce the holding cell history (if available) or BWC of the IP’s placement into the holding cell.

#### **Recommendations:**

- Ensure IPs with mobility disabilities who require accessible accommodations, including but not limited to those who use a wheelchair in housing are provided the required accessible holding cell accommodations during the booking and intake process
- The County must ensure that sufficient accessible holding cell capacity is available
- Prioritize the movement/placement of IPs who require accessible holding cell placement into permanent housing

31. *The County shall maintain an electronic disability tracking system to identify, based on an individualized assessment, all incarcerated persons with disabilities who require accommodations and the accommodations they require.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – JIMS Live ADA Medical Instructions Reports (VDF, LCDFR, GBDF, RMDF, SDCJ, SBDF, EMRF)

**Implementation**

The Neutral Expert notes that the Disability Tracking System's structure and functionality are quite good, but some accommodations are not yet being tracked. As reported in Paragraph 28, the County maintains an electronic disability-tracking system that identifies, based on an individualized assessment, all IPs with disabilities who require accommodations, along with the specific accommodations required. Although accessible features are available for IPs, it is unknown how custody staff are made aware of the accessible features mobility-disabled IPs require, so the County can ensure IPs receive the required accommodations. Additionally, although the medical staff can evaluate the accommodations required by paragraph 38 with the questions in the ADA Functional Assessment, it is unknown if they are providing custody with the following accommodations: access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower. Medical staff may be providing this information as some IPs are housed in accessible locations; however, the Neutral Expert notes this information is not being populated in the JIMS Live Medical Instruction Report and is not aware of how custody is making the housing determinations.

Custody and Programs staff have access to ADA information in JIMS, and all housing unit staff interviewed reported that the ADA roster is printed daily so staff can be aware of disabled IPs and the associated accommodations.

The functionality of the tracking system meets the Settlement Agreement and Order; however, in some case the “Active Medical Instructions” column only states “Please see progress note and QMHP note.” This is not sufficient information for staff to know the accommodations they must provide the IP.

**Recommendations:**

- Ensure the accommodations of access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower, are included in the Disability Tracking System.
- Ensure that the “Active Medical Instructions” column includes all necessary ADA-related information gathered by health care staff, to address the issues of JIMS providing only a reference to medical record information to which custody staff does not have access (e.g., “Please see progress note and QMHP note”).

32. *The disability tracking system shall identify any barriers to communication, including but not limited to whether the person has a speech, hearing, vision, learning, intellectual, or developmental disability. The disability tracking system shall adequately identify, based on an*

*individualized assessment, the specific accommodations required to achieve effective communication with that person.*

**Compliance Rating:** Substantial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – JIMS Live ADA Medical Instructions Reports (VDF, LCDRF, GBDF, RMDF, SDCJ, SBDF, EMRF)

### **Implementation**

As reported in paragraph 28, the County maintains an electronic disability tracking system that identifies barriers to communication, including but not limited to whether the IP has a speech, hearing, vision, learning, intellectual, or developmental disability. The disability tracking system also includes the specific accommodations required to achieve effective communication with the IP.

### **Recommendations:**

Although the Neutral Expert finds the County in substantial compliance with this provision, it is essential for the County to track accurately and, based on individualized assessment, all the effective communication accommodations required in paragraphs 91-98

33. *The disability tracking system shall identify any other accommodations a person needs, including but not limited to housing, classification, transportation, health care appliances, durable medical equipment, and assistive devices. Staff shall utilize the disability tracking system as necessary to ensure timely provision of accommodations.*

**Compliance Rating:** Substantial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – JIMS Live ADA Medical Instructions Reports (VDF, LCDRF, GBDF, RMDF, SDCJ, SBDF, EMRF)

### **Implementation**

The Neutral Expert notes that the Disability Tracking System's structure and functionality are quite good. As reported in paragraph 28, the County maintains an electronic disability tracking system that identifies other accommodations IP needs, including but not limited to housing, transportation, health care appliances, durable medical equipment, and assistive devices. Although the JIMS Live ADA Medical Instructions Reports do not include the IP classification, JIMS does, and staff can access it in JIMS. Additionally, all staff interviewed were aware of how to access disability related information in JIMS.

**Recommendations:**

None

***E. Housing Assignments for People with Disabilities.***

34. *The County shall ensure that incarcerated persons with disabilities are properly placed in housing that is safe and appropriate for their disability, and consistent with their security classification and the requirements set forth in 28 C.F.R. § 35.152. Such housing must also allow for an incarcerated person’s ADA reasonable accommodations to be provided/accessible, e.g., auxiliary aids/services, effective communication as otherwise required by this ADA Settlement Agreement and Order or the 2023 ADA Order, and required adaptive supports.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** - NA

**Documents Produced/Reviewed** – Temporary Inaccessible cell due to safety risk. November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, November 2025 Wheelchair Population Average Per Day, ADS/GP – IP’s Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module, Released or No DME No Longer Needed IP’s Housed in Non-Designated Wheelchair Module, Protective Custody IP’s Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module, Wheelchair IPs Cleared for RMDF, Prior Wheelchair IPs Cleared for EMRF, Prior Wheelchair IPs Denied for EMRF

**Implementation**

Paragraph 45 of the ADA Settlement Agreement and Order states, “Within four years of the signing of this ADA Settlement Agreement and Order, the County shall ensure that every person with a mobility disability who uses a wheelchair in housing is housed in a bed that accommodates their accommodation needs and that every person with a disability is housed with access to any appropriate accessibility features related to their bed, toilet, and shower, as individually determined by health care staff.” The Neutral Expert notes that the County is still in the process of modifying facility housing features to comply with this paragraph. The Expert also notes that, based on the limited number of accessible cells and cells with accessible features, the County has made some in-cell modifications to accommodate IPs that require in-cell accessible features. The County also has a process in place to prioritize housing of IPs who require accessible housing and are housed in non-accessible cells.

However, during the IP interviews, there were complaints of lengthy periods that IPs with mobility disabilities were held in non-accessible cells, unable to use the toilet, and having to sleep on the floor on the second floor at SDCJ. The Neutral Expert notes that a few cells are identified as wheelchair accessible (Wheelchair logo painted on); however, the County must provide proof of practice that disabled IPs who require accessible cell placement in the booking cells (1st and 2nd floor at SDCJ) are being placed in accessible holding cells with

equal access to services (including videophones/VRS for incarcerated persons with hearing disabilities).

The JIMS Live ADA Medical Instructions Reports show IPs in wheelchairs who are assigned to cells that lack grab bars or are non-accessible. Additionally, the logs of IPs in non-accessible housing reflect the placement of IPs in non-accessible housing.

When interviewed, JPMU staff reported that IPs can be and at times are placed in Administrative Separation (Ad-Sep) if they are prescribed a wheelchair (full-time) and there are no accessible beds available. The County must continue to work on increasing the accessible housing capacity. IPs should not be placed in Ad-Sep solely due to their disability accommodation needs. The County must prioritize housing IPs in the most appropriate/accessible housing location possible, and avoid placing them in more restrictive settings, especially Ad-Sep housing. JPMU staff also reported that JPMU used to update the list of IPs housed in non-accessible housing daily; however, now JPMU only updates the list on Fridays. Until more accessible housing is placed online, the Neutral Expert recommends that the County reinstitute updating the list of IPs housed in non-accessible housing daily as an interim measure. Post review, the County reported that list of IPs housed in non-accessible housing is updated daily. The Neutral Expert will confirm this during the next review. JPMU staff also reported that JPMU staff assigns IPs to a Mod, unless the IP requires an accessible cell. The housing deputies then assign the IP to a tier/cell/bunk.

The Neutral Expert also recommends that the County maintain detailed daily numbers of IPs housed in non-accessible cells/bunks. This will assist the County in identifying the additional accessible cells/capacity needed. Although outside of the rating period, post review, the County produced the following reports: November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, and November 2025 Wheelchair Population Average Per Day. The Neutral Expert notes that the reports allow the County to report detailed data for the following:

- IPs Per Day
- GEN Class Level 1-3
- Gen Class Level 4+
- AD SEP (No KSA)
- AD SEP & KSA
- Protective Custody
  - P/C KSA
  - P/C SVP
  - PC AGE
  - P/C TG(F/M/X)
  - PC Mainline
- PC Class Level 1-3
- PC Class Level 4+
- JBCT
- OPSD
- PSU/WPSU
- COVID+
- SPUI
- IP Worker

- LB/LT
- SDCJ EOH
- SDCJ JBCT
- SDCJ Med

This data will assist the County in completing the Accessibility Bed Needs Assessment required by paragraph 46.

The County also produced the following reports: ADS/GP – IPs Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module, Released or No DME No Longer Needed, IP's Housed in Non-Designated Wheelchair Module, Protective Custody IP's Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module, Wheelchair IPs Cleared for RMDF, Prior Wheelchair IPs Cleared for EMRF, Prior Wheelchair IPs Denied for EMRF, and Wheelchair IPs Cleared for RMDF - RLS

The Neutral Expert requests that the County produce the data as part of the monthly data production.

During the staff interviews, the Neutral Expert noted that there is no formalized process for staff to request repair of ADA features in the housing units. There is no process in place for staff to designate a repair of an ADA asset or feature as a priority, as is the practice in other County Jails. Based on this, the Neutral Expert recommends that the County implement an ADA priority maintenance designation for work orders, as needed (e.g., grab bars, shower benches, other accessible features, etc.) and program access (e.g., elevators).

Listed below are cases where the IPs reported they were not provided with the required housing accommodations:

- IP reported he had to sleep on floor for one (1) week when placed in Ad-Sep (█).
  - County response - Night count sheets attached. IP was housed alone until 3-9-25, after that IP cellmate (XXXXX) did not require lower bunk/tier during his incarceration 3/16/25- 4/19/25. IP may have chosen to sleep on floor.
    - The Neutral Expert notes that the Floor Count Sheet (3/10/25, 3/11/25, 3/12/25, 3/13/25, 3/14/25, 3/15/25, 3/16/25, 3/17/25, 3/18/25) reflects the IP assigned to an LB with no cellmate.
- IP reported he was housed in an upper bunk for one (1) day (blind). Reported he was housed in the middle bunk for one (1) month at SDCJ.
  - County response - Upon reviewing the IPs in-custody movement history. It appears that the only time he was housed in a cell that included three bunk beds was on 08-02-2025 to 08-29-2025 at SDCJ. The movement history shows that while on the █ Floor Module █ Cell █ and █ Cell █, he was assigned to a bottom bed. IPs other housing was in VDF Upper West. Upper West does not contain any housing with triple bunks inside of the cells. Upon reviewing BWC video for 8/2/25 to 8/29/25, I could not see inside of cell █ or █. At the level the deputy had his camera on his person, every time the deputy approached the cell it was obstructed by the cell door. Also there appeared to be items (maybe envelopes) in the window obstructing the view.
    - The Neutral Expert notes that the Module Deputy assigns the IPs to their bunk. As stated by the County, the BWC video that was reviewed cannot determine if the IP was assigned to a middle bunk.

- IP reported he was placed in Ad-Sep [REDACTED] overflow for five (5) days and had to sleep on floor because he was assigned to a top bunk. The initial bunk he was assigned to that a mechanical issue with the door and he was moved. He reported staff were aware and told him “no spot” on lower bunk.

**Recommendations:**

- Continue with the Facility Alterations identified in the 2023 ADA Order
- Provide proof of practice that disabled IPs who require accessible cell placement in the booking cells ([REDACTED]) are being placed in accessible holding cells,
- Prioritize housing IPs in the most appropriate/accessible housing location possible, and avoid placing them in more restrictive settings, especially Ad-Sep housing
- Reinstigate updating the list of IPs housed in non-accessible housing daily
- Maintain detailed daily numbers of IPs housed in non-accessible cells/bunks as this will assist the County in identifying the additional accessible cells/capacity needed
- Implement an ADA priority maintenance designation for work orders, as needed (e.g., grab bars, shower benches, other accessible features, etc.) and program access (e.g., elevators)

35. *The County shall not house incarcerated persons with identified disabilities in different security classifications simply because no ADA-accessible placements are available. The County shall not place incarcerated persons with identified disabilities in medical cells or medical dorms unless the person is currently receiving medical care or treatment that necessitates housing in a medical setting. The parties acknowledge that full compliance with the previous sentence will not be achieved until completion of ADA-related construction. The County shall inform the neutral expert and copy Class Counsel on the communication when ADA-related construction is occurring, what housing units are affected, and what interim accommodations are being provided.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB R.11 Incarcerated Person Facility Assignment Criteria (November 30, 2023), DSB R.1 Incarcerated Person Classification (March 24, 2025)

**Training** - NA

**Documents Produced/Reviewed** – NA

**Implementation**

Paragraph 45 of the ADA Settlement Agreement and Order states, “Within four years of the signing of this ADA Settlement Agreement and Order, the County shall ensure that every person with a mobility disability who uses a wheelchair in housing is housed in a bed that accommodates their accommodation needs and that every person with a disability is housed with access to any appropriate accessibility features related to their bed, toilet, and shower, as individually determined by health care staff.” The Neutral Expert notes that the County is still in the process of modifying facility housing features to comply with this paragraph. The County has made some in-cell modifications to accommodate IPs that require in-cell

accessible features. The County has also drafted revisions to DSB Policy R.11 Incarcerated Person Facility Assignment Criteria with the requirements of the ADA Settlement Agreement and Order. The Neutral Expert notes that the parties acknowledge that full compliance will not be achieved until completion of ADA-related construction.

For future monitoring tours, the Neutral Expert will need the housing locations of all medical cells or medical dorms at all facilities. The Neutral Expert will randomly select a sample size of IPs and request the reason for housing placement in the medical cells/dorms. Post review, the County produced the Medical Operational Beds for GBDF, LCDRF, SDCJ and VDF.

### **Recommendations:**

- Ensure IPs with identified disabilities are housed based on their security classification
- Ensure IPs with identified disabilities are not placed in medical cells or medical dorms unless the person is currently receiving medical care or treatment that necessitates housing in a medical setting
- Finalize the revisions to DSB Policy R.11 Incarcerated Person Facility Assignment Criteria
- Continue with the Facility Alterations identified in the 2023 ADA Order.
- Continue informing the Neutral Expert when ADA-related construction is occurring, what housing units are affected, and what interim accommodations are being provided

36. *Any health-related or disability-related housing requirements shall be determined by health care staff based on individualized assessment and notated in the person's health record. Disability-related housing accommodations shall also be notated in the disability tracking system.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** - Training listed in Paragraph 14

**Documents Produced/Reviewed** – NA

### **Implementation**

Paragraphs 26 and 29 detail the process that health care staff use to assess IPs for health-related or disability-related housing requirements during and after the medical intake screening. The assessments are conducted by health care staff and are based on individualized assessments. However, during the on-site observation of the medical clearance process, the Neutral Expert noted issues in two cases observed. In one case, staff used a personal list of questions they had created and did not ask all the questions required by the medical clearance, and in the other case, staff asked the questions from memory, and not all disability-related questions were asked.

Medical staff interviewed stated that the medical determination of health-related or disability-related housing accommodations is documented in TechCare. The Neutral Expert reviewed

completed ADA Functional Assessments, Medical Screening, Receiving Screening, and Progress Notes, which are located within the IP's health record in TechCare.

As detailed in paragraph 28, disability-related housing accommodations are tracked in the disability tracking system.

**Recommendations:**

- Ensure health care staff conduct complete assessments for health-related and disability-related housing requirements during the medical intake screening
- Ensure the accommodations of access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower, are included in the Disability Tracking System.

37. *Incarcerated people who are assigned wheelchairs in housing shall in all cases be assigned to a lower tier and an accessible lower bunk. The parties acknowledge that full compliance with an accessible lower bunk will not be achieved until completion of ADA-related construction.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** - NA

**Documents Produced/Reviewed** – NA

**Implementation**

Paragraph 45 of the ADA Settlement Agreement and Order states, “Within four years of the signing of this ADA Settlement Agreement and Order, the County shall ensure that every person with a mobility disability who uses a wheelchair in housing is housed in a bed that accommodates their accommodation needs and that every person with a disability is housed with access to any appropriate accessibility features related to their bed, toilet, and shower, as individually determined by health care staff.” The Neutral Expert notes that the County is still in the process of modifying facility housing features to comply with this paragraph. The County has made some in-cell modifications to accommodate IPs that require in-cell accessible features. The Neutral Expert notes that the parties acknowledge that full compliance will not be achieved until completion of ADA-related construction.

The housing deputies who were interviewed were aware of the housing requirements for IPs who are assigned wheelchairs. JPMU staff also reported that JPMU staff assigns IPs to Mod, unless the IP requires an accessible cell. The housing deputies then assign the IP to a tier/cell/bunk.

**Recommendations:**

- Ensure IPs who are assigned wheelchairs in housing are assigned to a lower tier and an accessible lower bunk
- Continue with the Facility Alterations identified in the 2023 ADA Order

38. *No incarcerated person with a mobility disability shall be assigned to the top of a triple bunk. Health staff shall specifically evaluate an incarcerated person with an identified mobility disability to determine if they require a lower bunk and/or lower tier and whether the person can access the bottom or middle bunk of a triple bunk. In addition, health staff shall specifically evaluate such persons to determine if they require access to an accessible shower, including a fold-down shower seat, shower chair, reduced shower curb or lip, high/low shower heads, and grab bars in the shower.*
- a. The County agrees that any provided shower chair will have at least 350 pounds of weight capacity and non-slip feet.*
  - b. The County agrees that ADA Showers will comply with 2010 ADA Standards and California Building Code, including high/low shower heads with horizontal and vertical swivel adjustments, as long as the shower heads also meet BSCC anti-ligature requirements.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.29 Disabled Incarcerated Persons (May 29, 2024), DSB Policy I.22 Lower Tier / Lower. Bunk Assignment (May 29, 2024)

**Training** – Trainings listed in Paragraph 14

**Documents Produced/Reviewed** – JIMS Archived Medical Instruction Reports for January to September 2025

### **Implementation**

Paragraphs 26 and 29 detail the process that medical staff use to assess IPs for health-related or disability-related housing requirements during and after the medical intake screening. The assessments are conducted by health care staff and are based on individualized assessments. However, during the on-site observation of the medical clearance process, the Neutral Expert noted issues in two cases observed. In one case, staff used a personal list of questions they had created and did not ask all the questions required by the medical clearance, and in the other case, staff asked the questions from memory, and not all disability-related questions were asked.

Health care staff interviewed stated that the medical determination of health-related or disability-related housing accommodations is documented in TechCare. The Neutral Expert reviewed completed ADA Functional Assessments, Medical Screening, Receiving Screening, and Progress Notes, which are located within the IP's health record in TechCare.

DSB Policy I.22 Lower Tier / Lower. Bunk Assignment states, "If the health staff requirement for a lower bunk and/or lower tier housing restriction is established during the intake process, Jail Population Management Unit (JPMU) deputies will notate such housing restriction on the incarcerated person's face card. If the restriction is determined after the incarcerated person has been housed, health staff will notify the housing deputies of the restriction. Housing deputies will be responsible for assigning these incarcerated persons in the Jail Information Management System (JIMS) to either a lower bunk ("LOWER BUNK"), lower tier ("LOWER TIER") or a lower bunk on the lower tier ("LOWER BUNK/LOWER TIER"). Note: A middle bunk in a triple bunk does not qualify as a bottom bunk. Incarcerated persons with the lower bunk and lower tier medical instructions will only be housed on bottom bunks. Incarcerated

persons with only lower tier instructions may be housed on the bottom/middle of a triple bunk or the bottom/top of a double bunk. No person with a mobility disability using a wheelchair will be assigned to any bed in a triple bunk. No person with a mobility disability will be assigned to the top bed of a triple bunk." The policy also states, "Medical instructions for "ADA MOBILITY" and "ORTHOPEdic DEVICE – WHEELCHAIR" have additional housing requirements, as follows:

1. Incarcerated persons with the "ADA MOBILITY" medical instruction shall not be assigned to the top bed of a triple bunk.
2. Incarcerated persons with the "ORTHOPEdic DEVICE – WHEELCHAIR" medical instruction shall be assigned a bottom bunk on the lower tier and cannot be assigned to any bed in a triple bunk. They shall be housed in ADA accessible housing.
3. Incarcerated persons with "INTERMITTENT WHEELCHAIR" medical instruction or other mobility disabilities shall be individually assessed for accessible housing accommodation needs. With the exception that incarcerated persons with the "ADA MOBILITY" and "INTERMITTENT WHEELCHAIR" medical instruction shall not be assigned to any bed in a triple bunk.
  - a. People with mobility disabilities will be assigned to accessible housing based on their accessibility needs, which may include accessible beds, grab bars, clearance space, and low bunk or low tier.
  - b. People with mobility disabilities will be provided accessible toileting based on their accessibility needs, which if appropriate shall have 2010 ADAS-compliant grab bars and other features.
  - c. People with mobility disabilities will be provided accessible showers based on their accessibility needs which, if appropriate, shall have 2010 ADAS-compliant grab bars and shower chairs.

The Neutral Expert notes that the JIMS Live ADA Medical Instructions Report produced during the on-site review identifies the following ADA housing restrictions:

- Lower Bunk
- Lower Bunk and Tier
- No Top Triple Bunk

The JIMS Live ADA Medical Instructions Report also identifies the following Housing Accessibility Features in the assigned cell and/or that the IP has access to:

- Non-compliant shower grab bars
- Non-compliant shower without step
- Wheelchair Accessible
- ADA Compliant Shower
- ADA Compliant Shower Grab Bars
- ADA Wheelchair Compliant
- Non-compliant toilet grab bars
- ADA Compliant Bed
- ADA Compliant Toilet
- ADA Compliant Sink
- ADA Compliant Dayroom Tables
- ADA Compliant Mirror
- ADA Compliant Dayroom Boxes

- ADA Compliant Telephone and Videophone

JPMU staff also reported that JPMU staff assigns IPs to a Mod, unless the IP requires an accessible cell. The housing deputies then assign the IP to a tier/cell/bunk. The housing deputies who were interviewed were aware of the housing requirements for mobility disabled IPs. They reported that if they attempt to house a disabled IP with a lower bunk/lower tier medical instruction, they receive an alert in JIMS, and they are not allowed to complete the housing.

As detailed in paragraph 14, based on staff using a personal list of questions they had created and did not asking all questions required by the medical clearance and staff asking the questions from memory and not asking all of the disability related questions, it is possible that disability related housing accommodations are not being identified and therefore, custody staff are not being made aware of the existence of the housing and shower accommodations the IP needs and is required to be provided.

The Neutral Expert noted that the shower chairs used by the County in the housing unit showers have at least 350 pounds of weight capacity and non-slip feet. However, as reported in paragraph 77, during the IP interviews, there were some complaints that, at times, shower chairs are not available in the housing units.

The Neutral Expert notes that the County is using non-compliant shower accommodations pending the physical plant modifications. However, once the physical plant modifications are completed, the Neutral Expert will confirm that the ADA Showers comply with 2010 ADA Standards and California Building Code, including high/low shower heads with horizontal and vertical swivel adjustments, as long as the shower heads also meet BSCC anti-ligature requirements.

Listed below are cases where the IPs reported they were assigned to the top of a triple bunk:

- IP reported that in June/July 2025, he was housed on the top of a triple bunk at GBDF.
  - County response - No record of triple bunk (see attached JIMS history record).
    - The Neutral Expert notes the IPs Inmate History Report only reflects the bed assignment of "Bed B."

### **Recommendations:**

- Ensure medical staff ask all questions in the TechCare portion of the medical intake screening to identify mobility disabilities and the associated housing and shower accommodations
  - Ensure shower chairs are available in the housing units in modules where mobility disabled IPs are housed
39. *Sworn staff shall document incidents where disability-related housing accessibility accommodations cannot be provided, and shall promptly notify an appropriate supervisor about the issue. The Sheriff's Office shall expeditiously move people who are inappropriately housed in an inaccessible placement to an accessible placement. The ADA Unit shall conduct a quality assurance audit process to assess whether incarcerated persons with documented reasonable accommodations are appropriately housed. The ADA Unit shall*

*assess, as part of the audit process, whether additional training and/or policy changes are necessary.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.29 Disabled Incarcerated Persons (May 29, 2024), DSB Policy I.22 Lower Tier / Lower. Bunk Assignment (May 29, 2024)

**Training** – Trainings listed in Paragraph 14

**Documents Produced/Reviewed** – Inaccessible ADA Housing Excel Spreadsheet, Temp Inaccessible WC Housing Reports January 2025 to September 2025, Emails (79) from ADA Unit to JPMU requesting IP rehousing to ADA Accessible Housing

### **Implementation**

DSB Policy I.22 Lower Tier / Lower. Bunk Assignment states, “If sworn staff is unable to accommodate disability related housing requirements, sworn staff shall confer with JPMU and health staff to determine appropriate housing options. Incidents where disability related housing accessibility accommodations cannot be provided shall be documented in a JIMS Incident Report with the type code: "ADA – Americans with Disabilities Act." The individual will be provided accessible housing as soon as it becomes available for the individual. While the ADA housing renovations are in process, accessible housing will be provided as available. A single bunk or a bottom bunk of a double shall be provided to all incarcerated persons with wheelchairs or with a mobility disability that medical staff determines require lower bunk/lower tier placement. Portable shower chairs will be provided as an interim solution if an ADA-compliant shower is not available.”

Housing staff reported that in the event an IP required accessible housing and the accessible housing was not available, they would contact JPMU and the ADA Unit.

The County produced an Inaccessible ADA Housing Excel Spreadsheet that reflects that, as of October 1, 2025, 28 IPs who require accessible housing are housed in inaccessible cells/beds.

- General Population - 17
- Ad-Sep - 4
- Protective Custody - 5

The ADA Housing Excel Spreadsheet reflects that some IPs that require accessible housing have been housed in non-accessible cells/beds since 2024:

- 4/3/24 – 2
- 11/5/24 – 1
- 9/22/24 – 1

The ADA Housing Excel Spreadsheet shows that, in most cases, staff completed an Inmate Status Report (ISR) and promptly notified a supervisor of the date of placement in an inaccessible cell/bed, as required by this paragraph. However, in the following cases, the ISR/notifications were not completed promptly:

Date Placed in no accessible cell/bed	Date ISR completed
4/23/24	8/20/25
4/23/25	8/20/25
2/18/25	3/5/25
7/29/25	8/13/25
8/23/25	8/27/25
9/19/25	9/24/25
9/22/24	9/26/24

The Neutral Expert also notes that in six (6) cases, the IP refused an ADA-compliant cell/bed.

The County did not produce the completed ISR or historical cases for the Neutral Expert to identify the number of days the IP was housed in a non-assessable cell/bed. The County produced 79 emails from the ADA Sergeant to JPMU staff requesting that IPs be moved to ADA-compliant cells/beds.

The Temp Inaccessible WC Housing Reports January 2025 to September 2025, and Emails (79) from the ADA Unit to JPMU reflect that the ADA staff requested that 151 IPs be rehoused to ADA Accessible and/or Low Bunk/Low Tier Housing. However, the County did not produce information regarding when the IPs were rehoused. Although the documentation produced reflects that the ADA Unit is conducting quality assurance audits to assess whether IPs with documented reasonable accommodations are appropriately housed, the County did not produce documentation/proof-of-practice that the ADA Unit is assessing whether additional training and/or policy changes are necessary.

Housing staff and JPMU staff interviewed reported that in cases where an IP with disability-related housing accessibility accommodations cannot be accommodated, staff completed an ADA ISR.

**Recommendations:**

- Produce completed ISRs where disability-related housing accessibility accommodations could not be provided, which reflect the notification to a supervisor about the issue.
- Maintain and produce data/information on when the IP was placed in non-accessible housing and when the IP was rehoused to accessible housing
- Ensure IPs are expeditiously moved when they are inappropriately housed in inaccessible housing.
- As part of the ADA Unit quality assurance audit process to assess whether incarcerated persons with documented reasonable accommodations are appropriately housed, assess whether additional training and/or policy changes are necessary.

40. *The Sheriff's Office shall conduct a check during night hard count to ensure that incarcerated persons with mobility disabilities are occupying their assigned beds in accordance with Detentions Services Bureau Policy I.43.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy I.43 Count Procedures (June 18, 2025)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – NA

### **Implementation**

Although the County reported this paragraph is not ready for review, DSB Policy I.43 Count Procedures states, “During night hard count, sworn staff shall:

- a) Verify each incarcerated person occupies the bed/bunk they are assigned to in JIMS.
- b) Ensure each incarcerated person with mobility disabilities is occupying their assigned bed/bunk.
- c) Immediately address any incarcerated persons with mobility disabilities found sleeping on the floor. Staff shall verify the incarcerated persons bed assignment and confirm that the incarcerated person is aware of their assigned bed/bunk.
- d) Discrepancies shall be resolved immediately after the conclusion of the hard count.
- e) Verify count numbers for each unit/module utilizing the Facility Count in JIMS.

In review of the Training Bulletins produced by the County, the Neutral Expert notes that the trainings do not include detailed guidance for staff on the requirements for staff to conduct a check during night hard count to ensure that IPs with mobility disabilities are occupying their assigned beds in accordance with DSB Policy I.43.

Housing staff interviewed reported that they conduct a check during the night hard count to ensure that IPs with mobility disabilities are occupying their assigned beds. They also reported that they would inform the IP of their assigned bed, and one (1) staff member reported they would complete an ISR.

Listed below are cases where the IPs reported they were assigned to the top of a triple bunk:

- IP reported he slept on the floor one (1) week ago for three (3) days (COs would not say anything).
  - County response - Upon reviewing the IP's' in-custody movement history. It appears he has been assigned to GBDF House █ Module █ Bed █ since 11-14-2025. Upon reviewing the BWC video for the week between 2200-0000 hours, I did not see anyone sleeping on the floor in House █ Quad █. When deputies walked by bunk 45 inside of the quad all of the IPs assigned to the triple bunk were in their beds. As deputies walked by all of the bunks, there were no IPs lying down on the floor during any of the BWC I reviewed. However, during one walk there was an IP sitting by the quad door reading a book. It was not the IP.
    - The Neutral Expert notes the IP's Inmate Summary Report reflects he was housed in Fac █ area █ HU █ Cell █ Bed █ since 11/14/25.

**Recommendations:**

- Develop training on the requirements for staff to conduct a check during night hard count to ensure that IPs with mobility disabilities are occupying their assigned beds in accordance with DSB Policy I.43
- Once the training is developed, ensure that staff are trained

41. *The Sheriff's Office shall train sworn staff to address incarcerated persons with mobility disabilities who are found sleeping on the floor, and confirm that they have an assigned bed and are aware of their assignment.*

**Compliance Rating:** Non-Compliance

**Policies** – DSB Policy I.43 Count Procedures (June 18, 2025)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – NA

**Implementation**

See details in Paragraph 40 above

**Recommendations:**

- Develop training on the requirements for staff to conduct a check during night hard count to ensure that IPs with mobility disabilities are occupying their assigned beds in accordance with DSB Policy I.43
- Once the training is developed, ensure that staff are trained

42. *At each facility, during ADA-related construction at the facilities as described below, the County shall maintain interim measures to ensure that incarcerated persons with mobility disabilities are accommodated to the greatest extent possible during the booking and intake process, and to the greatest extent possible placed in safe and accessible housing locations throughout the process.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** –

**Implementation**

DSB I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment states, "If sworn staff is unable to accommodate disability related housing requirements, sworn staff shall confer with JPMU and health staff to determine appropriate housing options. Incidents where disability

related housing accessibility accommodations cannot be provided shall be documented in a JIMS Incident Report with the type code: "ADA – Americans with Disabilities Act." The individual will be provided accessible housing as soon as it becomes available for the individual. While the ADA housing renovations are in process, accessible housing will be provided as available. A single bunk or a bottom bunk of a double shall be provided to all incarcerated persons with wheelchairs or with a mobility disability that medical staff determines require lower bunk/lower tier placement. Portable shower chairs will be provided as an interim solution if an ADA compliant shower is not available."

Staff interviewed stated that disabled IPs are provided housing accommodations when identified by medical staff. However, in cases where the identified housing accommodations are not available, the County provides interim accommodations such as placement in a cell with in-cell ADA assets and features that have been installed (grab bars in ADA non-compliant cells) and provision of a shower chair in lieu of a ADA-compliant shower bench as interim accommodations.

During the IP interviews, there were reports that IPs with mobility disabilities are held on the second floor of SDCJ (secondary holding cells) for three (3) to five (5) days. IPs also reported that they are placed in non-accessible holding cells, and they have a difficult time using the toilet, have to lay/sleep on the floor, and have to sleep in their wheelchair.

#### **Recommendations:**

- Prioritize the movement/placement of IPs who require accessible holding cell placement into permanent housing
- Develop a process to show proof of practice for placement of IPs who require accessible housing in accessible booking cells at the SDCJ
- Continue to provide interim accommodations to ensure that IPs with mobility disabilities are accommodated to the greatest extent possible during the booking and intake process, and to the greatest extent possible, placed in safe and accessible housing locations throughout the process.

45. *Within four years of the signing of this ADA Settlement Agreement and Order, the County shall ensure that every person with a mobility disability who uses a wheelchair in housing is housed in a bed that accommodates their accommodation needs and that every person with a disability is housed with access to any appropriate accessibility features related to their bed, toilet, and shower, as individually determined by health care staff. A person's disability-related housing accommodation needs shall be documented in their health record and the disability tracking system.*

**Compliance Rating:** Unratable

**Policies** – N/A

**Training** – N/A

**Documents Produced/Reviewed** – November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, November 2025 Wheelchair Population Average Per Day, ADS/GP – IP's Issued a Wheelchair Currently Housed in a Non-Designated

Wheelchair Module, Released or No DME No Longer Needed IP's Housed in Non-Designated Wheelchair Module, and Protective Custody IP's Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module

### **Implementation**

The Neutral Expert notes that compliance with this paragraph is required within (4) years of the signing of the ADA Settlement Agreement and Order. As detailed in paragraph 34, although outside the rating period, post-review, the County produced the following reports: November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, and November 2025 Wheelchair Population Average Per Day. The Neutral Expert notes that the reports allow the County to report detailed data for the number of IPs assigned a full-time wheelchair by classification, including General Population (Levels 1-3 and 4+), AD SEP, Protective Custody (KSA, SVP, AGE, TG/F/M/X), PC Level 1-3, PC Level 4+, JBCT, OPSD, PSU/WPSU, COVID+, SPIU, IP Worker, LB/LT, SDCJ EOH, SDCJ JBCT, and SDCJ Med.

This data will assist the County in completing the Accessibility Bed Needs Assessment required by paragraph 46.

### **Recommendations:**

- Continue with the Facility Alterations identified in the 2023 ADA Order

46. *Within 18 months of this Order, the County will complete a comprehensive assessment of the accessible housing needs of the disability subclass member population (the "Accessibility Bed Needs Assessment") in consultation with both neutral experts, as appropriate. The Accessibility Bed Needs Assessment will be informed by relevant jail population data regarding incarcerated people with a disability requiring housing accessibility accommodation needs and if the assessment determines that additional housing or other measures are necessary, it will include identification of the additional construction or other measures that will occur and a reasonable timeline for implementation. The Accessibility Bed Needs Assessment will consider population data based on sex and classification levels, including at a minimum security level and health/mental health care housing needs. The neutral experts will review and approve the Accessibility Bed Needs Assessment.*

**Compliance Rating:** Unratable

**Policies** – N/A

**Training** – N/A

**Documents Produced/Reviewed** – November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, November 2025 Wheelchair Population Average Per Day, ADS/GP – IP's Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module, Released or No DME No Longer Needed IP's Housed in Non-Designated Wheelchair Module, and Protective Custody IP's Issued a Wheelchair Currently Housed in a Non-Designated Wheelchair Module

## Implementation

The Neutral Expert notes that compliance with this paragraph is required within 18 months of the signing of the ADA Settlement Agreement and Order. As detailed in paragraphs 34 and 45, although outside the rating period, post-review, the County produced the following reports: November 2025 Walker Population Average Per Day, November 2025 Intermittent Wheelchair Population Average Per Day, November 2025 All Other Mobility Population Average Per Day, and November 2025 Wheelchair Population Average Per Day. The Neutral Expert notes that the reports allow the County to report detailed data for the number of IPs assigned a full-time wheelchair by classification, including General Population (Levels 1-3 and 4+), AD SEP, Protective Custody (KSA, SVP, AGE, TG/F/M/X), PC Level 1-3, PC Level 4+, JBCT, OPSD, PSU/WPSU, COVID+, SPIU, IP Worker, LB/LT, SDCJ EOH, SDCJ JBCT, and SDCJ Med.

This data will assist the County in completing the Accessibility Bed Needs Assessment required by this paragraph.

### Recommendations:

- Continue collecting data on the number of IPs that require housing accessibility accommodations
- Finalize the Accessibility Bed Needs Assessment in consultation with the Neutral Experts by February 4, 2027

## H. Program Access

76. *The County shall ensure that no qualified incarcerated person with a disability, who meets all essential eligibility requirements, shall be excluded from participation in or denied the benefits of any in-custody program, service, or activity based upon their disability. The County shall provide the reasonable accommodations needed for incarcerated persons with an identified disability to have an equal opportunity to participate in and benefit from the County's programs, services, and activities.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.39 Incarcerated Persons With Disabilities (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), and DSB Policy S.1 Supervision and Assignment of Incarcerated Workers (December 30, 2024)

**Training** - Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – San Diego County Sheriff's Office Detention Services Bureau Reentry Services Division Programs and Support Services, Jan 2025 to August 2025, ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

## Implementation

DSB Policy M.39 requires the Sheriff's Department to provide the reasonable accommodations needed for qualified incarcerated persons with a disability to have an equal opportunity to participate in and benefit from in custody programs, services, or activities,

unless the accommodation would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation. The policy states, "Accommodations shall be provided to ensure incarcerated persons with disabilities have equal access to participate in and benefit from in-custody programs, services, and activities. Staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity to incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level. This includes but is not limited to visitation, dayroom and recreation, transportation, communication systems (e.g., forms, telecommunications, etc.), and structured programming, including vocational and work positions."

DSB Policy P.11 states, "Effective communication is the responsibility of all staff working within the detention facilities when interacting with the incarcerated population. Staff shall provide reasonable accommodations, including auxiliary aids and services, when needed for effective communication to ensure that incarcerated persons with disabilities can participate as equally and fully as possible in jail programs, services, and activities for which they are otherwise qualified. Staff shall use the incarcerated person's documented preferred method of communication for all due process events, health care encounters, and structured programming, unless the preferred method would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation."

DSB Policy S.1 Supervision and Assignment of Incarcerated Workers states, "The Sheriff's Office shall provide the reasonable accommodations needed for qualified incarcerated persons with disabilities to have an equal opportunity to participate in and benefit from in-custody programs, services, or activities, including vocational and work positions."

The Training Bulletins produced by the County include information on the requirement for the County and staff to provide accommodations so that IPs can have an equal opportunity to participate in and benefit from the County's programs, services, and activities. Although the County produced Training Bulletins regarding the requirements of this provision, the County did not provide the Neutral Expert training records for the Neutral Expert to confirm that staff have been trained.

Although the County provided the Neutral Expert with information regarding the County's programs and providing access to disabled IPs to programs, more information about the disabled IPs assigned to specific programs is needed so the Neutral Expert can compare the percentage of IPs with disabilities participating in the specific programs.

The County produced the San Diego County Sheriff's Office Detention Services Bureau Reentry Services Division Programs and Support Services provided/available to IPs housed in the San Diego County Jails. This includes:

- Education
  - Book Club (Peer-led) - SDSO
  - College Courses - Community College Southwestern/Grossmont/Palomar (EMRF, LCDRF, VDF)
  - Computer Literacy - Grossmont Adult Education
  - High School Equivalency (HSE) - Grossmont Adult Education
  - Job Center - Workforce Partnership (EMRF, LCDRF)

- Pathway to Home - PATH
- Science, Technology, Engineering, Mathematics (STEM) Program - UCSD (EMRF, LCDRF)
- Career Technical Education
  - Bakery - Grossmont Adult Education (EMRF)
  - Bicycle Program - SDSO (EMRF)
  - Commercial Laundry - Grossmont Adult Education (EMRF, LCDRF)
  - Construction Trades - Grossmont Adult Education (EMRF)
  - Culinary Arts - Restaurant Management - Grossmont Adult Education (EMRF, LCDRF)
  - Food Handler's - Grossmont Adult Education (EMRF)
  - Healthcare Services Assistant Training (HSAT) - Grossmont Adult Education (EMRF, GBDF, SDCJ, RMDF, SBDF)
  - Industrial Sewing Program - Grossmont Adult Education (LCDRF)
  - Landscaping and Horticulture Program - Grossmont Adult Education (EMRF, LCDRF)
  - Screen Print - Grossmont Adult Education (LCDRF)
- Psychological
  - 12 Step Meetings - NA/AA
  - Anger Management Healthy Relationships of CA
  - Anti-Theft - Healthy Relationships of CA
  - Art of Inclusive Communication - National Conflict Resolution Center
  - Celebrate Recovery - Celebrate Recovery
  - Communications - SDSU School of Communications
  - Father 2 Child - Mental Health of America
  - Getting Healthy - Healthy Relationships of CA
  - Getting Motivated to Change - SDSO
  - Healthy Relationships - Healthy Relationships of CA
  - Interactive Journals - SDSO
  - Mental Health First Aid - Mental Health of America
  - Parenting - Healthy Relationships of CA
  - Practical Life Skills - Mental Health of America
  - Relapse Prevention - SDSO
  - Restorative Justice Foundations - National Conflict Resolution Center
  - The Bystander Challenge - National Conflict Resolution Center
  - The Family Connection - National Conflict Resolution Center
  - Thinking for a Change - SDSO
  - Understanding and Reducing Angry Feelings – SDSO
  - Unlock Your Thoughts, Open Your Mind - SDSO
- Wellness
  - Old Globe - The Old Globe Theater
  - Playwrights Project - Playwrights Project
  - Poetic Justice - Poetic Justice
  - Prison Yoga Project - Prison Yoga Project
  - Religious Services - Various Faith-Based Volunteers
  - Toastmasters - Toastmasters

- Supportive Services
  - Birth Certificate Program - SD County Assessor Recorder County Clerk
  - Child Support Services - SD County Department of Child Support Services
  - Child and Family Wellbeing Services - SD County HHS Child and Family Wellbeing (LCDRF)
  - DMV ID Program – DMV
  - Know Your Rights - SD County Office of Labor Standards and Enforcement
  - Medi-Cal Enrollment Assistance - Family Health Centers of San Diego
  - Raising a Reader - SD County Santee County Library
  - Reading Legacies - Reading Legacies
  - Reentry Class - SDSO
  - Reentry Planning - SDSO
  - Veteran Mentoring - American Combat Veterans of War
  - Veteran's Outreach - US DOJ Veterans Affairs of San Diego
  
- Gender Responsive Trauma Informed (LCDRF)
  - Book Club – Freedom Through Words - National Association of Women Judges
  - A Woman's Way - SDSO
  - Healing Trauma - SDSO
  - Ending the Game - North County Lifeline/ Freedom from Exploitation
  - Every Woman Counts - California Health Collaborative
  - Planned Parenthood - Planned Parenthood
  - Women's Health - University of California San Diego

Staff interviewed stated that disabled IPs who meet all essential eligibility requirements are not excluded from participation in or denied the benefits of any in-custody program, service, or activity.

The County reported that the following Special Program Units are the Veteran's Moving Forward (VMF) at VDF [REDACTED], the Medication-Assisted Treatment Module (MAT) at VDF [REDACTED] and the Incentive-Based Housing (IBH) at EMRF [REDACTED]. These three special programs are located in facilities that do not house full-time wheelchair users. The County also reported that RSD does not track participant disabilities in the case management system and that all ADA accommodations provided are documented in JIMS, under ADAC (counselor contact) and or ADAE (effective communication).

The County reported that the Reentry Services Division's (RSD) case management system does not have the capability to indicate any disabilities or accommodation needs that participants in work, education, or career technical education may have. All ADA accommodations that are provided by the Reentry Services Division are documented in JIMS, under ADAC and or ADAE. The Programs staff reported that all ADA needs for IPs participating in programs facilitated by outside providers must be “self-reported” by the IP to the outside providers. Program staff are using the Offender360 case management system, which has no ADA information and does not communicate with JIMS or TechCare. The County is working on a new system.

The Neutral Expert reviewed the ADAE and ADAC Excel spreadsheets produced by the County and found three (3) entries that relate to the provision of accommodations by Programs staff. They include:

- Jan 2025 – One (1) entry, “Lionbridge app used to translate between pro staff and IP.”

- Feb 2025 – Two (2) entries “Lionbridge app used to translate between pro staff and IP.”

The ADAC spreadsheet includes 685 entries that reflect Programs Counselors met with the IP and does not include entries where Programs staff provided accommodations during IPs’ participation in programming.

In addition, as detailed in paragraph 91, the Neutral Expert notes that in most of the cases, staff did not document the type of encounter for which the provision of effective communication accommodations (VRI) was intended. The Neutral Expert cannot assess the provision of effective communication for encounters where staff did not use auxiliary aids.

In paragraphs 77 and 78 the Neutral Expert will detail the County’s requirements to provide accommodations and ensure IP are equal opportunities to participate in dayroom, out-of-cell time, outdoor recreation and exercise equipment, showers, telephones, videophones, television, tablets (when available), reading materials, library, writing materials, religious services, substance use programs, reentry services, clinical services, family and public visiting, attorney visiting, educational, vocational and work opportunities.

**Recommendations:**

- Ensure that qualified incarcerated persons with a disability who meet all essential eligibility requirements are not excluded from participation in or denied the benefits of any in-custody program, service, or activity based upon their disability.
- Ensure staff provide the IPs identified with reasonable accommodations to allow IPs with disabilities an equal opportunity to participate in and benefit from the County’s programs, services, and activities.
- Provide the Neutral Expert proof-of-practice when staff provide the accommodations

77. *The programs, services, and activities at the facilities, which must be provided on an equivalent basis to incarcerated persons with identified disabilities to the extent they meet all essential eligibility requirements, include dayroom, out-of-cell time, outdoor recreation and exercise equipment, showers, telephones, videophones, television, tablets (when available), reading materials, library, writing materials, religious services, substance use programs, reentry services, clinical services, family and public visiting, and attorney visiting.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.39 Incarcerated Persons With Disabilities (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024) and Policy DSB Policy S.1 Supervision and Assignment of Incarcerated Workers (December 30, 2024), DSB Policy P.2 Telephone Access (May 29, 2024), DSB Policy I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment (May 29, 2024)

**Training** - Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – San Diego County Sheriff’s Office Detention Services Bureau Reentry Services Division Programs and Support Services, Jan 2025 to August 2025, ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

## **Implementation**

As detailed in paragraph 76, the County requires the Sheriff's Department to provide the reasonable accommodations needed for qualified incarcerated persons with a disability to have an equal opportunity to participate in and benefit from in custody programs, services, or activities, unless the accommodation would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation.

DSB Policy P.11 states, "During scheduled dayroom hours, incarcerated persons with communication-related disabilities shall be provided an equal opportunity to participate in and benefit from programs, services, and activities available to other incarcerated persons without disabilities for which they are otherwise qualified (e.g., telephone, television, reading material, etc.)."

The Neutral Expert assessed the County's compliance with the provision of equivalent access for disabled IPs with the following programs:

### **Dayroom/ Out-of-Cell Time**

During the IP interviews, the IPs housed in celled housing reported that they are provided with 30 minutes a day to 3-4 hours a day of day room.

### **Outdoor Recreation and Exercise Equipment**

DSB Policy M.39 Incarcerated Persons with Disabilities states, "Sheriff's Correctional Counselors shall meet with incarcerated persons with newly assigned JIMS Medical Instructions for ADA Vision, ADA Hearing, and/or ADA Cognitive/Learning, in order to provide information on how to access or request accommodations for in-custody personal recreation and structured programming managed by DSB's Re-Entry Services Division. Accommodations are available in compliance with DSB P&P Section P.11."

During the IP interviews, the IPs reported that the provision of outdoor recreation time is inconsistent, with some reporting the following:

- No recreation provided for 2 months
- One (1) time only since arrival (three weeks)
- Allowed access to the yard for haircuts only
- Nine (9) reported that they are not provided any yard time.
- Four (4) reported they are provided yard one (1) time a week

The Neutral Expert could not confirm these claims.

The Neutral Expert noted that outdoor recreation areas are accessible (and/or the County provides access to the recreation areas), and that accessible exercise equipment is available in recreation yards that have conventional exercise equipment. However, during the IP interviews, there were some complaints that at times, chairs are not available for mobility disabled IPs.

## **Showers**

DSB Policy I.22 Lower Bunk/Lower Tier and Medical Instruction Assignment states, “ People with mobility disabilities will be provided accessible showers based on their accessibility needs which, if appropriate, shall have 2010 ADAS-compliant grab bars and shower chairs.”

The Neutral Expert noted that the County has shower chairs as required by paragraph 38. However, during the IP interviews, there were some complaints that, at times, shower chairs are not available in the housing units, are broken, and they must ask the Deputies for them. Two (2) IPs reported they need grab bars in the shower.

## **Telephones/Videophones**

DSB Policy P.2 states, “Telephones will be located in areas accessible to incarcerated persons during dayroom or recreation time when they are allowed outside of their assigned cells or dorm living units. Telephone calls will be at no cost in accordance with County of San Diego Policy.” DSB Policy P.11 states, “All facilities shall be equipped with devices designated for Video Relay Service (VRS) communication. VRS shall be made available to incarcerated persons who use sign language to communicate with voice telephone users through video equipment, rather than through type text, or with other persons who use sign language to communicate via point-to-point video services. All facilities shall have phones for incarcerated persons, including the social visiting phones, equipped with adaptive feedback cancellation and amplification. All facilities shall be equipped with screen-equipped telephones that can enable Captioned Telephone Services (CTS) for incarcerated persons with communication disabilities who prefer to read spoken communications. All facilities shall be equipped with a Telecommunications Device for the Deaf (TDD) (e.g., Teletypewriter (TTY)), which shall be made available to incarcerated persons who need accommodations for communication-related disabilities, to send typed text over telephone lines. Telecommunication Relay Services (TRS) shall be available for incarcerated persons with communication disabilities whenever use of a telephone would be used by an incarcerated person without a communication disability. (Refer to DSB P&P Section P.2) If a TRS device (e.g., TDD/TTY, CTS, or VRS) is not readily available in the incarcerated person's assigned housing module or holding area, staff shall honor requests to utilize the device in a timely manner, as subject to their assigned dayroom schedule, or as permitted during the intake process. Such persons shall have at least the same amount of time to access the device as compared to similarly situated non-disabled individuals are afforded for regular telephone usage. Staff shall, whenever reasonably possible, provide individuals additional time for calls using a TRS device, to account for the fact that signed and typed conversations take longer than spoken conversations.”

During the IP interviews, there were no complaints regarding access to telecommunication devices. However, one (1) IP reported he needed access to a phone amplifier.

## **Television**

DSB Policy P.11 states, “The Closed Captioning (CC) feature on televisions shall be turned on where an incarcerated person with an "ADA Hearing" Medical Instruction is located. If the CC feature is not functional, and cannot be fixed within a reasonable time, staff shall confer with JPMU to find an appropriate housing or holding area for incarcerated persons with "ADA Hearing" Medical Instructions that use CC.”

During the IP interviews, there were no complaints regarding access to telecommunication devices.

### **Tablets (when available)**

The Neutral Expert notes that Tablets are currently only available at EMRF. During the IP interviews, there were no complaints regarding equal access to the Tablets.

### **Reading Material/Library**

DSB Policy P.11. states, “During scheduled dayroom hours, incarcerated persons with communication related disabilities shall be provided an equal opportunity to participate in and benefit from programs, services, and activities available to other incarcerated persons without disabilities for which they are otherwise qualified (e.g., telephone, television, reading material, etc.)”

The County reported that books are received by the County through donations. The Neutral Expert toured the libraries at the LCRDF and EMRF and noted that there is currently no section of easy reading and large books. During the IP interviews, IPs with learning, intellectual, and developmental disabilities reported that they are not provided with easy reading books. Although the County provides access to audio books, an IP with a vision disability reported that during his last incarceration, he was provided audio books; however, during this incarceration, he has not been offered/provided the audio books. The County reported that magnifiers are provided for IPs who require accommodations for large print reading material.

During the IP interviews, the IPs reported that the rotation of recreational reading equipment is inconsistent and there is not a large selection of reading material. One IP who requires audio books as an accommodation reported that during his last incarceration the County provided him with audio books. However, while incarcerated, they have not offered him the audiobooks. The County should proactively provide the audiobooks to IPs who require the accommodation.

### **Writing materials**

DSB Policy P.11 states, “Scribes or writing assistance shall be provided by staff to complete necessary forms or written complaints, grievances, etc. in cases where the incarcerated person requires such accommodation to access such jail procedures.” The policy also states, “Requests for reading and writing assistance shall be honored by staff in a reasonable time and in such a manner that does not impede jail operations.”

Paragraph 88 details the process the County has in place to identify IPs that require accommodations for reading and writing assistance. Staff interviewed reported that they would assist IPs in completing forms (writing assistance); however, during the IP interviews, the five (5) IPs with cognitive/intellectual/learning disabilities interviewed reported that staff do not offer assistance in reading and writing and completing forms. For IPs that have accommodations for reading and writing assistance, staff must periodically ask if they need assistance, and in cases where assistance is provided, document and provide the Neutral Expert with proof-of-practice that staff is providing writing assistance.

### **Religious Services/Substance Use Programs/Reentry Services**

In DSB Policy P.11 Effective Communication, the County refers to Structured Programming as in-custody and reentry programs and services that are managed by the Sheriff's Department Reentry Services Division (RSD) (e.g., education, self-help, AA/NA, vocational, work positions, or religious programs, services, or activities). This includes communications between incarcerated workers and their supervisors that are outside the general day-to-day communication (e.g., training, performance evaluations, discipline). The policy also states, "Staff shall communicate with incarcerated persons with communication-related disabilities using their preferred means of communication for all due process events, health care encounters, and structured programming, unless the preferred method would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation."

DSB Policy M.39 Incarcerated Persons with Disabilities states, "Sheriff's Correctional Counselors shall meet with incarcerated persons with newly assigned JIMS Medical Instructions for ADA Vision, ADA Hearing, and/or ADA Cognitive/Learning, in order to provide information on how to access or request accommodations for in-custody personal recreation and structured programming managed by DSB's Re-Entry Services Division. Accommodations are available in compliance with DSB P&P Section P.11."

Paragraph 91 details the process for programs staff to provide accommodations during structured programming. However, as also reported in paragraph 91, documentation for the provision of effective communication for structured programming was not produced. For future reviews, the County will need to provide documentation for the provision of effective communication for structured programming. The County will also need to provide the Neutral Expert a list of IPs who require accommodations for effective communication that are enrolled and/or attend structured programming.

With the exception of IPs housed in LCDRF, EMRF, and SBDF, all IPs interviewed reported that they are not provided substance use programs and reentry services. They also reported that they are not provided religious services (group or one-on-one), and they only receive religious material. The Neutral Expert notes that the County did not provide any documentation of IPs being accommodated during religious, substance use, and reentry programs or detailed information of disabled IPs who have participated in these programs.

### **Clinical Services**

DSB Policy P.11 states, "Staff shall communicate with incarcerated persons with communication-related disabilities using their preferred means of communication for all due process events, health care encounters, and structured programming, unless the preferred method would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation."

Paragraph 91 details the process clinical staff provide accommodations during clinical encounters. However, as also reported in paragraph 91, documentation for the provision of effective communication for medical encounters was not produced. For future reviews, the County will need to provide documentation for the provision of effective communication for medical encounters and structured programs.

## Family and Public Visiting/Attorney Visiting

DSB Policy M.39 Incarcerated Persons with Disabilities states, “Accommodations shall be provided to ensure incarcerated persons with disabilities have equal access to participate in and benefit from in-custody programs, services, and activities. Staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person’s documented ADA instructions to provide equal opportunity to incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level. This includes but is not limited to visitation, dayroom and recreation, transportation, communication systems (e.g., forms, telecommunications, etc.), and structured programming, including vocational and work positions.”

During the IP interviews, there were no complaints regarding access to family/public visiting and attorney visiting.

### Recommendations:

- Ensure disabled IPs are provided consistent/regular access to dayroom/out-of-cell time based on facility schedules
- Ensure disabled IPs are provided consistent/regular access to outdoor recreation based on facility schedules
- Ensure mobility disabled IPs have access to chairs during outdoor recreation time
- Ensure shower chairs are available in the housing units
- Ensure disabled IPs have equal access to the Tablets
- Ensure easy reading and large print books or magnifiers are available for disabled IPs who require the accommodations
- Ensure writing assistance is provided to disabled IPs who require the accommodations
- Ensure accommodations are provided to disabled IPs during Religious Services/Substance Use Programs/Reentry Services
- Ensure accommodations are provided to IPs during clinical encounters
- Provide the Neutral Expert proof-of-practice for the provision of the accommodations

78. *Incarcerated persons with an identified disability shall have equal, meaningful access to educational programs, vocational programs, and job assignments at the jail facilities. The County shall provide reasonable accommodations as necessary for qualified individuals with an identified disability to participate in and have meaningful access to educational programs. For vocational programs and job assignments, the County will provide equal opportunities and reasonable accommodations to qualified individuals with an identified disability who can perform the essential functions with or without reasonable accommodations.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.39 Incarcerated Persons With Disabilities (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024), and DSB Policy S.1 Supervision and Assignment of Incarcerated Workers (December 30, 2024)

**Training** - Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – San Diego County Sheriff’s Office Detention Services Bureau Reentry Services Division Programs and Support Services, Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025, IP Worker Housing Locations, IW With ADA Flags April 2025 to August 2025 (SDCJ, GBDF, SBDF, LCDRF, VDF)

**Implementation**

DSB Policy M.39 Incarcerated Persons with Disabilities states, “Accommodations shall be provided to ensure incarcerated persons with disabilities have equal access to participate in and benefit from in-custody programs, services, and activities. Staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person’s documented ADA instructions to provide equal opportunity incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level. This includes but is not limited to visitation, dayroom and recreation, transportation, communication systems (e.g., forms, telecommunications, etc.) and structured programming, including vocational and work positions.”

The vocational (Career Technical Education) and educational programs available to IPs are detailed in paragraph 76. Access and provision of accommodations for educational and vocational programs are detailed in paragraphs 76 and 81.

During the IP interviews, with the exception of IPs housed in LCDRF, EMRF, and SBDF, all IPs interviewed reported that they are not provided educational and vocational programs. The Neutral Expert notes that disabled IPs must meet the custody and program eligibility requirements for the vocational programs.

The County produced IP Worker Housing Locations that reflect 531 IP workers are housed in the following housing locations:

- SDCJ – Housing Units [redacted] and [redacted]
- LCDRF – Housing Units [redacted] and [redacted]
- EMRF – Housing Units [redacted]
- GBDF – Housing Unit [redacted]
- VDF – Housing Units [redacted] and [redacted]
- SBDF – Housing Unit [redacted]
- RMDF – None Noted

The County produced IWs with ADA Flags for the months of April to September 2025. Listed below is the data provided by the County:

- April 2025
  - SDCJ – 2
    - ADA Medical - 1
    - ADA Speech - 1
  - GBDF – 2
    - ADA Medical - 1
    - ADA Speech - 1
- May 2025
  - SBDF – 1

- ADA Mobility
  - LCDRF – 2
    - ADA Vision - 2
  - SDCJ - 1
    - ADA Medical
- June 2025
  - VDF - 1
    - ADA Medical
- July 2025
  - SDCJ
    - Mobility – 2
      - Wheelchair – 1
      - Mobility – 1
  - LCDRF - 2
    - ADA Vision – 2
  - VDF – 3
    - ADA Medical - 1
    - ADA Cognitive/Learning - 1
    - ADA Speech - 1
- August 2025
  - GBDF - 2
    - ADA Medical - 2
  - VDF – 3
    - ADA Medical - 1
    - ADA Cognitive/Learning - 1
    - ADA Mobility - 1
- August/September 2025
  - SDCJ – 15
    - ADA Medical – 12
    - ADA Mobility – 3
      - Cane – 2
      - Mobility - 1
  - LCDRF
    - ADA Medical – 2
    - ADA Mobility – 4
      - Intermittent Wheelchair – 1
      - Walker – 1
      - Wheelchair – 1
      - Mobility – 1

The Worker Deputy interviewed stated that IPs who are interested in being assigned as a worker submit an IP Request Form to the Worker Deputy. The Worker Deputy will review JIMS and identify if there is any exclusionary information, as eligibility criteria is based on criminal charges and in-custody behavior history. If the IP meets the eligibility criteria, the Worker Deputy will interview the IP, have the IP complete a pre-medical questionnaire, and refer the case for medical and mental health clearance.

The SDCJ IP Worker Deputy stated that all disabled IPs would be considered for worker positions; however, based on no accessible housing being available in the worker housing

unit, disabled IPs who require accessible housing would not be able to be assigned to a worker position, as they could not be housed in the worker housing unit.

Based on the review of documents produced, although some disabled IPs are being assigned to worker positions, they are being assigned disproportionately to those positions.

The County must also ensure that IPs with Cognitive/Learning and mental health disabilities are not excluded from work opportunities.

The Housing Unit for IP Workers at SDCJ is not accessible, leading to worker program access exclusions based on the IP's disability. This should be addressed by adding ADA-accessible housing capacity and, in the interim, adjusting procedures so that IPs with disabilities can access worker opportunities even if they cannot be housed in the worker units due to a lack of accessible housing options.

The County has not created job descriptions that identify the duties/essential functions for the worker positions. Based on this, there is no way for health care staff to know what restrictions are pertinent and what reasonable accommodations should be considered. These IP worker job descriptions need to be drafted as soon as possible so that the accommodation process can then be developed. The County did not provide the Neutral Expert with proof of the practice of worker-related accommodations provided to disabled IP workers. A work deputy acknowledged that he has never provided a work-related accommodation for an IP with a disability. The GBDF work deputy reported that he was not aware of whether any of the assigned workers had ADA or effective communication accommodation needs.

An IP reported that, in response to his request to work, the IP Worker Deputy responded, "You can't work due to your leg." He advised the Neutral Expert that he had the response to his request in his cell. However, when the Neutral Expert asked for the response, he informed the Neutral Expert that he could not locate it.

#### **Recommendations:**

- Ensure disabled IPs are provided equal, meaningful access to educational programs
- Ensure disabled IPs who meet the custody and program eligibility requirements are provided equal, meaningful access to vocational programs
- Ensure the essential functions for each worker position are included in each worker's duty statement
- Pending the physical plant modifications, consider allowing disabled IPs who require accessible housing to be escorted to their work location or programs from their housing unit
- Provide reasonable accommodations as necessary for qualified IPs with an identified disability to participate in and have meaningful access to educational programs.

*79. All incarcerated persons with disabilities shall be housed in a manner which allows for access to programs, services, and activities that they are qualified to participate in, with or without reasonable accommodation, in accordance with their security/custody level.*

**Compliance Rating:** Partial Compliance

**Policies** - Policies listed in Paragraph 14

**Training** – Trainings listed in Paragraph 14

**Documents Produced/Reviewed** – NA

### **Implementation**

As detailed in paragraphs 34 and 35, paragraph 45 of the ADA Settlement Agreement and Order states, “Within four years of the signing of this ADA Settlement Agreement and Order, the County shall ensure that every person with a mobility disability who uses a wheelchair in housing is housed in a bed that accommodates their accommodation needs and that every person with a disability is housed with access to any appropriate accessibility features related to their bed, toilet, and shower, as individually determined by health care staff.” The Neutral Expert notes that the County is still in the process of modifying facility housing features to comply with the ADA Settlement Agreement and Order. Until the modifications are completed, all IPs with disabilities cannot be housed in a manner that allows for all disabled IPs to access the programs, services, and activities that they are qualified to participate in, with or without reasonable accommodation, in accordance with their security/custody level.

### **Recommendations:**

- Pending the completion of the facility modifications, ensure IPs with disabilities are housed in a manner that allows for access to programs, services, and activities that they are qualified to participate in, with or without reasonable accommodation, in accordance with their security/custody level
- Ensure IPs with identified disabilities are housed based on their security classification
- Continue with the Facility Alterations identified in the 2023 ADA Order

80. *Within six months of the signing of this ADA Settlement Agreement and Order, the County shall ensure that any otherwise qualified individual with a mobility disability who cannot be housed at Vista due to housing accommodations for their disability is able to access the programs and services available in the Veterans Moving Forward module, through individual and/or virtual means. The County is committed to providing access to the Veterans Moving Forward module to ensure full participation of qualified individuals with mobility disabilities in this program in the future, including housing in the program, to the extent possible based upon future construction, other than as identified in Paragraphs 45 and 46 above, and programmatic constraints.*

**Compliance Rating:** Partial Compliance

**Policies** - NA

**Training** - NA

**Documents Produced/Reviewed** – Letter dated June 6, 2025 “Dunsmore ADA Settlement #80: Providing Access To Veterans Moving Forward Module Programs And Services To Qualified Individuals With Mobility Disabilities Who Cannot Be Housed At Visit Due To Housing Accommodations For Their Disability.” Screening Logs for Potential VMF Candidates (August 2025 to November 2025)

## Implementation

The Neutral Expert notes that the County developed a plan by the date required by the ADA Settlement Agreement and Order (no later than six months from the date of the signing of this ADA Settlement Agreement and Order by all counsel), June 11, 2025. The County's plan includes the criteria (classification, disciplinary, and military service requirements) and the process the County uses to identify IPs for the VMF program. The County details the process by which IP veterans with mobility disabilities who cannot be housed at VDF will be offered and provided services through the "outside the module" means. The County also details the programs and services that will be offered/provided via the "outside the module" means. The County also reported that the RSD will utilize its records management system to document:

1. That the individual would otherwise qualify for VMF but cannot be housed at VDF due to housing accommodations for their disability
2. That the individual was offered the available services
3. Whether or not the individual chose to utilize the services

The County reported that all services offered in the VMF program are available at all facilities via:

- Professional visits
- Correspondence via interactive workbooks
- Individual sessions with RSD staff and or providers
- In a group setting (if eligible due to classification levels or specialized housing)
- In-person or virtually, where available

However, proof-of-practice (information listed above) was not provided. The County did provide Screening Logs for Potential VMF Candidates (August 2025 to November 2025). The Logs include a "Note" section with comments that reflect "individual services were provided by CC." However, the logs do not identify if these cases were for IPs that are unable to participate in the VMF program due to being full-time wheelchair users. Additionally, the Neutral Expert notes that the logs for some cases reflect "Not appropriate for VMF. See case note." The Neutral Expert requests that the case notes referenced be produced."

The County also reported that RSD does not track ADA indicators in the case management system, and all ADA accommodations provided are documented in JIMS. Additionally, the County reported that the following process is in place to screen for eligible veterans for the VMF program.

A Power BI search is conducted for IPs that fit the criteria

- Gender = male
- Classification level (1-4)
- Classification Status (Ad-Sep, PC do not qualify for the program)

The VMF Counselor and Deputy reported that during intake, all IPs are asked about military service. This is also asked during the initial classification. Classification levels 1-4 are eligible for the VMF program. However, IPs designated as SMI, Ad-Sep, Protective Custody, Enhanced Observation, Psychiatric Services Unit, and OPSD are not eligible for the VMF program. Disciplinary incidents are reviewed by the VMF deputy, and extensive disciplinary issues may exclude the IP from the program/module. The counselor evaluates an IP's

willingness and ability to participate in extensive programming, and if IP is cleared, the IP will be transferred to the VMF Module.

**Recommendations:**

- Ensure the County identifies veteran IPs with mobility disabilities who cannot be housed at VDF
- Ensure the IP is offered the available services
- Document whether or not the individual chose to utilize the services
- Provide the information to the Neutral Expert

81. *Within six months of the signing of this ADA Settlement Agreement and Order, the County shall develop a plan to provide access to the vocational programs available at East Mesa to all qualified individuals with mobility disabilities who can perform the essential functions with or without accommodation and who must be housed at other facilities due to their disabilities.*

**Compliance Rating:** Partial Compliance

**Policies - NA**

**Training - NA**

**Documents Produced/Reviewed** – Letter dated June 10, 2025, “Dunsmore ADA Settlement Provision #81: Plan to Provide Access to East Mesa Reentry Facility Vocational Programs to Qualified Individuals with Mobility Disabilities who Can't be Housed at East Mesa.”

**Implementation**

The Neutral Expert notes that the County developed the plan by the date required by the ADA Settlement Agreement and Order (no later than six months from the date of the signing of this ADA Settlement Agreement and Order by all counsel), June 11, 2025. The County also provided a plan. The plan includes the housing criteria (classification and medical) for IPs housed at EMRF, the Career Technical Education programs offered through coordination with Grossmont Education, and additional programs offered by the County. They include:

- Grossmont Education
  - Construction Trades
  - Culinary Arts
    - Barista
  - Bakery
  - Landscaping/CIVICS
  - Laundry
  - HSAT
- County Programs
  - Commissary
  - Bike Shop

The plan states,

*“EMRF does not meet the ADA Standards for Accessible Design and cannot house persons who utilize wheelchairs. Incarcerated persons who utilize wheelchairs in housing must be housed at San Diego Central Jail (SDCJ) or Rock Mountain Detention Facility (RMDF). Incarcerated persons who utilize wheelchairs in housing that would otherwise qualify for EMRF would only be housed at SDCJ because they must be classification level 1-3 and RMDF does not currently house incarcerated persons classification level 1-3.*

*EMRF can house incarcerated persons with mobility disabilities, including persons who use intermittent wheelchair, unless the person requires ADA Standards for Accessible Design housing accommodations, such as an accessible shower or toilet, that are not available at EMRF. These persons would only be housed at SDCJ because they must be classification level 1 -3 and RMDF does not currently house incarcerated persons classification level 1-3.*

*Based on the reasons above, incarcerated persons who qualify for accommodated CTE programs would currently only be housed at SDCJ. Thus, the required accommodated programs will be provided at SDCJ. This is subject to change if the population at RMDF changes.”*

The plan details the CTE curriculum and the CTE certificate requirements that the IP must be able to complete in order to participate and successfully complete the program. The plan also identifies programs that IPs with a mobility disability who cannot be housed at EMRF due to their disability are not able to meet the essential functions of the program, with or without reasonable accommodation. The plan also includes plans for RSD staff to work with Grossmont Adult Education to provide access to the culinary programs and the Environmental Janitorial Services Customer Services Certificate for IPs with a mobility disability who cannot be housed at EMRF due to their disability. The plan also states that although IPs with a mobility disability who cannot be housed at EMRF due to their disability cannot participate in the CTE Laundry program, IPs can work in laundry positions focusing on a singular job.

The Neutral Expert noted that during the on-site review, only six IPs with ADA Flags (five ADA-Medical and one ADA-Hearing) were housed at EMRF. The County reported that all IPs are screened for eligibility for housing at EMRF. The Neutral Expert requested a list of all IPs currently eligible for EMRF who are not currently housed at EMRF; however, the County has not provided the list.

### **Recommendations:**

- Finalize the coordination with Grossmont Adult Education to identify how to provide the instructional portion of the customer service curriculum and the examination for the Environmental Janitorial Services Customer Service Certificate
- Finalize the coordination with Grossmont Adult Education to identify how to provide ServSafe at SDCJ.
- Finalize the coordination with Grossmont Adult Education to identify an instructor to provide on-the-job culinary instruction.

- Finalize the coordination with Grossmont Adult Education to provide the instructional portion and the examination portion of the Food Handlers program to the qualified IPs at SDCJ.

## ***I. Requests for Disability Accommodations and Grievances***

82. *The County shall maintain policies, procedures, and training regarding incarcerated person requests for disability accommodations and grievances regarding disability accommodations.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024), DSB Policy N.3 Incarcerated Person Request Forms (May 30, 2025)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – NA

### **Implementation**

The County’s policies and procedures regarding incarcerated persons' requests for disability accommodations and grievances regarding disability accommodations, DSB Policies M.39 Disabled Incarcerated Persons, DSB Policy N.1 Grievance Procedure, and DSB Policy N.3 Incarcerated Person Request Forms, include the requirements of this paragraph. Although the County produced Training Bulletins regarding the requirements of this provision, it did not provide the Neutral Expert with training records so the Neutral Expert could confirm that staff have been trained.

Staff reported that grievances are processed as follows:

*The IP obtains the grievance from the staff. The IP can give the grievance to the Deputy or place the grievance in the grievance boxes located in the housing units. The Deputy who is provided the grievance provides the IP with a signed receipt copy of the grievance form and enters the grievance into JIMS. Grievances placed in the grievance boxes are processed by sergeants, and a signed copy is provided to the IP, and the sergeant enters the grievance into JIMS. The Deputy or Sergeant can route the grievance to the appropriate staff for response. The completed grievance is delivered to the IP by staff. In addition, the County’s policy includes a process for processing and responding to grievances that do not meet the criteria for grievances. Staff can also determine that a grievance is a request. In these cases, staff will make this determination on the second page of the grievance form and give the IP a signed receipt and advise the IP to submit the request on the appropriate form. In these cases, no entry is made in JIMS, and staff file the original copy of the grievance form in the IP's custody record and resolve the IP request.*

As detailed in paragraph 85, the County does not designate requests for a lower bunk/tier and glasses as ADA requests for accommodations and ADA-related grievances. The County is required to ensure the IP has equal access to the jail’s programs, services, and activities, and these types of requests and grievances are related to the IP requesting accommodations to be able to read. In addition, DSB Policy I.22 states, “Accessible housing features may include,

but are not limited to: ADA compliant cell, ADA compliant shower, bed location, clearance space, toilet grab bars, shower grab bars, shower bench/chair, lower bunk, lower tier, or lower bunk and lower tier.”

**Recommendations:**

- Ensure that grievances and requests for accommodations related to glasses and lower bunk/tier are designated as ADA-related
- Ensure staff who respond and categorize grievances and requests are trained
- Provide the Neutral Expert staff training records

83. *Incarcerated persons can submit requests for new reasonable accommodations via the Healthcare Request form and process. The County shall timely respond to Healthcare Request forms requesting reasonable accommodations and shall track all such Healthcare Request forms and their resolutions.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024), DSB Policy N.3 Incarcerated Person Request Forms (May 30, 2025)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – NA

**Implementation**

DSB Policy M.39 states, “A request for reasonable accommodation may be initiated by the incarcerated person, their family members, or an outside agency. A request for an assessment of accommodations will be forwarded to the MSD ADA case manager for review. Assessments can be completed by either a registered nurse or by a physician. The findings and disposition will be documented in the incarcerated person’s health record. Requests will be acted upon within 72 hours.”

The Neutral Expert notes that the County has policies in place to satisfy this requirement; however, the County does not have a process to track Healthcare Request forms and their resolutions for cases in which IPs request reasonable accommodations using the Healthcare Request form. Additionally, the County did not provide the Neutral Expert with completed Healthcare Request forms requesting disability accommodations. Although the County produced Training Bulletins outlining the requirements of this provision, it did not provide the Neutral Expert with the training records so the Neutral Expert could confirm whether staff have been trained.

**Recommendations:**

- Develop a process to track Healthcare Request forms and their resolutions for cases where IPs request reasonable accommodations using the Healthcare Request form
- Provide the Neutral Expert staff training records

84. *An incarcerated person with a disability may contact the ADA Unit regarding the provision of their reasonable accommodations to access programs, services, and activities by using the Incarcerated Person Request form. The ADA Unit shall timely respond to Incarcerated Person Requests regarding reasonable accommodations and shall track all such Incarcerated Person Requests and their resolutions.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024), DSB Policy N.3 Incarcerated Person Request Forms (May 30, 2025)

**Training** – Training Bulletins listed in Paragraph 12

**Documents Produced/Reviewed** – Phone calls received by ADA Unit, ADA Responses to phone calls, responses to grievances, JIMS ADA Grievances 2025, responses to letters and emails

### **Implementation**

DSB Policy M.39 states, “A request for reasonable accommodation may be initiated by the incarcerated person, their family members, or an outside agency. A request for an assessment of accommodations will be forwarded to the MSD ADA case manager for review. Assessments can be completed by either a registered nurse or by a physician. The findings and disposition will be documented in the incarcerated person’s health record. Requests will be acted upon within 72 hours.” DSB Policy N.1 Grievance Procedure states, “All ADA related grievances will be entered into JIMS as an ADA grievance and forwarded within one business day to the ADA Unit for processing. The ADA Unit will respond within the time frame outlined in paragraph III.B.1. The ADA Unit or their designee in collaboration with health staff will determine if an interim accommodation is needed, pending a final response to the grievance.” DSB Policy N.3 Incarcerated Person Request Forms states, “Incarcerated person request forms shall be routed out of the housing area for actions only when the housing deputy is unable, or is not authorized, to provide the final disposition. The forms will be routed to the party responsible for effecting a final disposition of the request (e.g., Medical Services Division, Detentions Processing Division, Reentry Services Division, etc.).”

Although the County’s policies and procedures do not specifically state that “An incarcerated person with a disability may contact the ADA Unit regarding the provision of their reasonable accommodations to access programs, services, and activities by using the Incarcerated Person Request form”, the policy does state that the forms will be routed to the party responsible for effecting a final disposition of the request. Additionally, the County has a process that allows IPs to contact the ADA Unit by telephone and leave a recorded message for the ADA staff. The County produced one (1) ADA Request form and 12 recordings that were left by IPs. The County also produced documents that include responses to 13 voicemails, one (1) email, and one (1) letter received by the ADA unit. However, the County did not provide the Neutral Expert with the method the County uses to track IP requests and their resolutions. Most of the requests were responded to within one (1) to two (2) days. In five (5) cases, the Neutral Expert could not determine the timeliness, as the documents did not include the date of receipt or the date of response.

**Recommendations:**

- Create and maintain a tracking system for ADA-related IP requests (Request Forms, phone calls, emails, and letters) and their resolutions.
- Ensure the tracking includes the date of receipt, date of response, issue requested, and resolution

85. *An incarcerated person with a disability may grieve alleged discrimination due to a disability or dispute decisions related to accommodations by using the Incarcerated Person Grievance form.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024), and I.22 Lower Bunk Lower Tier Medical Instruction Assignment (May 29, 2024)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – Phone calls received by ADA Unit, ADA Responses to phone calls, responses to grievances, JIMS ADA Grievances 2025, responses to letters and emails

**Implementation**

DSB Policy M.39 Disabled Incarcerated Persons and DSB Policy N.1 Grievance Procedure include a detailed process for IP to grieve issues related to ADA and alleged discrimination due to a disability or dispute decisions related to accommodations. However, upon reviewing the completed grievances produced by the County, the Neutral Expert noted that none were related to accommodations for a lower bunk, a lower tier, or glasses. During the on-site review, the County reported that grievances related to lower bunk/tier and glasses are not designated as ADA. In other jurisdictions I am familiar with, these types of grievances are designated as ADA-related, as the County is required to ensure the IP has equal access to the jail's programs, services, and activities, and they relate to an IP requesting accommodations to read. In addition, DSB Policy I.22 states, "Accessible housing features may include, but are not limited to: ADA compliant cell, ADA compliant shower, bed location, clearance space, toilet grab bars, shower grab bars, shower bench/chair, lower bunk, lower tier, or lower bunk and lower tier."

**Recommendations:**

- Ensure that grievances and requests for accommodations related to glasses and lower bunk/tier are designated as ADA-related
- Ensure staff who respond and categorize grievances and requests are trained
- Provide the Neutral Expert staff training records

86. *Within 6 months of all counsel signing this ADA Settlement Agreement and Order, the County will amend the Grievance form to include a clear means for a person to identify that their grievance is an "ADA" grievance. The County shall track all such "ADA" grievances and their resolutions.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – JIMS ADA Grievances 2025

**Implementation**

The County produced a blank San Diego County Sheriff’s Office Incarcerated Person Grievance/Appeal Form (J-22 Rev 07/24). The Neutral Expert notes that the grievance form includes a “checkbox” for the IP to designate as “ADA.” The County also produced an Excel Spreadsheet “JIMS ADA Grievances 2025.” The spreadsheet includes 10 grievances for the calendar year 2025 (January to September). Based on the Neutral Expert’s experience, this number of grievances is notably smaller than the number of grievances other counties with similar IP population receive. What may be contributing to this is that grievances related to glasses and lower bunk/tier are not being designated as ADA-related. In addition, the County’s policy includes a process for processing and responding to grievances that do not meet the criteria for grievances.

If a grievance is determined to be a request, staff can check the two corresponding boxes, "This is not a grievance," and "This is a request" on the J-22 form. If staff make this determination, the second page of the J-22 form is given to the IP as a signed receipt. Staff will provide a Request (J-21) form to the IP and advise the IP to submit the request on the appropriate form. For these cases, no entry in JIMS is required, and staff file the original copy of the J-22 form in the IP’s custody record and resolve the IP request according to DSB Policy N.3. Based on this, grievances filed by IPs as ADA grievances and designated by staff as an IP request are not being tracked by the County.

**Recommendations:**

- Ensure the County tracks all ADA grievances, including those related to glasses and lower bunk/tier, and grievances submitted by IPs as ADA grievances and categorized as an IP request by staff

*87. Blank grievance forms shall be available in every housing unit and in health care areas, and shall be provided to incarcerated persons upon request at any time.*

**Compliance Rating:** Substantial Compliance

**Policies - Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024)

**Training** - NA

**Documents Produced/Reviewed** – NA

## Implementation

During the on-site review, the Neutral Expert confirmed that grievance forms are available in every housing unit toured and in the health care areas the Neutral Expert toured. Additionally, staff interviewed reported that grievance forms are provided to IPs when requested. Some IPs reported that, at times, staff do not provide grievance forms when requested, and that grievances are not always available. The Neutral Expert could not confirm these claims.

### Recommendations:

- Although the Neutral Expert finds the County in substantial compliance with this provision, it is recommended that grievances be provided to all IPs upon request
- The Neutral Expert recommends that grievances be maintained in each dayroom so that IPs can obtain them as needed
- The Neutral Expert also recommends that, as part of the ADA interviews, the County provide the disabled IPs a grievance and request form

88. *The County shall provide assistance completing grievances, Incarcerated Person Requests, and Healthcare Request forms to those incarcerated persons with disabilities who require reasonable accommodations to complete the forms.*

**Compliance Rating:** Partial Compliance

**Policies - Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024)

**Training** - NA

**Documents Produced/Reviewed** – Excel spreadsheet “ADAC confirming IPs know how to complete forms Jan-Sep”

## Implementation

DSB Policy N.1 Grievance Procedure states, “Reading assistance shall be provided by staff for all visually presented information (e.g., forms, reports, documents, etc.) in cases where the incarcerated person requires such accommodation to understand written materials. Scribes or writing assistance shall be provided by staff to complete necessary forms or written complaints, grievances, etc. in cases where the incarcerated person requires such accommodation to access such jail procedures.”

The County reported that Program Counselors meet with all IPs identified as having a Medical Instruction Flag for ADA Cognitive Learning, ADA Hearing, ADA Speech, and ADA Vision to advise them of how to request accommodations and the accommodations available for the IP to access the jail’s programs, services, and activities. The County produced an Excel spreadsheet, “ADAC confirming IPs know how to complete forms Jan-Sep.” The spreadsheet includes 685 entries that reflect the Programs Counselors (referred to as “CC” for correctional counselor) met with the IP. In only four (4) encounters (see below), Program Counselors offered and/or provided assistance in completing forms. There are no entries that reflect assistance in completing grievances was provided.

- CC met with IP to assist him to fill out forms. IP stated that he does not need any assistance at this time. Will reach out to counseling if he needs assistance.
- ADA check completed. Client requested assistance filling out an inmate request form to meet with doctor to discuss his medications. CC assisted client and directed him to place the IRF in the red mailbox in his module. Client had no other issues to report
- CC met with IP and attempted to assist IP with completing forms but IP said he had no forms currently that he needed assistance completing. IP is currently being housed in MOB medical housing and being seen by medical staff for his medical needs.
- CC met with IP to offer assistance reading documents. IP stated she did not need assistance at this time. CC gave IP name and information on how to reach out when needed.

Listed below are a sample of the entries where Programs Counselors provide information and query the IP if they know how to access counseling, medical, and QMHC.:

- ADA check completed. CC provided coaching on how to use the IP request form to access counseling and medical services.
- ADA check completed. IP knows how to communicate with counseling, QMHC, and medical. IP was provided IP request forms.
- ADA check completed. IP knows how to communicate with counseling, QMHC, and medical. IP was provided IP request forms.
- ADA check complete. CC walked client through process of obtaining medical/mental health assistance through module mailbox. CC provided client with 4 pre-addressed inmate request forms as well.
- ADA was completed and CC verified that IP was unable to ask for assistance if needed with IP request form. CC showed IP and provided an example verbally. IP refused resource sheet and Reentry Checklist due to mental state.

Staff interviewed reported that they would assist IPs in completing forms (grievances); however, during the IP interviews, the five (5) IPs with cognitive/intellectual/learning disabilities interviewed reported that staff do not offer assistance in reading and writing and completing forms, and they must rely on other IPs for reading and writing assistance. For IPs that have accommodations for reading and writing assistance, staff must periodically ask if they need assistance (and ensure there is proof of practice that this occurs), and in cases where assistance is provided in completing the grievances document, provide the Neutral Expert with proof-of-practice that staff is assisting.

### **Recommendations:**

- For IPs that have accommodations for reading and writing assistance, staff must periodically ask the IP if they need assistance in completing grievances
- In cases where assistance is provided in completing grievances, document and provide the Neutral Expert with proof-of-practice staff is providing the assistance.
- Ensure that staff are trained on the paragraphs requirements

*89. ADA grievances shall receive a response to the grievance within seven (7) calendar days or sooner based upon the nature of the request and well-being of the grievant. In response to an ADA grievance alleging the incarcerated person's health or safety is being threatened by a condition of their confinement or that the conditions of confinement prevent their effective communication or participation in a court or administrative proceeding, the ADA Unit will*

*respond within four (4) calendar days. The ADA Unit or their designee in collaboration with health staff will provide an interim accommodation when warranted, pending a final response to the grievance.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed – Documents Produced/Reviewed** – Phone calls received by ADA Unit, ADA Responses to phone calls, responses to grievances, JIMS ADA Grievances 2025, responses to letters and emails

### **Implementation**

DSB Policy M.39 Disabled Incarcerated Persons and DSB Policy N.1 Grievance Procedure include the timelines required by this paragraph for staff to respond to ADA grievances, including ADA grievances that allege the IP’s health or safety is being threatened by a condition of their confinement or that conditions of confinement prevent their effective communication or participation in a court or administrative proceeding.

The County produced an Excel Spreadsheet “JIMS ADA Grievances 2025.” The spreadsheet includes 10 grievances for the calendar year 2025 (January to September). However, the County did not produce completed grievance responses for seven (7) of the grievances listed on the JIMS ADA Grievances 2025 spreadsheet. In review of the JIMS ADA Grievances 2025 column “Action Taken”, the Neutral Expert notes this date is not the date the grievances were finalized (response). Upon review of the three (3) completed grievances, the Neutral Expert notes that all three (3) were responded to within the required seven (7) days. Additionally, the JIMS ADA Grievances 2025 column “Action Taken” does not include a summary of the response and only consists of a summary of the staff’s action who entered the grievance into JIMS.

In addition, the Neutral Expert’s review of the three (3) grievances, in one (1) case, ADA staff provided an interim accommodation, in one (1) case, the IP refused the accommodations, and in one (1) case, medical provided the accommodation.

The JIMS ADA Grievances 2025 spreadsheet reflects one (1) grievance where an IP alleged that “she is unable to attend court because her ADA restrictions are not being accommodated.” The grievance response was not produced; therefore, the Neutral Expert could not determine if the County complied with this paragraph’s requirement. Additionally, during the IP interviews, an IP reported that she submitted a grievance stating her bed was too low and that she did not feel safe in the shower without grab bars, etc. She also reported she had been waiting one (1) week for a response.

### **Recommendations:**

- Ensure sufficient documentation is produced for the Neutral Expert to determine whether ADA grievances submitted by IPs receive a response within seven (7) calendar days or sooner, based on the nature of the request and the IPs’ well-being.

- For grievance response to an ADA grievance alleging the incarcerated person’s health or safety is being threatened by a condition of their confinement or that the conditions of confinement prevent their effective communication or participation in a court or administrative proceeding, ensure the ADA Unit responds within four (4) calendar days.
- Ensure all timelines related to the grievance and the response to the grievance are included in the grievance tracking spreadsheet

90. *As part of the ADA Unit’s quality assurance processes, the ADA Unit shall track all ADA grievances for quality assurance and take corrective action as necessary to address issues.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy N.1 Grievance Procedure (December 17, 2024)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed – Documents Produced/Reviewed** – Phone calls received by ADA Unit, ADA Responses to phone calls, responses to grievances, JIMS ADA Grievances 2025, responses to letters and emails

**Implementation**

The County reported that paragraph 130, which requires the County to develop a quality assurance and auditing program to ensure ADA compliance within one year of all counsel signing the ADA Settlement Agreement and Order, is not ready for review. Additionally, the Neutral Expert notes that the ADA Unit’s quality assurance process was not due during the rating period and will be reviewed during the next review.

Although the ADA Unit tracks ADA grievances, the Neutral Expert notes that the County has not developed a quality assurance and auditing program for ADA grievances to address issues such as the provision of required effective communication during the grievance response process, timeliness of response, and issues identified in grievances being submitted by IPs related to disability accommodations.

**Recommendations:**

- Develop a quality assurance and auditing program to ensure staff are in compliance with the grievance process, the provision of effective communication, and issues identified in grievances being submitted by IPs related to disability accommodations

**J. Effective Communication.**

91. *The County shall ensure that incarcerated persons with identified disabilities receive accommodations and services necessary for effective communication, and are able to equally and fully access jail facility programs, services, and activities, including as part of the 2023 ADA Order. Staff shall give primary consideration to a person’s preferred method of communication.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons May 29, 2024, DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

### **Implementation**

Paragraph 19 details the process the County uses to identify IPs who require Effective Communication and the IPs' preferred/primary method of communication. It also details the process the County has in place to track IPs who require effective communication, the accommodations, and how staff can access effective communication-related information and accommodations on JIMS.

As detailed in paragraph 14, based on staff using a personal list of questions they had created and not asking all the questions required by the medical clearance, and on staff asking the questions from memory and not asking all disability-related questions, it is possible that communication disabilities are not being identified. Therefore, custody staff are not being made aware of the existence of communication disabilities or the accommodations needed for staff to communicate effectively with IPs.

The County produced a spreadsheet titled Jan 2025 to August 2025 ADA EC All. The documents reviewed reflect the following number of IPs identified as having a disability that requires effective communication accommodations:

- January 2025 - 84
- February 2025 - 91
- March 2025 - 132
- April 2025 - 108
- May 2025 - 100
- June 2025 - 97
- July 2025 - 83
- August 2025 - 116

The County produced JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025.<sup>1</sup> The documents reflect the following number of cases identified as having a Medical Instruction Flag for ADA Cognitive Learning, ADA Hearing, ADA Speech, and ADA Vision:

- January 2025 – 82 (January 1, 2025)
- February 2025 – 72 (February 1, 2025)
- March 2025 – 83 (March 1, 2025)

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<sup>1</sup> The report includes data for every day of the month

- April 2025 – 95 (April 1, 2025)
- May 2025 – 111 (May 1, 2025)
- June 2025 – 114 (June 1, 2025)
- July 2025 – 121 (July 1, 2025)
- August 2025 – 125 (August 1, 2025)
- September 2025 – 149 (September 1, 2025)

The County produced Jan 2025 to September 2025 ADAE @ Booking. The documents reflect the following number of cases where staff provided effective communication at booking:

- January 2025 - 2
- February 2025 - 9
- March 2025 - 7
- April 2025 - 4
- May 2025 – Not produced
- June 2025 - 5
- July 2025 - 1
- August 2025 - 9

The County produced JIMS Logs for January 2025 to August 2025. The logs reflect the following number of cases where staff provided effective communication using auxiliary aids (VRI):

- January 2025 – 8
  - 8 Sheriff's Office
    - 9 ADAE entries in ADA Tracking System
- February 2025 – 7
  - 7 Sheriff's Office
    - 9 ADAE entries in ADA Tracking System
- March 2025 – 17
  - 2 Medical
  - 15 Sheriff's Office
    - 11 ADAE entries in ADA Tracking System
- April 2025 – 7
  - 1 medical
  - 6 Sheriff's Office
    - 6 ADAE entries in ADA Tracking System
- May 2025 – 12
  - 1 medical
  - 11 Sheriff's Office
    - 4 ADAE entries in ADA Tracking System
- June 2025 – 6
  - 1 Medical
  - 5 Sheriff's Office
    - 2 ADAE entries in ADA Tracking System
- July 2025 – 10
  - 2 TechCare
  - 8 Sheriff's Office

- August 2025 – 8
  - 1 Medical
  - 7 Sheriff's Office
- September 2025 – 16
  - 9 TechCare
  - 7 JIMS
    - 8 ADAE entries in the ADA Tracking System

The Neutral Expert notes that in most of the cases, staff did not document the type of encounter, or, the provision of effective communication accommodations when (VRI) was not used. Additionally, the Neutral Expert cannot assess whether communication was effective in encounters in which staff did not use auxiliary aids.

During staff interviews, some staff who interact with IPs in settings that require effective communication lacked knowledge of the EC requirements. The DPD staff member at GBDF reported she does not check the ADA list to identify EC needs and stated, "We haven't had an IP who needs effective communication during my 15 years."

For future reviews, the County will need to provide documentation for the provision of effective communication for medical encounters and structured programs. The County will also need to provide the Neutral Expert with a list of IPs who require accommodations for effective communication and are enrolled in and/or attend structured programming. The County must also provide the Neutral Expert with a list of IPs who require effective communication accommodations for due-process encounters.

As an alternative, for future reviews, the Neutral Expert can select a random sample of cases listed in the JIMS Archived Effect Comm Medical Instruction Reports and from this list the Neutral Expert can select random cases for the County to produce BWC of due process encounters, medical progress notes and/or ADAE information.

**Recommendations:**

- Ensure staff provide the required effective communication accommodations (primary method of communication) for due process, medical encounters, and structured programming
- Ensure staff document the effective communication provided for medical encounters and structured programming, and when auxiliary aids and services are used for due process events
- Ensure staff document in JIMS the type of encounter, and that effective communication is being provided
- Provide the Neutral Expert with monthly lists of IPs who participate in structured programming
- Provide the Neutral Expert with monthly lists of IPs with effective communication accommodations who received rules violations, submitted grievances, and other due process events

*92. Staff shall use the incarcerated person's documented preferred method of communication for all due process events, health care encounters, and structured programming. The provision of effective communication shall be documented for health care encounters and structured programming. The provision of effective communication shall be documented for due process*

*events when an auxiliary aid or contracted service is used. The neutral expert for policies, procedures, and implementation thereof shall conduct audits of compliance with the effective communication requirements in this section, including through documentation review, body worn camera footage review, and in-person observations, as the neutral deems appropriate, and include their findings in their twice-yearly reports.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

### **Implementation**

See details in Paragraph 91 above.

### **Recommendations:**

- See recommendations in Paragraph 91 above

93. *“Due process” refers to requirements for judicial, non-judicial, and administrative proceedings that protect an incarcerated person’s life, liberty, or property interests. This includes, but is not limited to, notices of new charges, notice to appear, booking, discipline, grievance, classification, investigative, probation, and release processes.*

**Compliance Rating:** Non-Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), P.11 Effective Communication (May 29, 2024), San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

### **Implementation**

The Neutral Expert interviewed a Sergeant who reported that the following process is followed for disciplinary rule violations. Upon staff's observation or determination of a rule violation, staff write the Rule Violation Report (Jail Incident Report) and issue a copy of the rule violation, along with a J-72 (Segregated Housing Order) for major rule violations and a

J-72B (Disciplinary Hearing Rights Waiver). If the IP waives the 72-hour hearing timeline, the disciplinary hearing officers conduct the hearing. If the IP does not waive the 72-hour hearing timeline, the hearing is not held until 72 hours after issuance of the charges and the rights form. If the charge is a major rule violation, the IP is placed in segregated housing pending the hearing and final disposition of the rule violation. The sergeant also stated that he would review the ADA list to identify effective communication accommodations required at the hearing. The sergeant also said he would document effective communication provided at the hearing on an ADAE. However, a concern for IPs with effective communication accommodations is that Sgt. Brock reported that, at times, the final copy of the adjudicated rule violation is delivered to IPs through facility mail rather than by staff; therefore, effective communication is not being provided for this due-process event.

The County did not provide any adjudicated rules violations for rules violations issued and adjudicated for disabled IPs who require effective communication accommodations, so the Neutral Expert can select cases for the County to produce BWC video that would show proof-of-practice for the effective communication requirements. This includes effective communication during the issuance of the initial incident report (rule violation, J-72, J-72B), hearing, and issuance of the final disposition.

JPMU staff interviewed reported that they identify IPs that require effective communication accommodations by reviewing the ADA Flag and the IP's face card. If the IP requires effective communication accommodations, classification staff reported they would provide the accommodations and document them on an ADAE if an auxiliary aid or contracted service (VRI) is used. This includes initial classification interviews, reclassification interviews, and Ad-Sep reviews.

The Neutral Expert notes that the documents produced (VRI JIMS Logs January to July 2025) reflect one (1) case in which classification staff used VRI to effectively communicate with the disabled IP. However, no other documents were produced that reflect the classification staff effectively communicated with disabled IPs who require effective communication accommodations, so the Neutral Expert can select cases for the County to produce BWC video that would show proof-of-practice for the effective communication requirements. This includes effective communication during the initial classification, reclassifications, and Ad-Sep reviews.

The Neutral Expert notes that the documents produced (VRI JIMS Logs January to July 2025) reflect three (3) cases where DPD staff used VRI to effectively communicate with the disabled IP using VRI. However, no other documents were produced that reflect the DPD staff effectively communicated with disabled IPs who require effective communication accommodations during the final release process.

During the IP interviews, an IP with a vision disability reported that staff did not provide effective communication when providing him with a grievance response.

#### **Recommendations:**

- Ensure staff provide the required effective communication accommodations (primary method of communication) for due process events
- Ensure staff document the effective communication provided for when auxiliary aids and services are used for due process events

- Ensure staff document in JIMS the type of encounter for which effective communication is being provided for
- Provide the Neutral Expert with monthly lists of IPs with effective communication accommodations who received rules violations, submitted grievances, and other due process events

94. *“Health care encounter” refers to an interaction between a patient and health care staff (to include medical, mental health, dental, and vision care) that involves an assessment, examination, treatment, counseling, and/or exchange of protected health information. This includes, but is not limited to, health screenings, sick calls, informed consent or refusal of health care, explanation of medication, treatment, or discharge instructions.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff’s Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

**Implementation**

Healthcare staff (Naphcare/QMHPs, Liberty/EASS, CHP/RNs) interviewed stated they identify IPs who require effective communication accommodations by reviewing the flags in TechCare. Healthcare staff reported that they provide the required accommodations, including the use of auxiliary aids (VRI/UbiDuo), and document the provision of the accommodations in a SOAP note.

A review of the VRI JIMS Logs (January 2025 to August 2025) found that in six (6) cases, medical/mental health staff used the VRI. The County provides services to IP through the JBCT and Liberty/EASS. The ADA Plan requirements apply to the delivery of JBCT and EASS programming. A review of the VRI JIMS Logs (January 2025 to August 2025) found that in four (4) cases, JBCT staff used the VRI. The County needs to ensure they identify, track, and provide disability/accommodations information to JBCT and EASS staff. The County did not provide any additional effective communication documents for disabled IPs who require effective communication accommodations for medical and mental health encounters.

**Recommendations:**

- Ensure medical staff provide the required effective communication accommodations (primary method of communication) for clinical encounters
- Ensure staff document the effective communication for clinical encounters

95. *“Structured programming” refers to in-custody and reentry programs and services that are managed by the Sheriff’s Office Reentry Services Division (“RSD”) (e.g., education, self-help, AA/NA, vocational, work positions, or religious programs, discharge planning, services, or activities). This includes communications between incarcerated workers and their supervisors that are outside general day-to-day communication (e.g., training, performance evaluations, discipline).*

**Compliance Rating:** Non-Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy O.3 Rules and Regulations of Incarcerated Persons (March 24, 2025), DSB Policy P.11 Effective Communication (May 29, 2024), San Diego Sheriff’s Office Medical Services Division Receiving Screening E.2.1. (3/21/25)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025

### **Implementation**

Program staff interviewed stated that County program facilitators (counselors) identify IPs who require effective communication accommodations by reviewing the ADA List. All ADA accommodations that are provided by the Reentry Services Division are documented in JIMS, under ADAC and or ADAE. The Programs staff reported that all ADA needs for IPs participating in programs facilitated by outside providers are only “self-reported” by the IP, as currently, information related to effective communications accommodation needs is not reported to the outside providers. Program staff are using the Offender360 case management system, which has no ADA information and does not communicate with JIMS or TechCare. The County is working on a new system.

The County did not provide effective communication documents for disabled IPs who require effective communication accommodations during structured programming. This includes education, self-help, AA/NA, vocational, work, religious, discharge planning, communications between IP workers and their supervisors that are outside general day-to-day communication (e.g., training, performance evaluations, discipline).

### **Recommendations:**

- Ensure staff provide the required effective communication accommodations (primary method of communication) for structured programming
- Ensure staff document the effective communication for structured programming

96. *Providing effective communication may require the use of auxiliary aids and services, such as qualified sign language interpreters, certified deaf interpreters, sound amplification devices, hearing aids, captioned telephones, captioned televisions, video relay services (“VRS”), video relay interpretation (“VRI”), electronic and other magnifiers, Braille materials, screen reading software, large-print materials, audio recordings, writing materials, and written notes.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), and DSB Policy P.11 Effective Communication (May 29, 2024)

**Training** – Training listed in Paragraph 14

**Documents Produced/Reviewed** – Jan 2025 to August 2025 ADA EC All, JIMS Archived Effect Comm Medical Instruction Reports for January to September 2025, and JIMS Logs for January 2025 to August 2025, Countywide Agreement Lionbridge Technologies Telephonic and Video Interpretation 9/16/21 – 8/31/26, Countywide Agreement Language Line Telephonic and Video Interpretation 9/27/21 – 8/31/26

## **Implementation**

DSB Policy P.11 Effective Communication lists the following Commonly Used Auxiliary Aids and Services for Effective Communication:

- Hearing aid or cochlear implant
- Exchange of written notes
- Communication boards (pictures)
- Speaking louder
- In-person sign language interpreting (SLI)
- Video Remote Interpreting (VRI)
- Real-time Typed Text (e.g., UbiDuo)
- Closed Captioning (CC)
- Communication Access Realtime
- Translation (CART) captioning
- Lip reading
- Sound amplification device
- Optical readers
- Reading documents aloud
- Audio recordings
- Braille materials
- Large print materials (18 pt. sans-serif font min.)
- Screen reading software
- Magnifier

During the on-site review, the Neutral Expert noted that at SDCJ, the Purple VRS is located on the 2nd-floor holding cells, and there is none on the 1st-floor holding cells; conventional phones are located in both. This is a denial of program/service access for people who use VRS, as they may spend many hours on the 1st floor and are the only IPs who cannot access phones.

All staff interviewed reported that they identify IPs with disabilities that require effective communication by reviewing the ADA Flags in JIMS or the ADA Tracking List. Staff also reported that they provide the required accommodations, such as:

- Hearing Aids
- Writing notes

- Communication boards (pictures)
- Speaking louder
- SLI/VRI
- UbiDuo
- Closed Captioning (CC)
- Lip reading
- Sound amplification device (PocketTalker)
- Reading documents aloud
- Large print materials
- Screen reading software

Based on staff and IP interviews, review of documents, and on-site observations, the Neutral Expert could not confirm that the following auxiliary aids and services are available and/or have been provided:

- In-person sign language interpreting (SLI), including a Certified Deaf Interpreter
- Communication Access Realtime
- Translation (CART) captioning
- Optical readers
- Braille materials
- Screen reading software

**Recommendations:**

- The County must ensure that the auxiliary aids and services listed above are available and/or provided to IPs who require the accommodations to access the jail’s programs, services, and activities
- The Neutral Expert also recommends that the County strongly consider providing talk-to-text technology as an accommodation

*97. For individuals who use sign language to communicate, they shall not be cuffed or shackled by their hands while signing or when using any auxiliary aid (such as VRI or VRS) to communicate with their hands, unless there is a safety and security concern. If this occurs, staff will document the specific individualized safety and security concern, which will be reviewed by a supervisor to ensure it meets criteria for the action.*

**Compliance Rating:** Partial Compliance

**Policies** – Draft Revision DSB Policy P.11 Effective Communication (May 29, 2024), DSB Policy P.11 Effective Communication (December 19, 2025), DSB Policy P.2 Telephone Access (May 29, 2024)

**Training** – Proposed Training Bulletin DSB P&P P.11 Effective Communication Update

**Documents Produced/Reviewed** – NA

**Implementation**

DSB Policy P.2 Telephone Access (May 29, 2024) states, “Incarcerated persons who require the use of their hands to communicate using a non-conventional phone, such as individuals

using a videophone or a TTY/TDD, shall not be restrained in a manner that restricts the use of their hands and arms for communication, unless there is a safety and security concern.”

The County is also in the process of revising DSB Policy P.11, Effective Communication, to include the language, “Incarcerated persons who use sign language to communicate shall not be cuffed or shackled by their hands while signing or when using any auxiliary aid (such as VRI or VRS) to communicate with their hands, unless there is a safety and security concern. If this occurs, staff will document the specific individualized safety and security concern, which will be reviewed by a supervisor to ensure it meets criteria for the action.” The County is also developing a Training Bulletin to provide guidance to staff on this requirement. Although outside of the rating period, post review, the County produced the revised DSB Policy P.11 Effective Communication (December 19, 2025).

### **Recommendations:**

- Once the revisions to the policy are implemented, ensure that staff are trained
- Provide the Neutral Expert documentation for the cases

98. *For individuals who use sign language to communicate and/or who are Deaf, the County shall ensure that deputies promptly respond in-person when those individuals push the intercom button in their cell and/or housing unit.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy I.2 Intercom System (December 17, 2024, Draft Revision DSB Policy P.11 Effective Communication (May 29, 2024)

**Training** – Proposed Training Bulletin DSB P&P P.11 Effective Communication Update

**Documents Produced/Reviewed** – NA

### **Implementation**

Although the County reported this paragraph is not ready for review, DSP Policy I.2 Intercom System states, “When the intercom call button is activated, and the deputy is unable to communicate with the incarcerated person via the intercom, a deputy shall promptly respond to the cell in person. This includes, but is not limited to, incarcerated persons who are deaf, nonverbal, or use sign language to communicate.”

Additionally, the County is in the process of revising DSB Policy P.11 Effective Communication to include the language, “For incarcerated persons who use sign language to communicate and/or who are Deaf, or are Mute, staff shall promptly respond in-person when those individuals push the intercom button in their cell and/or housing unit. Staff shall document the response in the incarcerated person's "Inmate History" under "Event Type" as ADAE – ‘Effective Communication.’” The County is also developing a Training Bulletin to provide guidance to staff on this requirement.

All staff interviewed reported they would conduct a face-to-face notification, go to the cell front/dorm, walk to the door, or go to the IP to advise them of the announcement.

Only one IP with the preferred method of communication of SLI was in custody during the on-site review. The Neutral Expert interviewed this IP, and he reported that he had not pushed his intercom button for staff.

During the IP interviews, an IP reported she recently missed a medical appointment due to the announcement not being communicated effectively to her, and she also alleges she has missed meals, dayroom, and med pass.

**Recommendations:**

- Once the revisions to the policy are implemented, ensure staff are trained
- Provide the Neutral Expert documentation for the cases
- Ensure staff receive clear guidance on providing effective communication when they respond in-person to when an individual who uses SLI presses the intercom

## ***K. Assistive Devices, Health Care Appliances, and Durable Medical Equipment***

99. *The County shall ensure that incarcerated persons with a disability requiring an assistive device, health care appliance, or durable medical equipment (including prosthetics) (henceforth, "HCA/AD/DME") will have access to such a reasonable accommodation(s). Incarcerated persons with personal assistive devices shall be permitted to keep their devices during the booking process and throughout their time in custody unless the device poses a direct threat or safety and security risk, as determined based on an individualized assessment with supervisory review and approval. If such a risk is identified, an equivalent County device will be issued instead of the personal assistive device if there is an alternative that does not pose a direct threat or safety and security risk. Any HCA/AD/DME provided by the County to replace an individual's personal HCA/AD/DME shall be sufficient to provide the person with safe access to the jail facility's programs, services, and activities. The County will store the personal HCA/AD/DME and return it upon release from custody.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Incarcerated Persons with Disabilities (May 29, 2024), DSB Policy Q.55 Property Received with Incarcerated Persons (July 16, 2025)

**Training** – Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – Copy of Releases Jan-Sep 2025, July DME Releases, Aug RLS W-DME, Cases where HCA/AD/DME were removed from IPs

### **Implementation**

DSB Policy M.39 and DSB Policy Q.55 include detailed language that complies with the requirements for IPs with a disability requiring an HCA/AD/DME to have access to the devices during the booking process and throughout their time in custody unless the device poses a direct threat or safety and security risk. The policy also includes the requirement for staff to conduct an individualized assessment with supervisory review and approval, in addition to consultation with medical staff and the issuance of an alternative County device. The policy

also includes the requirement for the County to store personal HCA/AD/DME and return them to the IP upon release from custody.

During the IP interviews, several IPs reported delays in the provision of assistive devices. The cases are listed below:

- IP reported he had a brace at booking, staff took the brace and issued a cane.
  - County response – IP requested a knee brace and admitted to leaving the knee brace at home during the ADA Functional Assessment. See Progress Notes, ADA Functional Assessment and Appliance Authorization.
    - The Neutral Expert notes that the ADA Functional Assessment reflects the IP's response of "No" to the question, "Upon arrest, did you have these assistive devices with you?"
- IP reported it took two (2) weeks for amplifiers to be provided.
  - County response - Was approved for amplifier on 4/2/25 and issued 4/30/25 (see attached). After initial approval, the Dr. did not submit an Appliance and Prosthesis Authorization Form, which is needed to alert nurses of a needed device distribution.
    - The Neutral Expert notes that it took 28 days for the IP to receive the amplifiers.
- IP reported he had a wheelchair during his last incarceration and was forced to walk during intake. Also reported he received a wheelchair one (1) week after arrival, and he doesn't have his cane alleges he told the Deputy's.
  - County response - IP was approved for cane and intermittent WC (see Authorization Form). IP stood and walked during Pre-Intake. IP was previously released from custody with SDSO wheelchair on 9/3/25 and rearrested on 9/10/25 without SDSO wheelchair (see ADA Initial Interview). IP was only approved for intermittent WC during Intake. Fulltime WC was not approved until 9/19 (see FT WC Approval).
    - The Neutral Expert notes that the Appliance and Prosthesis Authorization form indicates the IP was provided a wheelchair for long distances on 9/10/25, and there is no authorization for a cane; however, the ADA Medical Instructions Report indicates the IP is approved for a cane.
- IP reported that the wheelchair footrests were removed from the wheelchair.
  - County response – IP was approved for (R) leg rest on 11/26/25. Team verified on 12/3/25, IP did not have the leg rest, and it was provided.
    - The Neutral Expert notes that it took eight (8) days for the IP to receive the leg rest.
- IP reported he requested a rollator walker (uses one on the streets), but medical told him the county does not provide one and that the family can bring one. IP also reported he was denied a wheelchair two (2) times and was approved for a full-time wheelchair the third time.
  - County response – IP was approved for AFO Brace. IP requested AFO Boot 8/2/25. IP scheduled on 11/24 for rollator walker and refused (see Sick Call Note and Progress Note). During first ADA Functional Assessment IP stated, "I can walk, but I had a gunshot wound on my right leg this year in February". "I have to use the cane; I have a drop foot on the right" (see attached). WC not indicated during NP appointments on 8/12/25 and 8/27/25 (see attached). WC

approved 9/26/25.

- The Neutral Expert notes the ADA Functional Assessment dated 7/31/25 reflects the IP responded, "I started using the cane 2 weeks ago. I used the crutches 2 weeks ago" to the question, Which of these devices were prescribed by a doctor? There is no record of the IP advising medical staff requesting a rollator walker. The Neutral Expert also notes that the progress notes on 8/12/25 and 8/27/25 reflect "wheelchair not indicated at the moment." The progress note (9/26/25) reflects "Pt. reports GSW to R acetabulum approx. 5 months ago with resultant right foot drop and request wheelchair because walker with rolling capacity and seat is not available here."
- IP reported he slipped in the sallyport, was placed in the WRAP, and placed in a room without his tapping cane and glasses. Reports he was provided his tapping cane the next day.
  - County response - IP was under the influence and placed into a Sobering Cell (see attached SOB ISR).
    - The Neutral Expert notes that the ISR reflects that the IP was placed in a sobering cell.
- IP reported he advised medical staff he needed a cane during the medical screening process and was advised to put a medical slip in.
  - County response - IP admitted to using a brace only during ADA Functional at Intake (see attached).
    - The Expert notes that the ADA Functional Assessment and Health Assessment only reflect the IP advising medical staff of his need for a brace.
- IP reported he advised medical that he uses a walker, a cane, and a wheelchair on the streets, and they told him you walked through the door fine. Reported he got his cane from another IP. Also reported that it took 4 days for the medical staff to provide him with his cane after the provider ordered.
  - County response - IP was approved a cane and intermittent WC and WC transport at Pre-Intake. (see attached). IP was only approved for intermittent WC. Cane was not approved until 10/18/25. (See Progress Notes from Intake 10/15/25). Cane was not approved until 10/18/25. Per medical, the cane delay may have been due to IP transferring the same day cane was ordered.
    - The Neutral Expert notes that the Appliance and Prosthesis Authorization form reflects that the IP was authorized a cane on 10/18/25. The Progress Note reflects that he was authorized a wheelchair on 10/15/25. There is no documentation of the date he was provided the cane.
- IP reported it took three (3) days to one (1) week to receive the walker.
  - County response - No proof if IP was asked or offered information about mobility during Intake Screening or SOB clearance. (See attached) Walker was approved 8/27/25 at 1405 and distributed at 2132, see BWC.
    - The Neutral Expert notes the IP was placed in a sobering cell on arrival, and there is no documentation of mobility-related questions being asked. The Neutral Expert also notes that the Appliance and Prosthesis Authorization is dated 11/21/25, and the walker was provided to the IP on 8/27/25.

- IP reported she verbally asked for a cane during intake, and it was provided one (1) week later.
  - County response - IP answered "No" to mobility issues – (see Medical Clearance )
    - The Neutral Expert notes that the Medical Clearance Form reflects that the IP answered “no” to all disability-related questions.
- IP reported she put in a medical request for a wheelchair, and a Judge had to order that she be provided a wheelchair.
  - County response - IP admitted to walking on the "outs" (see Health Assessment). IP Submitted Healthcare Requests for wheelchair on 8/17 and 11/22. Intermittent wheelchair approved on 11/7 (see attached Progress note that references Court Order).
    - The Neutral Expert notes that the ADA Functional Assessment (8/17/25) reflects that the IP reported she uses a cane and needs it when walking more than 50 feet and up and down the bus. The ADA Functional Assessment (11/8/25) indicates that the IP reported she uses a cane when ambulating. The Health Assessment (8/14/25) reflects that she reported, “She usually walks in the outs.” The Appliance and Prosthesis Authorization form reflects that a wheelchair for long distances was approved on 11/7/25.
- IP reported his cane was not issued to him until after arrival at GBDF from SDCJ five (5) days after arrival and booking.
  - County response - Per progress notes and functional assessment, IP was provided a cane 9/20/25. IP left JPMU 9/22/25 to transfer to GBDF w/out cane (see BWC).
    - The Neutral Expert notes that the progress note (9/20/25) reflects that the IP was provided a cane. It appears that it was not provided, however. The BWC shows the IP being removed from the holding cell with no cane, and a cane is not visible in the holding cell.
- IP reported it took one (1) week to get the cane after approved by medical.
  - County response - IP was uncooperative and arrested in a WRAP. During intake IP denied medical issues. Cane was approved on 9/17/25 (see attached progress notes and device approval). Cane was not issued until 9/21/25 (see attached progress note).
    - The Neutral Expert notes the Appliance and Prosthesis Authorization form reflects that a cane was approved on 9/17/25 but not provided for 4 more days, as the County reports the cane was provided on 9/21/25.
- IP reported he was provided a cane during previous incarcerations (12/4/24 and 7/25/25) and was not provided a cane until three (3) days after arrival.
  - County response - IP's cane was approved 9/16/25 and BWC shows IP with his cane during the JPMU interview (see attached).
    - The Neutral Expert notes that the Appliance and Prosthesis Authorization form reflects that a cane was approved on 9/16/25. The BWC video was not produced, and there is no documentation of when the cane was provided to the IP.

- IP reported he arrived with a rollator walker, and it was swapped out for a standard walker.
  - County response - IP stated during ADA interview, personal walker was left at home (see ADAI event notes, interview form). Today via BWC IP confirmed the walker was left with AO EPD.
    - The Neutral Expert notes that the ADA Interview Question form reflects that the IP requested a seated walker. The BWC reflects the IP stated, “they (the jail) made the cop take it away, they wouldn’t let me keep it.”
- IP reported he arrived with a metal-hinged knee brace, which was swapped for a sleeve. Submitted medical request for the hinged knee brace three (3) months ago.
  - County response - No record of hinged knee brace (See Medical Clearance, Progress Note and ADA Functional Assessment).
    - The Neutral Expert notes that the Medical Clearance, Progress Note, and ADA Functional Assessment do not reflect any information regarding a brace.
- IP reported he had a cane for one (1) day only.
  - County response - No record of IP not having a cane, see ADA interview forms, events, and functional assessments, as well as BWC.
    - The Neutral Expert notes the ADA Functional Assessment (9/30/25) reflects IP uses a cane at all times, the ADA Functional Assessment (11/24/25) reflects IP uses a cane outside of the cell, and the ADA Interview Question forms (9/30/25 and 11/24/25) reflect the IP is prescribed a cane. During the ADA Interview on 9/30/25, the IP advised the ADA nurse that he did not have his cane. On 11/24/25, he had the cane in his cell.

Documents produced by the County reflect the following cases where HCA/DME/AD were removed from IPs:

- 1/20/25 IP broke wood cane. Medical consulted discontinued cane order. Incident Report written. Unknown if approved by supervisory staff.
- 4/27/25 IP in Enhanced Observation Status not allowed to retain cane and glasses based on medical determination. Incident Report written. Unknown if approved by supervisory staff.
- 6/21/25 IP banging cane against window. No medical consult. Cane placed outside of cell. Incident Report written. Unknown if approved by supervisory staff.
- 5/3/25 IP broke wheelchair. Medical evaluation SOAP note wheelchair was taken away at today’s visit for safety concerns. Incident Report written. Unknown if approved by supervisory staff.
- 1/31/25 IP altered walker (using as chair with blanket). Confiscated by Deputy and placed in classroom. No medical consultation. Incident Report written. Unknown if approved by supervisory staff.

The Neutral Expert notes that the County is in the process of implementing the San Diego County Sheriff’s Office Safety and Security Assessment Form (ADA-3), which will be used to document cases in which staff remove an IP’s HCS/AD/DME due to safety and/or security issues. The ADA-3 also requires staff to consult with health care staff regarding an alternative

device and to obtain supervisory approval. The County has also developed a Training Bulletin for staff.

Detention Services Technicians interviewed reported that the following process is in place to ensure IPs are released with their personal and/or County-issued HCA/AD/DME. The DPT staff reviews the release queue in JIMS to identify IPs being released with either a personal or County-issued HCA/AD/DME. If the IP has a personal HCA/AD/DME in the property, the device is obtained from the property room and placed in the final release area. If the IP has a County-issued device, it is exchanged for the personal device. If the IP does not have a personal device, he or she may retain the County device. The DPT documents the release in JIMS.

The Detentions Processing Division Training Bulletin Durable Medical Equipment includes the following requirements for staff. "If the IP's personal equipment is stored in the property room, the stock clerk will place the equipment in the final release area prior to release. The Final Release DPT will communicate to the Release Deputy that the IP has DME. The Release Deputy will ensure the IP is provided with their personal DME in exchange for the jail-issued equipment."

A review of the Copy of Releases Jan-Sep 2025, July DME Releases, Aug RLS W-DME found that when the DPD staff document the release of an IP with an HCA/AD/DME, the documents produced by the County do not include a notation if the HCA/AD/DME is a personal device or a County-issued HCA/AD/DME.

**Recommendations:**

- Ensure that IPs with a HCA/AD/DME have access to County-issued devices and are permitted to keep their devices during the booking process and throughout their time in custody.
- Implement the Safety and Security Assessment Form
- Once implemented, ensure staff are trained
- Document if the HCA/AD/DME the IP is being released with is a personal device

100. *If an incarcerated person with a disability needs a reasonable accommodation in the form of an assistive device but does not have one, the County will provide it. An incarcerated person's insurance if applicable may be billed for personal devices; billing will not delay the provision of the assistive device. The County shall maintain a sufficient supply, as determined by the County health staff, of all HCA/AD/DME that is regularly used to assist persons with disabilities at each jail facility, in working order, to ensure timely provision of such items to incarcerated persons with disabilities.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Incarcerated Persons with Disabilities (May 29, 2024)

**Training** – Trainings listed in Paragraph 14 2

**Documents Produced/Reviewed** – McKesson Supply Orders (158 pages), SDCJ Wheelchair Log Out (2025, 5 pages)

## **Implementation**

DSB Policy M.39 states, “Assistive Devices and Durable Medical Equipment (DME) shall be furnished to incarcerated persons with disabilities that have been identified by health staff to require such accommodations.”

See details of IP information in Paragraph 99

The County produced McKesson Supply Orders (158 pages); however, the Neutral Expert notes that the documents only report on the HCA/AD/DME the County ordered and do not include an inventory of the HCA/AD/DME in stock and available for issuance to IPs. Additionally, the SDCJ Wheelchair Log Out only includes information on wheelchairs, and the information at times reflects zero (0) balance. The Neutral Expert also notes that the Wheelchair Log Out does not include a Periodic Automatic Replacement (PAR) level. During the on-site review, the Neutral Expert noted that RMDF and EMRF maintained detailed inventories of the HCA/AD/DME. Of concern is that medical staff assigned to the medical intake areas at LCRDF and SDCJ were unaware of the location of the HCA/AD/DME. The County must ensure that a sufficient number of HCA/AD/DME is available, especially in the intake facilities. The LCRDF HCA/AD/DME supply area had canes, wheelchairs, walkers, braces, and shower chairs; however, there was no inventory of the devices that reflected the number of each device in stock, nor was there a PAR level of when to re-order. The EMRF HCA/AD/DME supply area had a supply of canes, crutches, walkers, braces, and wheelchairs, and an inventory with a PAR level for each device. The SDCJ HCA/AD/DME supply area had canes, wheelchairs, walkers, braces, and shower chairs; however, there was no inventory of the devices that reflected the number of each device in stock, nor was there a PAR level of when to re-order. The RMDF and EMRF, HCA/AD/DME supply area had a supply of canes, crutches, walkers, braces, and wheelchairs, and an inventory with PAR level for each device.

## **Recommendations:**

- Ensure the County maintains a sufficient supply, as determined by the County health staff, of all HCA/AD/DME that is used to assist IPs with disabilities at each jail facility
- Ensure all facilities maintain an inventory with PAR levels of all HCA/AD/DME that are regularly used to assist IPs with disabilities

*101. If an assistive device is removed for safety or security reasons, after supervisory review, the decision and reasons for removal shall be documented, receive supervisory review, and be reviewed with medical staff within 24 hours to determine an appropriate alternative device and/or accommodation. The ADA Unit will be promptly notified and shall assist as necessary to appropriately resolve the issue.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Incarcerated Persons with Disabilities (May 29, 2024)

**Training** – Training Bulletins listed in Paragraph 14 2

**Documents Produced/Reviewed** – Cases where HCA/AD/DME were removed from IPs

## Implementation

DSB Policy M.39 includes detailed language that complies with the requirements for staff to conduct an individualized assessment with supervisory review and approval, in addition to consultation with medical staff, and the issuance of an alternative County device when HCA/AD/DME is removed for safety and security reasons.

Custody staff interviewed reported that in cases where an assistive device is removed for safety and security reasons, they would complete an ISR and advise their supervisor, medical staff, and the ADA Unit.

The Natural Expert summarized the cases the County produced where HCA/DME/AD were removed from IPs in paragraph 99 above.

As previously stated, the Neutral Expert could not determine if supervisory review of these cases was conducted. In addition, in two (2) of the five (5) cases, there is no documentation that reflects that medical staff were consulted as required by this paragraph.

The Neutral Expert notes that the County is in the process of implementing the San Diego County Sheriff's Office Safety and Security Assessment Form (ADA-3), which will be used to document cases in which staff remove an IP's HCS/AD/DME due to a safety and/or security issue. The ADA-3 also requires staff to consult with medical regarding an alternative device and to obtain supervisory approval. The County has also developed a Training Bulletin for staff.

### Recommendations:

- Implement the Safety and Security Assessment Form
- Once implemented, ensure staff are trained
- Ensure there is a supervisory review for all cases
- Ensure there is a medical review to determine an appropriate alternative device

102. *If an individual's personal HCA/AD/DME becomes unusable, the County will provide the person with a replacement HCA/AD/DME. An incarcerated person's insurance if applicable may be billed for personal devices; billing will not delay the provision of the assistive device.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Incarcerated Persons with Disabilities (May 29, 2024)

**Training** – Training Bulletins listed in Paragraph 14 2

**Documents Produced/Reviewed** –Cases where HCA/AD/DME were replaced

## Implementation

DSB Policy M.39 states, "If an incarcerated person's personal assistive device or DME requires replacement due to maintenance issues or because the personal device or equipment is determined to be a safety or security risk for in-custody use, then an equally effective alternative shall be provided to the incarcerated person within one business day.

The incarcerated person's personal device or equipment shall be placed into their secured property.”

During the IP interviews, the following IPs reported delays in the replacement of HCA/AD/DME:

- IP alleged he was assaulted with his cane by another IP in his cell, and he put the cane outside of his cell, and he did not get the cane back after submitting a medical request.
  - County response - IP assault occurred in August; IP was not issued a cane until Oct 15. No Health Care Request for cane on file until Oct 15 to present.
- IP reported brace was thrown away during a search, and he put a medical slip in and has not received a replacement.
  - County response - No recent health care request on file. ADA staff verified on 12/3/25 the IP had a brace. Brace was ripped so it was replaced 12/3/25.
- IP reported that in March/April 2025, advised custody, the walker was unsteady/wobbly. Staff took the walker, and he had nothing for two (2) to three (3) weeks.
  - County response - Walker was removed for safety and security reasons. The device was then returned the same day. No record of request for replace in Mar/Apr, see attached HealthCare Request, ADA interviews, and Medical Appointment Progress Notes.
  - The Neutral Expert notes that there were no records produced related to the IP informing staff of the unsteady/wobbly walker in March/April 2025. However, in the ISR dated 1/31/25, the sergeant states, “I provided the blanket and completely assembled walker to XXXX. XXXX returned to his assigned housing area with his issued walker and blanket.

The County provided one case in which it provided an IP with a replacement HCA/AD/DME when the personal HCA/AD/DME became unusable.

- 5/4/25, an IP reported to custody staff that his personal wheelchair was no longer functional because the wheel had fallen off. The IP was provided a replacement County-issued wheelchair, and his personal wheelchair was placed into property.

A review of the Training Bulletins found that detailed guidance on the requirements to provide an IP with a replacement HCA/AD/DME if a personal HCA/AD/DME becomes unusable is not included. However, the Neutral Expert notes that the County is developing a Medical Assistive Device Training Bulletin to address this requirement.

#### **Recommendations:**

- Once the Medical Assistive Device training is finalized, ensure staff are trained
- In cases where an IP's personal HCA/AD/DME becomes unusable, ensure the IP is provided with a replacement HCA/AD/DME.

103. *The County shall not automatically remove HCA/AD/DME when incarcerated persons are placed in temporary holding, sobering, or observation cells, and shall remove HCA/AD/DME only based on individualized security factors and for the minimum time necessary.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Incarcerated Persons with Disabilities (May 29, 2024)

**Training** – Training Bulletins listed in Paragraph 14 2

**Documents Produced/Reviewed** –Cases where HCA/AD/DME were removed from IPs

### **Implementation**

DSB Policy M.39 includes detailed language that complies with the requirements for staff to conduct an individualized assessment with supervisory review and approval, in addition to consultation with medical staff, and the issuance of an alternative County device when HCA/AD/DME is removed for safety and security reasons. However, there is no detailed language in policy or the Training Bulletins produced and reviewed that provides guidance to staff to not automatically remove HCA/AD/DME when IPs are placed in temporary holding, sobering, or observation cells, and only remove HCA/AD/DME based on individualized security factors and for the minimum time necessary.

The Neutral Expert summarized the cases the County produced where HCA/DME/AD were removed from IPs in paragraph 99 above.

In one (1) case, the Neutral Expert notes an IP in Enhanced Observation Status was not allowed to retain his cane and glasses based on medical determination, and in another case, an IP's cane was removed and placed outside the holding cell due to the IP banging the cane against the window.

A review of the Training Bulletins found that detailed guidance that staff shall not automatically remove assistive devices when incarcerated persons are placed in temporary holding, sobering, or observation cells, and shall remove assistive devices only based on individualized security factors and for the minimum time necessary is not included. However, the Neutral Expert also notes that the County is in the process of developing a Medical Assistive Device Training Bulletin that addresses this requirement.

Custody staff interviewed reported IPs are allowed to retain their assistive device unless there is a safety and security concern. If they remove an assistive device, they will complete an ISR and advise their supervisor, medical staff, and the ADA Unit.

### **Recommendations:**

- Once the Medical Assistive Device training is finalized, ensure staff are trained
- Implement and provide completed Safety and Security Assessment forms and ISRs

*104. Upon release, if an incarcerated person does not have personal HCA/AD/DME or came to the jail with HCA/AD/DME that is not adequate for the person's needs, the County shall permit the person to retain any HCA/AD/DME provided to the person while in custody, or the County shall provide a comparable device. An incarcerated person's insurance if applicable may be billed for personal devices; billing will not delay the provision of the assistive device upon release from the jail. The County may alternatively coordinate with the incarcerated person, the person's family or friends, and/or other County agencies to secure HCA/AD/DME for the person prior to release so long as the incarcerated person has the device at the time of release. The provision of HCA/AD/DME, return of personal devices, and/or coordination with external parties shall be documented in a manner that can be audited for quality assurance.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy Q.55 Property Received with Incarcerated Persons (July 16, 2025)

**Training** – Training Bulletins listed in Paragraph 14 2

**Documents Produced/Reviewed** – Copy of Releases Jan-Sep 2025, July DME Releases, Aug RLS W-DME, Cases where HCA/AD/DME were removed from IPs

**Implementation**

DSB Policy Q.55 states, “Incarcerated persons requiring DME or assistive devices (i.e., wheelchairs, walkers, and canes) shall be released with jail-issued DME unless they are being released with personal DME that meets their needs. This includes incarcerated persons assigned intermittent wheelchairs.” The policy also states, “If an incarcerated person did not arrive at the jail with a personal device, medical staff can coordinate with the incarcerated person, the person’s family or friends, and/or other County agencies to secure DME for the person prior to release so long as the incarcerated person has the device at the time of release.”

Detention Services Technicians interviewed reported that the following process is in place to ensure IPs are released with their personal and/or County-issued HCA/AD/DME. The DPT staff reviews the release queue in JIMS to identify IPs being released with either a personal or County-issued HCA/AD/DME. If the IP has a personal HCA/AD/DME in the property, the device is obtained from the property room and placed in the final release area. If the IP has a County-issued device, it is exchanged for the personal device. If the IP does not have a personal device, he/she is allowed to retain the County device. The DPT documents the release in JIMS.

The Detentions Processing Division Training Bulletin Durable Medical Equipment includes the process for DPTs to follow when releasing IPs with County issues and personal HCA/AD/DME. will communicate to the Release Deputy that the IP has DME. The County has also created a tracking mechanism for the DPTs to document when IPs are released with HCA/AD/DME. The Training Bulletin states, “When the Final Release DPT visually confirms that the IP is being released with DME, they will go into the Related Addresses screen and double click on the DME Verified notification. The DPT will click on the 'Contact Detail' tab and enter the following information.

Action: 1 ST

Resolution: CONT - Contacted

Notes: IP is being released with ( equipment description). If it is jail-issued, ensure it is notated.

Once the contact is resolved, proceed with the release.

If the IP is released with jail-issued DME, the Final Release DPT will document this in the Property Notes section of the JIMS to ensure there is a record of the issuance.”

However, a review of the Copy of Releases Jan-Sep 2025, July DME Releases, Aug RLS W-DME found that when the DPD staff document the release of an IP with a HCA/AD/DME

the documents produced by the County do not include a notation if the HCA/AD/DME is a personal device or a County issued HCA/AD/DME.

**Recommendations:**

- Ensure all DPT are aware of the ADA Settlement and Order requirements.
- Document if the HCA/AD/DME the IP is being released with is a personal device or a County-issued device

**L. Emergency Situations and Use of Force**

105. *The County shall develop and implement policies, procedures, and training to ensure that incarcerated persons with disabilities are accommodated during evacuations and other emergencies at the jail. The Sheriff's Office's "green sheets" (facility-specific policies and procedures) for each facility shall include specific information about evacuation procedures for incarcerated persons with disabilities to be accommodated during an emergency, identifying the devices on hand to carry people with mobility disabilities downstairs when necessary, and identifying the specific ways that staff at that facility must accommodate people with disabilities in a facility emergency, given the unique characteristics of each jail facility. The County shall revise these green sheets by no later than six months from the date of the signing of this ADA Settlement Agreement and Order by all counsel. The County shall provide drafts of the green sheets to the neutral expert for review and prompt comment. The County shall ensure that they have sufficient devices to carry people with mobility disabilities downstairs for emergencies when elevators do not work or cannot be used.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Policy H.3 Evacuation Plans (May 29, 2024), LCVDRF Green Sheet I.35.L Housing Unit Special Equipment, SDCJ Green Sheet H.3.C.1 Evacuation Plans, GBDF Green Sheet H.3.C.1 Evacuation Plans, LCDRF Green Sheet H3.I Evacuation Plans, EMRF Green Sheet H.3.M Evacuation Plans, RMDF Green Sheet H.3.R Evacuation Plans, SBDF Green Sheet H.3.S Evacuation Plans, VDF Green Sheet H.3.V Evacuation Plans

**Training** - Training Bulletins listed in Paragraph 14

**Documents Produced/Reviewed** – NA

**Implementation**

The Neutral Expert notes that DSB Policy H.3 Evacuation Plans was revised on May 29, 2024. The policy requires each detention facility to develop evacuation procedures that meet the individual needs of the facility (green sheets). The Neutral Expert also notes that the County revised the green sheets by the date required by the ADA Settlement Agreement and Order (no later than six months from the date of the signing of this ADA Settlement Agreement and Order by all counsel), June 11, 2025. The County also provided the green sheets to the Neutral Expert for comment and review as required by this paragraph.

The green sheets include detailed guidance/requirements for staff to evacuate disabled IPs, including the method of communication. The green sheets also identify the devices (wheelchairs and "Evac Chairs") on hand (including the location) for staff to carry IPs with

mobility disabilities downstairs when necessary. The green sheets identify the specific ways that staff at the facilities must accommodate IPs with disabilities in a facility emergency. The Neutral Expert notes that for the facilities with a large population of IPs with wheelchairs (SDCJ and GBDF) there may not be a sufficient number of “Evac Chairs” to serve the population in the event of an emergency. SDCJ and GBDF currently have two (2) Evac Chairs, and RMDF and VDF have one (1).

Additionally, a review of the training bulletins produced by the County found that the trainings only reference that, “Each detention facility shall maintain an Emergency Operations Manual (EOM) as required by DSB P&P Section H.2. Staff shall provide assistance to incarcerated persons with disabilities during the evacuation process, based on the incarcerated person’s reasonable accommodation needs and disability according to updated DSB P&P Section H.3 – Evacuation Plans.” The training does not include detailed guidance on staff’s responsibilities to ensure that IPs with disabilities are accommodated during evacuations and other emergencies at the jail.

**Recommendations:**

- Ensure sufficient Evac Chairs are added to the inventories at SDCJ, GBDF, and VDF
- Develop training that includes detailed guidance on staff’s responsibilities to ensure that IPs with disabilities are accommodated during evacuations and other emergencies at the jail
- Ensure staff assigned to the emergency response teams are trained on the use of the Evac Chairs

106. *The County shall conduct training on disability awareness and de-escalation related to use of force on incarcerated persons with identified disabilities. The County shall comply with its use of force policies and take into account an incarcerated person’s documented physical disability, mental health disability, or intellectual disability (including relevant accommodation and adaptive support needs), before pre-planned cell extractions and coordinated tactical responses to incidents involving multiple incarcerated persons and incarcerated persons not participating in the incident.*

**Compliance Rating:** Non-Compliance

**Policies** – DSB I.83 Extraction Procedures (December 29, 2023)

**Training** – NA

**Documents Produced/Reviewed** – NA

**Implementation**

The County reported this paragraph is not ready for review

**Recommendations:**

- Develop training on disability awareness and de-escalation related to use of force on IPs with identified disabilities
- Ensure all custody staff are trained once training is developed

## **M. People with Learning, Intellectual, and Developmental Disabilities**

107. *The County shall ensure that health care staff who have received the training specified in Paragraph 22 conduct a screening of incarcerated persons for intellectual, learning, and developmental disabilities. For any person suspected of having a learning, intellectual, or developmental disability, the County shall provide a secondary screening by a qualified mental health professional (“QMHP”) within seven (7) business days. The QMHP shall be responsible for documenting any identified learning, intellectual, or developmental disabilities and necessary accommodations in the person’s health record. This includes identifying and documenting 1) adaptive support needs, 2) safety, vulnerability, and victimization concerns; and 3) programming, housing, and accommodation needs.*

**Compliance Rating:** Non-Compliance

**Policies** - San Diego Sheriff’s Office Medical Services Division Receiving Screening E.2.1, San Diego Sheriff’s Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13

**Training** – Medical Services Division Training Bulletin ADA Cognitive Assessment – Mental Health

**Documents Produced/Reviewed** – Emails and list of medical staff trained on Medical Services Division Training Bulletin, ADA Cognitive Assessment – Mental Health

### **Implementation**

Although the County reported this paragraph is not ready for review, the County produced the Medical Services Division Training Bulletin, ADA Cognitive Assessment – Mental Health, and emails which directed medical staff to complete the training. The County also produced a list of staff who completed the training attestation. The list reflects 434 medical staff completed the training. However, as reflected in paragraph 22, the training required has been provided primarily by training bulletins conducted via briefings and LMS. The Neutral Expert strongly recommends that the initial annual ADA training be delivered in a formal classroom setting, where class participants can engage with the presenter to clarify any questions or areas of the training.

As reported in paragraph 25, medical staff interviewed reported that disabilities and the associated accommodations are identified during the intake medical receiving screening and the 2nd-stage medical screening, where medical staff and/or a QMHP conduct an ADA Functional Assessment. The San Diego Sheriff’s Office Medical Services Division Receiving Screening E.2.1. includes the process for medical intake staff to identify IPs with physical, intellectual, cognitive learning, and psychiatric disabilities and associated accommodation needs; refer IPs to the 2nd-stage medical screening; and complete the ADA Functional Assessment. The policy also includes obtaining information from the arresting officer regarding disabilities and accommodation needs. Additionally, the policy requires a priority

QMHP evaluation to be scheduled by the intake RN prior to housing for IPs identified as a client of the regional center for developmentally disabled (RCC).

DSB Policy M.39 Disabled Incarcerated Persons states, "Incarcerated persons who are identified as having or suspected of having a cognitive, intellectual, or developmental disability shall be evaluated and screened by a Qualified Mental Health Professional (QMHP) within 7 days of booking. The QMHP shall determine if the ADA Cognitive/Learning JIMS Medical Instruction is added to the incarcerated person's record, document any necessary accommodations (e.g., adaptive supports), and schedule the incarcerated person for follow-up based on their individual needs.

The County produced the receiving screening questions, and the ADA Functional Assessment questions, and the Neutral Expert notes the following screening questions for self-care activities of daily living, cognitive/comprehension, and intellectual/learning disabilities:

#### Medical Clearance

- Mental Health History
  - Are you a regional center for the developmentally disabled, or have you been in special education classes in school?

#### ADA Functional Assessment

- Can you perform the following without assistance?
  - Eat/Drink
  - Shower/Groom
  - Dress
  - Keep Cell Clean
  - Read
  - Write (filling out a healthcare form)
  - Use of telephone
  - Understand Written Information
  - Express Their Needs
  - Complete Assigned Tasks
  - Follow Verbal Instructions
  - Get Along With Others

The ADA Functional Assessment also includes the following:

- Needs special reminders to take care of his/her personal needs and grooming
- Needs special reminders to keep cell clean

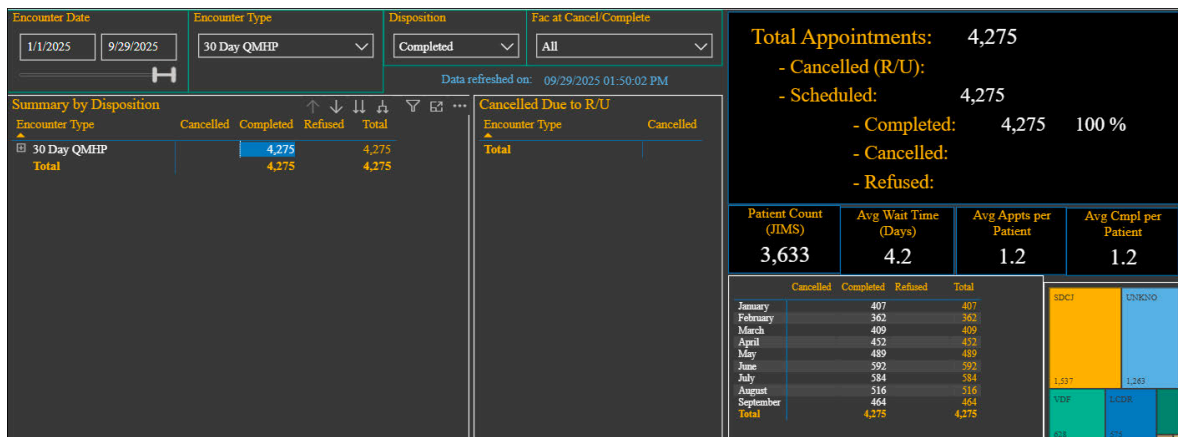
The San Diego Sheriff's Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13 includes the following assessment criteria for Regional Center Clients:

- The incarcerated person's level of Intellectual functioning.
- The incarcerated person's ability to comprehend current conversation and can state circumstances leading to arrest including charges and where they are located.

- The incarcerated person's ability to respond in a coherent manner and/or voice needs.
- The incarcerated person's current mood and behavior.
- The incarcerated person's ability to follow directions/impulse control (by direct observation or from other sources).
- The incarcerated person's level of education and from where, for example Special Education or Mainstream.
- The incarcerated person's residence before arrest and their level of independence in the community.
- The incarcerated person's knowledge of their diagnosis( es).
- The incarcerated person's history of employment.
- Collateral information regarding history, functioning, compliance, AOD use, IQ, diagnosis

The Neutral Expert observed a QMHP conduct an ADA Functional Assessment and found that the Functional Assessment does not screen individuals for safety, vulnerability, victimization concerns, programming, and housing needs. The Expert recommends that the County consider revising the evaluation process using screening and evaluation tools used by other correctional systems in California.

The County reported that the Neutral Expert's request for all completed screenings for persons referred for a secondary screening (Monthly) is not ready for review, as there is currently no way to track IPs referred for secondary screenings. MH is working with MSD regarding the use of one of the existing forms in TechCare. However, the County also reported that secondary screenings are scheduled at intake as 30-Day QMHP appointments and the average wait time for these appointment types are completed within four (4) days.



The County further reported that the Neutral Expert's request for all completed secondary screenings conducted by a QMHP, including the identified learning, intellectual, or developmental disabilities and necessary accommodations, inclusive of 1) adaptive support needs, 2) safety, vulnerability, and victimization concerns; and 3) programming, housing, and accommodation needs (Monthly) is not ready for review as MH is currently pulling each assessment manually and this is only for IPs with a current ADA cognitive accommodation. For future practice, MH will be developing a TechCare form, which will take several months to build and implement.

In review of the policies and Medical Services Division Training Bulletin ADA Cognitive Assessment – Mental Health, the Neutral Expert notes that the County’s process does not include a process for the QMHP to document identified safety, vulnerability, victimization concerns, and programming needs, as the current process only identifies comprehension, self-care, communication, and social skills. The Neutral Expert notes that San Diego Sheriff’s Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13 states that, “Utilizing the J200E RCC Assessment & Housing Recommendation form, the QMHP will assess the incarcerated person and will collaborate with JPMU on housing recommendations.” The policy also states, “Whenever it is possible, RCC assessments should be completed prior to any housing assignment or reassignment. While in intake, the QMHP will assess the RCC individual for appropriate mental health housing. However, the final decision is made by JPMU.” However, this process is only used for IPs who are RCC clients and not for all IPs with cognitive/intellectual disabilities.

**Recommendations:**

- Revise MSD and DSB policies to include the requirements for the QMHP to identify and document safety, vulnerability, victimization concerns, programming, and housing needs
- Once the policies are revised, ensure staff are trained
- Revise the cognitive/intellectual/learning disability evaluation process and screening tools that will ensure learning, intellectual, or developmental disabilities and necessary accommodations are identified, including adaptive support needs, safety, vulnerability, victimization concerns and programming, housing, and accommodation needs

108. *If the person has been a client of a Regional Center through the California Office of Developmental Services, the County shall contact the Regional Center to obtain the person’s Individualized Program Plan, subject to the person’s authorization.*

**Compliance Rating:** Substantial Compliance

**Policies** - San Diego Sheriff’s Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13

**Training** - NA

**Documents Produced/Reviewed** – Email correspondence between County staff and Regional Center Staff, including IPPs (147 pages), San Diego County Sheriff’s Inmates with RCC Alerts

**Implementation**

San Diego Sheriff’s Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13 policy states, Once an incarcerated person has been identified as RCC, the evaluating nurse will notify the On Duty Qualified Mental Health Professional (QMHP) by an automated gatekeeping evaluation indicating an incarcerated person is RCC and has been booked in the facility. The QMHP will notify the Regional Center. The QMHP will complete a release of information (ROI) for the incarcerated person to sign to enable the QMHP to contact RCC a social worker/case manager, or caregiver. Mental Health staff interviewed stated in cases where there is information an IP is a regional center

client, they request a Release of Information (ROI) from the IP and if he/she signs the ROI they request the IPs Individualized Program Plan.

The email correspondence between County staff and Regional Center Staff including IPPs, includes communication between County MH staff and the Regional Center requesting the IPs, IPP and the receipt of 13 IPPs.

**Recommendations:**

None

109. *The County shall ensure provision of adequate supports for any person with a learning, intellectual, or developmental disability as determined by medical and mental health care staff as appropriate. Incarcerated persons with a learning, intellectual, or developmental disability may not be housed in Administrative Separation or any similarly restrictive setting (which does not include protective custody) based on victimization or safety concerns arising from their disabilities.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – NA

**Implementation**

DSB Policy M.39 states, “Incarcerated persons who are identified as having or suspected of having a cognitive, intellectual, or developmental disability shall be evaluated and screened by a Qualified Mental Health Professional (QMHP) within 7 days of booking. The QMHP shall determine if the ADA Cognitive/Learning JIMS Medical Instruction is added to the incarcerated person's record, document any necessary accommodations (e.g., adaptive supports), and schedule the incarcerated person for follow-up based on their individual needs.” The policy also states, “The shift charge nurse or designee will inform JPMU of the health instructions. They will also inform the Reentry Services Division (RSD) Manager or their designee via email with the names of those incarcerated persons who have an identified need for accommodations for adaptive or programming services” and “Incarcerated persons requiring ADA accommodations will be assisted in receiving access to the following by either the Medical Services Division (MSD) or RSD staff: Adaptive services to assist in participation in programs or services.”

Paragraph 107 details the process the County has in place to identify cognitive/intellectual and learning-disabled IPs and their adaptive deficits and adaptive supports. DSB Policy M.39 also states, “The JPMU classification system screens, assesses, and houses incarcerated persons in a manner that protects the safety of the community, staff, and other incarcerated persons. The classification interview of incarcerated persons with disabilities includes screening for unreported disabilities that require accommodations.” San Diego Sheriff's Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13 states that, “Utilizing the J200E RCC Assessment & Housing Recommendation form, the QMHP will assess the incarcerated person and will collaborate

with JPMU on housing recommendations.” The policy also states, “Whenever it is possible, RCC assessments should be completed prior to any housing assignment or reassignment. While in intake, the QMHP will assess the RCC individual for appropriate mental health housing. However, the final decision is made by JPMU.” The Neutral Expert notes that the policies do not include the language that “IPs with a learning, intellectual, or developmental disability may not be housed in Ad-Sep or any similarly restrictive setting (which does not include protective custody) based on victimization or safety concerns arising from their disabilities.”

The County has a process in place to document certain adaptive deficits and adaptive supports for IPs with a learning, intellectual, or developmental disability. The identified supports are reflected in the ADA Tracking System where staff can access. The supports include:

- IP needs assistance with reading and writing
- Assistance with form completion
- Support with comprehension and understanding
- Social skills
- Would benefit from prompting pro social behavior
- Speak slow
- Prompts for ADLs
- Simple language
- Instructions explained in step-by-step manner
- Has a hard time with communication/social skills

Not all staff were aware of the terms used in the ADA Tracking List for supports required for IPs with a learning, intellectual, or developmental disability, such as ADLs. Additionally, the Neutral Expert notes that staff reported they would provide assistance in reading and writing for IPs that require this accommodation. However, documentation of staff (custody, programs, and medical) providing the identified supports was not provided to the Neutral Expert.

During the IP interviews, the five (5) IPs with cognitive/intellectual/learning disabilities interviewed reported that staff do not prompt them for ADLs, do not offer assistance in reading and writing and completing forms and they must rely on other IPs for reading and writing assistance.

#### **Recommendations:**

- Revise DSB policy to include language that IPs with a learning, intellectual, or developmental disability may not be housed in Ad-Sep or any similarly restrictive setting (which does not include protective custody) based on victimization or safety concerns arising from their disabilities
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure that IPs with a learning, intellectual, or developmental disability may not be housed in Ad-Sep or any similarly restrictive setting (which does not include protective custody) based on victimization, safety concerns, or other factors arising from their disabilities
- Ensure staff are trained

- Develop a process for the County to demonstrate proof-of-practice for the provision of adaptive supports by staff

110. *The County shall provide identified accommodations and adaptive supports to people with learning, intellectual, or developmental disabilities, including but not limited to effective communication, such as providing more time to respond to and act in accordance with directions (except when there is an immediate safety and security issue), assistance completing forms, and supports as necessary with activities of daily living.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024)

**Training** - Incarcerated Persons ADA Accommodation Information Training Bulletin, P.11 Effective Communication P & P Update Training Bulletin

**Documents Produced/Reviewed** – NA

### **Implementation**

DSB Policy M.39 states, “Sheriff’s Correctional Counselors shall meet with incarcerated persons with newly assigned JIMS Medical Instructions for ADA Vision, ADA Hearing, and/or ADA Cognitive/Learning, in order to provide information on how to access or request accommodations for in-custody personal recreation and structured programming managed by DSB’s Re-Entry Services Division. Accommodations are available in compliance with DSB P&P Section P.11.” DSB Policy P.11 includes requirements for staff to provide effective communication, reading assistance, and writing assistance. Policy P.11 states, “Reading assistance shall be provided by staff for all visually presented information (e.g., forms, reports, documents, etc.) in cases where the incarcerated person requires such accommodation to understand written materials. Scribes or writing assistance shall be provided by staff to complete necessary forms or written complaints, grievances, etc. in cases where the incarcerated person requires such accommodation to access such jail procedures.”

The Neutral Expert notes that Training Bulletins, Incarcerated Persons ADA Accommodation Information, and P.11 Effective Communication P & P Update include information for staff on how to identify IPs that require effective communication and reading and writing assistance. However, the County did not provide documents that reflect staff provided IPs more time to respond to and act in accordance with directions, assistance in completing forms, and support (prompts, reminders) with activities of daily living.

See paragraph 109 for detailed staff and IP information.

### **Recommendations:**

- Develop a process for the County to demonstrate proof-of-practice for the provision of adaptive supports by staff

111. *Mental Health Services will take appropriate steps to ensure implementation of each person’s individualized plan, in coordination with the ADA Unit as appropriate.*

**Compliance Rating:** Non-Compliance

**Policies** - San Diego Sheriff's Office Medical Services Division Receiving Screening E.2.1, San Diego Sheriff's Office Medical Services Division Housing Recommendations for Regional Center Clients (RCC) H.13

**Training** – Medical Services Division Training Bulletin ADA Cognitive Assessment – Mental Health

**Documents Produced/Reviewed** – NA

### **Implementation**

Paragraphs 107-110 and 112-114 include the County's requirements to identify cognitive/intellectual/developmental and learning disabilities and the associated adaptive deficits and supports (individualized plan). Once the County implements all components of these paragraphs, the Neutral Expert will evaluate the County's compliance with this paragraph.

### **Recommendations:**

- Implement the recommendations listed in paragraphs 107-110 and 112-114
- Once implemented, ensure Mental Health Services takes appropriate steps to ensure implementation of each cognitive/intellectual/developmental and learning disabled IPs' individualized plan, in coordination with the ADA Unit as appropriate

*112. The County shall implement training for staff, including contractors, on learning, intellectual, and developmental disabilities, including on the needs of incarcerated persons with such disabilities and staff's responsibilities to provide for such needs and to monitor for and address any safety, vulnerability, or victimization concerns.*

**Compliance Rating:** Non-Compliance

**Policies** - NA

**Training** - NA

**Documents Produced/Reviewed** – NA

### **Implementation**

The County reported that this paragraph is not ready for review.

### **Recommendations:**

- Develop the training required by this paragraph
- Ensure staff are trained

113. *People with learning, intellectual, and developmental disabilities shall have equal access to books, magazines, and any future electronic tablet programs, consistent with their reading and cognitive abilities.*

**Compliance Rating:** Non-Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024), DSB Policy P.11 Effective Communication (May 29, 2024)

**Training** - P.11 Effective Communication P & P Update

**Documents Produced/Reviewed** – NA

### **Implementation**

DSB Policy M.39 includes language that the County Staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity to incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level. However, the County has not included language in its policies or training regarding the requirement that staff ensure IPs with learning, intellectual, and developmental disabilities have equal access to books and magazines. The County reported that books are received by the County through donations. The Neutral Expert toured the libraries at the LCRDF and EMRF and noted that there is currently no section of easy reading books. During the IP interviews, IPs with learning, intellectual, and developmental disabilities reported that they are not provided with easy reading books.

### **Recommendations:**

- Revise policy and training to include the ADA Settlement Agreement and Order requirements
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure that IPs with learning, intellectual, and developmental disabilities have equal access to books
- Ensure staff are trained
- If the donation of books does not include easy reading books, purchase easy reading books so they can be placed in the libraries and provided to IPs

114. *The County shall provide discharge planning tailored to the needs of people with learning, intellectual, or developmental disabilities, including appropriate and effective linkages to housing assistance and community-based service providers.*

**Compliance Rating:** Partial Compliance

**Policies** - NA

**Training** - NA

**Documents Produced/Reviewed** – NA

## **Implementation**

The County reported that this paragraph is not ready for review. The County further reported that available discharge notes from MH were produced; pending more information from Reentry, which completes discharge planning for RCC IPs. The Neutral Expert notes that the documents produced are for IP identified as RCC clients. However, this paragraph requires that the County provide discharge planning, including appropriate and effective linkages to housing assistance and community-based services tailored to the needs of IPs with learning, intellectual, or developmental disabilities, not only RCC-identified clients.

## **Recommendations:**

- Revise the San Diego County Sheriff's Detention Services Bureau policies to include the requirements for staff to provide discharge planning tailored to the needs of IPs with learning, intellectual, or developmental disabilities, including appropriate and effective linkages to housing assistance and community-based service providers
- Once policy is revised, ensure detailed guidance for staff is included in training, on paragraph requirements
- Ensure staff are trained
- Produce the completed discharge plans for IPs with learning, intellectual, or developmental disabilities

## ***N. Searches and Restraints***

115. *The County shall ensure that incarcerated persons with disabilities receive reasonable accommodations with respect to searches and during counts. (For example, search procedures may require modification for a person with a mobility disability affecting their ability to stand or maintain a certain body position.)*

**Compliance Rating:** Non-Compliance

**Policies** – DSB Policy I.52 (December 30, 2025)

**Training** - NA

**Documents Produced/Reviewed** – NA

## **Implementation**

The County reported that this paragraph is not ready for review. Although outside the rating period, the County produced DSB Policy I.52 (December 30, 2025). The policy states, "Incarcerated persons with disabilities that prevent the use of standard strip search methods shall be provided reasonable accommodations during the strip search process. Any assistive device shall be available to the incarcerated person at all times, absent an individualized safety and security concern in accordance with M.39 Section IV.F.3. Incarcerated persons with severe mobility disabilities may not be able to stand or may be limited in the amount of time that they can stand. Searches that include removal or disassembly of an assistive device or health care appliance that is connected to the body

shall be conducted in a clean setting. The incarcerated person shall be allowed to remove the device and provide it to staff; consult health care staff if the incarcerated person is noncompliant and forcible removal is considered.” The policy also states, Incarcerated persons with disabilities that prevent the use of standard pat down search methods shall be provided reasonable accommodations during the pat down search process. This includes modifying the search for incarcerated persons with disabilities that affect their ability to stand or maintain a certain body position. Any assistive device shall be available to the incarcerated person at all times, absent an individualized safety and security concern in accordance with M.39 Section IV.F.3.” The Neutral Expert notes the policy was reviewed outside of the rating period and therefore, will monitor this paragraph during the next review.

### **Recommendations:**

- Revise policy to include the paragraph requirements
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to provide reasonable accommodations to IPs during searches and during counts
- Ensure staff are trained

116. *The County shall ensure that incarcerated persons with disabilities receive appropriate reasonable accommodations with respect to application of restraint equipment.*

**Compliance Rating:** Non-Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy I.51 Movement of Incarcerated Persons

**Training** – Trainings listed in paragraph 14

**Documents Produced/Reviewed** – Safety and Security Assessment Form (ADA-3)

### **Implementation**

Although the County reported this paragraph is not ready for review, policy M.39 includes language that the County staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity for incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level including transportation. The County is also in the process of revising DSB Policy I.51 Movement of Incarcerated Persons to include the requirement for staff to provide reasonable accommodations to incarcerated persons with disabilities during movement, including in compliance with DSB Policy M.39, DSB Policy I.52, DSB Policy I.97, and DSB Policy I.93, during the application of restraints, search, or transport. The ADA Lieutenant stated that the newly drafted Transportation Policy states “one hand free” as an accommodation for the application of restraints for IPs who use a cane. In review of the Training Bulletins produced by the County, the Neutral Expert notes that the trainings do not include detailed guidance for staff on the requirements for staff to ensure IPs with disabilities receive appropriate reasonable accommodations with respect to the application of restraint equipment. Housing unit staff interviewed reported they would accommodate IPs by leaving one hand loose so the IP could use their assistive device.

During the incarcerated person interviews, 10 IPs reported that staff do not always accommodate them during the transportation process. Specifically, both hands are restrained, and they cannot use their assistive device, and the staff removes the assistive device when they board the transportation vehicle.

**Recommendations:**

- Implement the revisions to DSB Policy I.51
- Include detailed guidance for staff in training, on the requirements for staff to ensure IPs with disabilities receive appropriate reasonable accommodations with respect to application of restraint equipment
- Ensure staff are trained

**O. Transportation**

117. *The County shall ensure that incarcerated persons with disabilities are reasonably accommodated when in transit, such as between facilities, out to court, or to and from outside health care services. The County shall ensure that they maintain an adequate fleet of functional wheelchair accessible vehicles and shall ensure appropriate compliance for safe transport of wheelchair riders.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024)

**Training** – Training Bulletin M.39 Incarcerated Persons with Disabilities and H.3 Evacuation Plans P & P Update

**Documents Produced/Reviewed** – ADA Accessible Vehicle List

**Implementation**

DSB Policy M.39 includes language that staff shall provide modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity to incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level, including transportation.

The Neutral Expert interviewed the San Diego County Sheriff's Office Transportation Unit staff, and they reported that they are alerted to an IP's need for accommodations during the transportation process by reviewing the ADA Tracking List. Staff also reported that if the IP uses an assistive device, transportation staff will ask the IP if they need the assistive device, and if they say yes, the IPs are accommodated by leaving one hand free and are allowed to use the assistive device until they are seated and are provided the assistive device when they disembark the vehicle. However, during the IP interviews, four (4) IPs stated that transportation staff remove the assistive device when they board the vehicle and provide it to them when they disembark, and they do not have access to the device when they are walking on the bus. In these cases, the IP should be allowed to use their assistive device (if needed) until they are seated at which time staff can remove the device. Additionally, the device should be provided to the IP so they can deboard the bus/vehicle.

The County produced 178 San Diego Sheriff's Department Transportation Duty Logs VEH-9, in which an accessible vehicle was used for the IPs' transport to court, to and from outside medical appointments, and for transfers between SDCSO jail facilities.

The County also produced the San Diego Sheriff's Transportation Unit ADA Vehicle List. The ADA Vehicle List indicates that there are eight (8) ADA-accessible wheelchair vans with one (1) wheelchair lift and five (5) wheelchair trucks with one (1) wheelchair lift. The Transportation staff reported that there are eight (8) ADA accessible vans and three (3) or four (4) trucks with accessible wheelchair lifts. However, during the IP interviews, an IP reported that when being transferred to VDF, he told transportation he needed accessible transportation and was scratched from the transfer list as an accessible vehicle was not available. The County reviewed the case and reported that the IP was scheduled to go to VDF on 11/12/25 from SDCJ. Prior to being removed and escorted from the first floor at SDCJ, the IP notified the transportation deputy that he was unable to walk onto a bus due to his current medical diagnosis. Since the IP was unable to go to VDF on the bus, he was removed from the transfer list. The County also reported that on 11/3/2025, "Wheelchair transport" medical instruction was added to the IP's medical instructions, as at the time of the transfer, the IP did not have the "Wheelchair transport" medical instruction in his medical instructions.

Transportation staff reported that if the facility needed an additional accessible vehicle and one was not available for a medical transport, the facility staff would call 911 (ambulance).

During the incarcerated person interviews, 10 IPs reported that staff do not always accommodate them during the transportation process. Specifically, both hands are restrained, and they cannot use their assistive device, and the staff removes the assistive device when they board the transportation vehicle. One IP reported that on 11/14/25, she wasn't allowed to use her cane at court and fell and was not seen by medical. The County states that this IP did not go to court on 11/14/25 but did go to the hospital for chest pains. The San Diego County Inmate History Report confirms this. One (1) IP reported he missed court on 11/10/25 due to a lack of an accessible vehicle.

**Recommendations:**

- Ensure IPs are provided accommodations when in transit, between facilities, out to court, and to and from outside health care appointments

118. *The County shall ensure that whether a person requires accessible transportation is documented in the disability tracking system, and that staff have access to this information as necessary to ensure provision of appropriate accommodations during transportation.*

**Compliance Rating:** Substantial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training** – NA

**Documents Produced/Reviewed** – JIMS Live ADA Medical Instructions Reports (VDF, LCDRF, GBDF, RMDF, SDCJ, SBDF, EMRF)

## Implementation

Paragraphs 26 and 29 detail the process that medical staff use to assess IPs for health-related or disability-related housing requirements during and after the medical intake screening. The assessments are conducted by medical staff and are based on individualized assessments. The County tracks all IPs who have disabilities and their associated accommodations (Active Wheelchair Transport Special Cond) in the JIMS ADA Tracking System. When ADA Flags are entered in TechCare by medical staff, the flags are populated in JIMS. The information is available by transportation staff accessing JIMS and viewing the information on the screen or printing the information as a housing report, facility report or jail system report (all facilities).

### Recommendations:

None

119. *The County shall ensure that prescribed assistive devices for people with disabilities are available to them at all times during the transport process, when the incarcerated person is moving, boarding on and off the vehicle and moving to their seat within the vehicle, absent a safety concern. If this occurs, staff will document the specific individualized safety and security concern which will be reviewed by a supervisor to ensure it meets criteria for the action. This includes in temporary holding cells.*

**Compliance Rating:** Non-Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), I.51 Movement of Incarcerated Persons

**Training** – Trainings listed in paragraph 14

**Documents Produced/Reviewed** – Safety and Security Assessment Form (ADA-3)

## Implementation

DSB Policy M.39 includes language that the County Staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level, including transportation. The policy also states, "Staff shall not confiscate an incarcerated person's authorized assistive device or DME unless the device or DME presents a direct threat to the safety and security of the person or others." The County is also in the process of revising DSB Policy I.51 Movement of Incarcerated Persons to include the requirement for Staff to provide reasonable accommodations to incarcerated persons with disabilities during movement, including in compliance with DSB Policy M.39, DSB Policy I.52, DSB Policy I.97, and DSB Policy I.93., during the application of restraints, search, or transport. The County is also in the process of implementing a Safety and Security Assessment Form (ADA-3) for staff and supervisors to document safety concerns, including custody staff consultation with Health Staff and the provision of alternate accommodations. The County is also developing a Training Bulletin for staff on the use of the Safety and Security Assessment form and staff requirements. In

review of the Training Bulletins produced by the County, the Neutral Expert notes that the trainings do not include detailed guidance for staff on the requirements to ensure that prescribed assistive devices for IPs with disabilities are available to them at all times during the transport process, when the IP is moving, boarding on and off the vehicle and moving to their seat within the vehicle, absent a safety concern.

During the incarcerated person interviews, 10 IPs reported that staff do not always accommodate them during the transportation process. Specifically, both hands are restrained, and they cannot use their assistive device, and the staff removes the assistive device when they board the transportation vehicle.

See paragraph 117 for information reported by staff.

**Recommendations:**

- Implement the revisions to DSB Policy I.51
- Include detailed guidance for staff in training, on the requirements for staff to ensure that prescribed assistive devices for IPs with disabilities are available to them at all times during the transport process, when the IP is moving, boarding on and off the vehicle and moving to their seat within the vehicle, absent a safety concern including in temporary holding cells
- Ensure staff are trained

120. *The County shall ensure that staff provide assistance to people with mobility or other disabilities where necessary to ensure safe access on and off of transport vehicles. The County shall provide restraint-related accommodations to ensure that people with mobility disabilities are restrained in ways that maintain their safety during transport.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB Policy I.51 Movement of Incarcerated Persons

**Training** – Trainings listed in paragraph 14

**Documents Produced/Reviewed** – Safety and Security Assessment Form (ADA-3)

**Implementation**

DSB Policy M.39 includes language that the County staff shall provide reasonable modifications to jail rules, policies, and practices based on the incarcerated person's documented ADA instructions to provide equal opportunity to incarcerated persons with disabilities to participate in the services, programs, and activities offered to other incarcerated persons of the same classification level, including transportation. The County is also in the process of revising DSB Policy I.51 Movement of Incarcerated Persons to include the requirement for staff to provide reasonable accommodations to incarcerated persons with disabilities during movement, including in compliance with DSB Policy M.39, DSB Policy I.52, DSB Policy I.97, and DSB Policy I.93., during the application of restraints, search, or transport. In review of the Training Bulletins produced by the County, the Neutral Expert notes that the trainings do not include detailed guidance for staff on the requirements for staff to provide assistance to IPs with mobility or other disabilities where necessary to

ensure safe access on and off of transport vehicles and to provide restraint-related accommodations to ensure that IPs with mobility disabilities are restrained in ways that maintain their safety during transport.

See paragraph 117 for information reported by staff.

During the incarcerated person interviews 10 IPs reported that staff do not always accommodate them during the transportation process. Specifically, both hands are restrained and they cannot use their assistive device and staff remove the assistive device when they board the transportation vehicle.

**Recommendations:**

- Implement the revisions to DSB Policy I.51
- Include detailed guidance for staff in training, on the requirements for staff to provide assistance to IPs with mobility or other disabilities, when necessary to ensure safe access on and off of transport vehicles and to provide restraint-related accommodations to ensure that IPs with mobility disabilities are restrained in ways that maintain their safety during transport
- Ensure staff are trained

121. *The County shall develop and implement processes to inspect the accessible transportation vehicles on a regular basis to ensure that they are in safe working condition, and take prompt steps to address vehicle maintenance issues.*

**Compliance Rating:** Partial Compliance

**Policies** – DSB Sheriff Transportation Unit (STU) Green Sheet I.39.T.1 Transportation Vehicle Assignment and Use (April 2025)

**Training** - NA

**Documents Produced/Reviewed** – San Diego Sheriff's Department Transportation Duty Logs VEH-9 (January 2025 to September 2025)

**Implementation**

DSB Policy I.39 T.1 Transportation Vehicle Assignment and Use includes the requirement for transportation staff to conduct a pre-trip inspection of the transportation vehicles. Additionally, the completed San Diego Sheriff's Department Transportation Duty Logs produced by the County include an inspection of the engine compartment (coolant level, oil level, belts/hoses/leaks, power steering, start engine (instrument panel, steering wheel, defroster and windshield wipers), Brakes (shifting mechanism, hydraulic brakes, applied test, emergency brake test), safety equipment (fire extinguisher, first aid kit, trauma kit, naloxone kit, AED, biohazard waste, clean-up kit, 2-way radio/MDC, reflective triangles, jumper cables, accident forms), vehicle exterior and interior equipment (headlights, tail lights, brake lights, turn signals, back-up lights, emergency flashers, reflector, interior lights, tires, jack and spare tire, hardware, horn, seats/seat belts, windows/mirrors, wheelchair lift). The Transportation Duty Log also includes check boxes for the following:

- Condition of the vehicle is satisfactory
- Above defects corrected
- Above defects need not be corrected for safe operation

The County reported that there is one accessible vehicle that is used by facility staff; however, the County did not produce any San Diego Sheriff's Department Transportation Duty Logs VEH-9 completed by facility staff for this accessible vehicle.

**Recommendations:**

- Ensure a process is developed for facility transportation to inspect the accessible transportation vehicles on a regular basis to ensure that they are in safe working condition, and take prompt steps to address vehicle maintenance issues
- Provide proof-of-practice to the Neutral Expert

***P. Accommodations for People with Substance Use Disorder***

122. *The County shall ensure that people with substance use disorders are not subject to discrimination on the basis of disability.*

**Compliance Rating:** Non-Compliance

**Policies -** DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024)

**Training -** NA

**Documents Produced/Reviewed –** NA

**Implementation**

DSB Policy M.39 includes language that the County does not discriminate on the basis of disability. Incarcerated persons with disabilities are entitled to the same rights, privileges, and services as other incarcerated persons of the same classification level. However, the County has not included language into policy or training regarding the requirement for staff to ensure that IPs with substance use disorders are not subject to discrimination on the basis of disability.

Currently, IPs with substance use disorder who are prescribed a wheelchair full-time cannot be housed in the MAT unit at VDF due to no accessible housing. The County must ensure mobility disabled IPs who are full-time wheelchair users have equal access to MAT services and programming.

**Recommendations:**

- Revise policy and training to include the ADA Settlement Agreement and Order requirements
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure that people with substance use disorders are not subject to discrimination on the basis of disability
- Ensure staff are trained

- Ensure mobility disabled IPs who are full time wheelchair users have equal access to MAT services and programming.

## **Q. People with Mental Health Disabilities**

124. *The Sheriff's Office shall ensure that people with mental health disabilities are not subject to discrimination on the basis of disability and have equal and meaningful access to programs, services, and activities while incarcerated, unless there is a specific clinical or valid safety reason based on individualized assessment. This provision covers access to, for example, worker opportunities, classes, vocations and rehabilitation programs, and religious programs.*

**Compliance Rating:** Partial Compliance

**Policies -** DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024)

**Training -** NA

**Documents Produced/Reviewed –** NA

### **Implementation**

DSB Policy M.39 includes language that the County does not discriminate on the basis of disability. Incarcerated persons with disabilities are entitled to the same rights, privileges, and services as other incarcerated persons of the same classification level. Additionally, the policy states, “the Sheriff's Department shall provide the reasonable accommodations needed for qualified incarcerated persons with a disability to have an equal opportunity to participate in and benefit from in custody programs, services, or activities unless the accommodation would result in a fundamental alteration, direct threat or safety and security risk, undue financial or administrative burden, or during an emergency situation.”

However, during the IP interviews, most IPs stated they do not have access to worker opportunities, educational classes, vocational and rehabilitation programs, and religious programs. Based on this, the Neutral Expert cannot evaluate the County's compliance with the requirements of this paragraph.

### **Recommendations:**

- Ensure IPs with mental health disabilities are provided equal and meaningful access to worker opportunities, classes, vocations and rehabilitation programs, and religious programs

125. *The County shall ensure that incarcerated persons with (a) mental health disabilities or (b) intellectual disabilities (as identified through the process set forth in Section III.M) will not face discrimination in the use of disciplinary procedures or sanctions. The procedures set forth in Paragraph 126 will apply in cases where:*

*(1) the incarcerated person:*

- (a) has been identified as having an intellectual disability through the process set forth in Section III.M; or*
- (b) meets clinical criteria for placement in PSU, OPSD, EASS, or JBCT; or*
- (c) is housed in OPSD, PSU, JBCT, EASS, or is PC 1368/1370, or is conserved; and*

*(2) the incarcerated person faces placement in restrictive housing or lockdown or a denial of property or privileges as a potential disciplinary sanction.*

**Compliance Rating:** Non-Compliance

**Policies - NA**

**Training - NA**

**Documents Produced/Reviewed – NA**

**Implementation**

The County reported this paragraph is not ready for review.

**Recommendations:**

- Revise and implement policies that ensure that incarcerated persons with mental health or intellectual disabilities do not face discrimination in the use of disciplinary procedures or sanctions.
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure IPs with mental health or intellectual disabilities do not face discrimination in the use of disciplinary procedures or sanctions.
- Ensure staff are trained

*126. A Qualified Mental Health Professional shall assess the person and provide written findings as to (a) whether or not the reported behavior was related to mental illness, adaptive functioning deficits, or other mental health or intellectual disability; and (b) whether certain sanctions should be avoided in light of the person's mental health or intellectual disability, treatment plan, or adaptive support needs. Custody staff shall meaningfully consider the Qualified Mental Health Professional's findings when deciding what, if any, disciplinary action should be imposed. If custody staff do not follow the mental health input, staff shall document why it was not followed.*

**Compliance Rating:** Non-Compliance

**Policies - NA**

**Training - NA**

**Documents Produced/Reviewed – NA**

**Implementation**

The County reported this paragraph is not ready for review.

**Recommendations:**

- Revise and implement policies that require a QMHP to assess IPs with mental health disabilities who receive rule violation reports and provide written findings as

to (a) whether or not the reported behavior was related to mental illness, adaptive functioning deficits, or other mental health or intellectual disability; and (b) whether certain sanctions should be avoided in light of the person's mental health or intellectual disability, treatment plan, or adaptive support needs.

- Ensure custody staff meaningfully consider the QMHP's findings when deciding what, if any, disciplinary action should be imposed.
- In cases where custody staff do not follow the QMHP's input, staff document why it was not followed
- Once the policy is revised, ensure detailed guidance for staff is included in training, on the paragraph requirements
- Ensure staff are trained

*127. Incarcerated persons shall not be subjected to discipline in any manner that prevents the delivery of mental health treatment or adaptive support needs.*

**Compliance Rating:** Non-Compliance

**Policies** – San Diego Sheriff's Office Medical Services Division, Healthcare Services A.1.3 (6/6/24), DSP Policy M.1 Access to Care (July 16, 2025)

**Training** - NA

**Documents Produced/Reviewed** – NA

### **Implementation**

Although the San Diego Sheriff's Office Medical Services Division, Healthcare Services A.1.3 (6/6/24) states, Health staff will not participate in disciplinary decisions, beyond advocating for mitigating circumstances in cases of medical and mental health disorders. Health staff do not participate in disciplinary action. Health staff are not compelled to provide clinical information solely for the purposes of discipline. In addition, DSP Policy M.1 Access to Care (July 16, 2025) states, "Incarcerated populations must have access to health care services free from unreasonable barriers that deter them from seeking care for their health needs. The policies do not include language that states IPs are not to be subjected to discipline in any manner that prevents the delivery of mental health treatment or adaptive support needs.

### **Recommendations:**

- Revise the DSP Policies to include the requirements for staff not to subject IPs to discipline in any manner that prevents the delivery of mental health treatment or adaptive support needs
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure IPs are not subjected to discipline in any manner that prevents the delivery of mental health treatment or adaptive support needs
- Ensure staff are trained

*128. Incarcerated persons shall not be subject to discipline for refusing treatment or medications, or for engaging in self-injurious behavior or threats of self-injurious behavior.*

**Compliance Rating:** Non-Compliance

**Policies - NA**

**Training - NA**

**Documents Produced/Reviewed – NA**

**Implementation**

The County has not revised policies and/or procedures to ensure staff do not subject IPs to discipline for refusing treatment or medications, or for engaging in self-injurious behavior or threats of self-injurious behavior.

**Recommendations:**

- Revise the San Diego County Sheriff’s Detention Services Bureau policies to include the requirements for staff to not subject IPs to discipline for refusing treatment or medications, or for engaging in self-injurious behavior or threats of self-injurious behavior
- Once policy is revised, ensure detailed guidance for staff is included in training, on the requirements for staff to ensure IPs are not subjected to discipline for refusing treatment or medications, or for engaging in self-injurious behavior or threats of self-injurious behavior
- Ensure staff are trained

*129. The County shall provide the individual’s reasonable accommodations during the disciplinary process.*

**Compliance Rating:** Non-Compliance

**Policies -** DSB Policy M.39 Disabled Incarcerated Persons (May 29, 2024), DSB O.1 Disciplinary Action (November 20, 2020)

**Training - NA**

**Documents Produced/Reviewed – NA**

**Implementation**

With the exception of Policy M.39 Disabled Incarcerated Persons, which states, “Staff shall use the incarcerated person's documented preferred method of communication for all due process”, the County has not revised policies and/or procedures for staff to provide reasonable accommodations to IPs during the disciplinary process. The accommodations that staff must provide include the provision of effective communication and staff assistance for IPs with cognitive/intellectually/learning disabilities to ensure they understand the disciplinary process. For future reviews, the County will need to provide rule violations for IPs with these disabilities so that the Neutral Expert can assess the County’s compliance with this paragraph.

The Neutral Expert interviewed a Sergeant who reported that the following process is followed for disciplinary rule violations. Upon staff's observation or determination of a rule violation, staff write the Rule Violation Report (Jail Incident Report) and issue a copy of the rule violation, along with a J-72 (Segregated Housing Order) for major rule violations and a J-72B (Disciplinary Hearing Rights Waiver). If the IP waives the 72-hour hearing timeline, the disciplinary hearing officers conduct the hearing. If the IP does not waive the 72-hour hearing timeline, the hearing is not held until 72 hours after issuance of the charges and the rights form. If the charge is a major rule via lotion, the IP is placed in segregated housing pending the hearing and final disposition of the rule violation. DSB O.1 Disciplinary Action states, "All decisions regarding minor discipline rendered by the DHO shall be final. The discipline, if minor, shall be effective immediately after the inmate has been given written notice of the decision. If a rule violation is sustained by the DHO and major discipline is recommended, the incident report shall be reviewed by the DRO within 72 hours of the inmate's notification of the discipline. Disciplinary sanctions shall not be imposed prior to this review." The sergeant also stated that he would use the ADA list to identify accommodations required at the hearing, and at times, mental health staff are present at the hearing. The sergeant also stated he would document effective communication provided at the hearing on an ADAE.

The County did not provide any adjudicated rules violations for rules violations issued and adjudicated for disabled IPs who require accommodations (effective communication or staff assistance) so the Neutral Expert can select cases for the County to produce BWC video that would show proof-of-practice for the paragraph's requirements. This includes issuance of the initial incident report (rule violation, J-72, J-72B) hearing, and issuance of final disposition.

#### **Recommendations:**

- Revise the DSB policies to include the requirements for staff to provide reasonable accommodations to disabled IPs during the disciplinary process
- Once policy is revised ensure detailed guidance for staff is included in training, on the requirements for staff to for staff to provide reasonable accommodations to disabled IPs during the disciplinary process
- Ensure staff are trained
- Produce the adjudicated rules violations for disabled IPs who require effective communication accommodations and adjudicated rules violations for IPs with cognitive/intellectually/learning disabilities so the Neutral Expert can select cases requesting BWC video for the issuance of the initial incident report (rule violation, J-72, J-72B, hearing, and issuance of final disposition.

### ***R. Quality Assurance and Auditing***

130. *The Sheriff's Office's ADA Unit shall develop a quality assurance and auditing program to ensure ADA compliance within one year of all counsel signing this ADA Settlement Agreement and Order.*

**Compliance Rating:** Unratable

**Policies - NA**

## **Training - NA**

**Documents Produced/Reviewed** – ADA Unit emails regarding IP Bed Placement Discrepancies, DME Audits, VRI JIMS Logs (January 2025 to August 2025)

## **Implementation**

Although the County reported this paragraph is not ready for review, the Neutral Expert notes that the County is required to develop a quality assurance and auditing program to ensure ADA compliance within one year of all counsel signing the ADA Settlement Agreement and Order. The order was signed by all counsel on December 11, 2024. Although the County produced Bed Placement Discrepancies emails, DME Audits, and VRI JIMS Logs, the County has not developed a quality assurance and auditing program to ensure ADA compliance with the ADA Settlement Agreement and Order by the required date of December 11, 2025. The Neutral Expert wants to acknowledge the work the ADA Unit is performing in conducting bed discrepancies and documentation in JIMS of DME assigned to an IP in custody and/or released from custody, and the use of VRI when required. However, the County must develop a quality assurance and auditing program to ensure ADA compliance with the ADA Settlement Agreement and Order. The quality assurance program must also include the methodologies the ADA Unit uses to audit the ADA Settlement Agreement and Order paragraph requirements.

## **Recommendations:**

- Develop a quality assurance and auditing program to ensure staff's compliance with the ADA Settlement Agreement and Order

## ***S. Non-Retaliation and Non-Interference***

131. *The County shall not retaliate, discriminate against, coerce, intimidate, threaten, or interfere with any incarcerated person in the exercise or enjoyment of, or an account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other incarcerated person in the exercise or enjoyment of any ADA right while incarcerated.*

**Compliance Rating:** Partial Compliance

**Policies** - DSB Policy M.39 Disabled Incarcerated persons (May 29, 2024), San Diego County Sheriff's Office – Procedure Section 2.1 Rules of Conduct For Members of the San Diego County Sheriff's Office

## **Training - NA**

**Documents Produced/Reviewed** – NA

## **Implementation**

San Diego County Sheriff's Office – Procedure Section 2.1 Rules of Conduct For Members of the San Diego County Sheriff's Office states,

“2.48 Treatment of Persons in Custody

Employees shall not mistreat, nor abuse physically or verbally, persons who are in their custody. Employees shall handle such persons in accordance with law and established Office procedures. (Reviewed 1-16-2011)

## 2.53 Discrimination

Employees shall not express any prejudice or harassment concerning race, religious creed, color, national origin, ancestry, physical or mental disability, medical condition, pregnancy, marital status, gender, age, political beliefs, sexual orientation, sexual or gender identity, lifestyle, or similar personal characteristics. Examples of discriminatory acts which will not be tolerated include the use of verbal derogatory comments, slurs, or jokes, derogatory pictures, cartoons, or posters, social media postings, and actions which result in a person being treated unequally. (Revised 11-01-2024)”

In addition, DSB Policy M.39 includes language that the County does not discriminate on the basis of disability. Incarcerated persons with disabilities are entitled to the same rights, privileges, and services as other incarcerated persons of the same classification level. However, the County has not included language into policy or training regarding staff not retaliating, coercing, intimidating, threatening, or interfering with any incarcerated person in the exercise or enjoyment of, or an account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other incarcerated person in the exercise or enjoyment of any ADA right while incarcerated.

Although the policies include language regarding staff not discriminating against people with physical and mental disabilities, the policies do not include language that staff shall not retaliate, coerce, intimidate, threaten, or interfere with any incarcerated person in the exercise or enjoyment of, or an account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other incarcerated person in the exercise or enjoyment of any ADA right while incarcerated.

During the incarcerated person interviews, one (1) IP alleged that staff retaliated against him by cutting off his dayroom after he complained about ADA. The County reported that this allegation was unfounded.

### **Recommendations:**

- Revise policy and training to include the ADA Settlement Agreement and Order requirements
- Once policy is revised, ensure detailed guidance for staff is included in training, for staff not to retaliate, discriminate against, coerce, intimidate, threaten, or interfere with any IP in the exercise or enjoyment of, or an account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other IP in the exercise or enjoyment of any ADA right while incarcerated
- Ensure staff are trained