

**Monterey County Sheriff's Office
Monterey County Jail
ADA Settlement Monitor's Final September 2019 First
Monitoring Report -**

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Executive Summary

In the matter of *Hernandez v. County of Monterey*, by agreement of the parties, Michael Brady of Sabot Consulting was appointed as a joint Settlement Monitor to conduct semi-annual monitoring assessments of the Monterey County Sheriff's Office, Corrections Operations Bureau, Monterey County Jail, as it relates to the settlement agreement and Americans with Disabilities Act (ADA) portion of the *Hernandez v. County of Monterey*, No. 05:13-2354 PSG County Implementation Plan. By agreement of the parties to this action, Rick Wells and Paul Bishop from Sabot Consulting conducted the first round of monitoring at the Monterey County Jail. More specifically, the assessment process pertains to physical and program access to programs, services, and activities offered in the Monterey County Jail for prisoners with disabilities. This includes inmates with mobility and non-mobility related disabilities, including but not limited to; mobility, vision, hearing, speech, psychiatric, intellectual/developmental, and learning disabilities.

The Monitors conducted a total of two days of site visits at the Monterey County Jail from September 16-17, 2019. As part of this initial semi-annual monitoring review, the Monitor's reviewed requirements as described in the Hernandez Settlement Agreement and Monterey County Implementation plan. This included ADA physical plant modifications, interviews of inmates, badge and non-badge employees of Monterey County, as well as contract staff who provide programs, services, and activities in the Jail Facility, (e.g. the California Forensic Medical Group [CFMG], and the Monterey County Office of Education).

We would like to thank the Monterey County Sheriff, and all county and contract staff and inmates for their welcoming, positive, cooperative and transparent interactions with our subject matter experts.

We fully recognize the quality time that staff spent in answering questions, and showing or explaining processes. We were provided unfettered access, cooperation, and transparency for all applicable areas of the Monterey County Jail, which allowed us to maximize time to conduct a comprehensive and meaningful monitoring assessment.

The Monterey County is a local jail/detention facility used for the detention of pre-sentenced inmates and sentenced inmates. The Jail facility is designed to hold approximately 1,100 inmates/detainees. The facility is located at 1410 Natividad Road, Salinas, CA 93906.

The specific scope of the initial monitoring review was to gain familiarization with the general layout and operations of the facility, review the physical plant modifications that have been completed, are in progress and to begin the semi-annual assessment process with regard to compliance with the policies/procedures, documentation and associated practices as they relate to the

Hernandez settlement agreement, the *Hernandez v. County of Monterey County* Implementation Plan, and applicable local policies and procedures.

Program areas examined included but were not limited to:

- Intake and Booking Processes;
- Classification Processes;
- Tracking System;
- Health Care Services (including Disability Identification);
- Housing Units;
- Orientation;
- Law Library/Library Services;
- Religious Services/Activities;
- Academic and Vocational Education;
- Inmate Programs;
- Work Assignments;
- Application of Reasonable Accommodations;
- Training;
- Out-of-Cell Time;
- Misconduct/Disciplinary Process (and other due process related events);
- Grievances Process;
- Clinical Encounters;
- Durable Medical Equipment/Assistive Devices; and
- Auxiliary Aids and Services

The Settlement Monitors, toured living units, program areas, took measurements and photos, interviewed staff (Badge, Non-Badge, Behavioral Health, and Contract) throughout the Jail who are directly and indirectly involved in the processes and practices listed above. The majority of the staff interviews were done in a confidential manner. Confidential interviews were also conducted with randomly selected inmates from several housing units designated to house disabled inmates.

In order to ensure that mobility and non-mobility disabled inmates housed in the county jails have equal access to the jail's programs, services and activities the jail must have a process in place to identify the inmates with mobility and non-mobility disabilities, their accommodation needs, and provide the necessary accommodations to them in a timely fashion.

Depending on the specific disability, accommodations may include, but are not limited to: assistive devices (wheelchairs, walkers, canes, etc.); accessible housing; in cell and out-of-cell accessible ADA features (grab bars, raised toilet seats, shower chair, shower benches, shower hoses, etc.); lower bunk and lower level/tier housing; prosthetics; accessible transportation; assistance during escort/evacuation; modification of policies/procedures for inmates during escort; accommodations to ensure equal access to programs (work, vocations, academic

education, religious activities, self-help programs, etc.); accessible path of travel to access the jails programs, services, and activities; staff assistance; auxiliary aids and services and other types of accommodations such as video remote interpreting services or sign language interpreter; written materials (including alternative formats); amplifiers/sound amplification device; hearing aids, volume control telephones, TTY, TDD, videophone, open and closed captioning, qualified readers; Braille reading materials; large print materials; books on tape; prompting; monitoring; allowing extra time for an inmate to gather his or her thoughts to answer a question, respond, or complete a task; repeat information, rephrase or clarify information; and simplify and/or explain information.

Under the ADA, a psychiatric disability is a mental impairment that substantially limits one or more of the major life activities of an individual; a record of such an impairment; or being regarded as having such an impairment.

Accommodations for psychiatric disabilities include, but are not limited to; effective communication, designated housing, medications, counseling/therapy (group and individual), clinician input prior to disciplinary/misconduct hearings and other reasonable accommodations/modifications to ensure equal access to programs (work, vocation, education, religious, self-help groups, etc.).

Intellectual/Developmental disabilities includes limitations in both intellectual or cognitive functioning and adaptive behaviors. The disability originates prior to the age of 18 and will last indefinitely. Specific areas of adaptive deficits that an intellectual/developmental disabled prisoner may have could include any of the following: communication skills, academic skills, self-care or daily living activities, socialization skills, self-advocacy or use of prisoner resources, work, health and safety, self-direction, and leisure activities. Each intellectual/developmental disabled inmate will have different and specific adaptive deficits. Some will have difficulty advocating for themselves, and some will have potential victimization concerns. Intellectual/developmental disabled inmates need monitoring, prompting, and assistance, and many will need staff advocacy. Jail staff generally need to be proactive with this population.

Accommodations for intellectual/developmental disabled inmates may include, some or all of the following; designated housing, prompts/reasonable accommodations for adaptive supports needs, ensuring effective communication for events involving due process, healthcare encounters and other significant types of communications; staff speaking in simple terminology; staff rephrasing and/or repeating, and/or clarifying; staff ensuring the inmate understands the direction(s) or expectation(s) given by staff; reading and or writing (scribing) for the inmate (e.g., message requests, grievances, ADA reasonable accommodation requests, etc.); assistance with commissary (e.g., escorting to commissary or observing the inmate from afar, assistance filling out commissary slips, observing the inmate post commissary purchase [for possible victimization concerns]), assistance with completing laundry slips, assistance with personal hygiene (e.g., reminders to shower, brush teeth, wear clean clothes, clean cell/bed area, etc.), and clinician

consult/input prior to disciplinary/misconduct hearings, as well as other assistance. Staff need to be aware as to what an intellectual/developmental disability prisoner's adaptive support needs are (when identified by a clinician).

Regional Centers throughout the state of California are generally a great resource to determine whether an inmate is a previous consumer, and they can provide information regarding services available.

Most prison and jail system disability programs also include (for intellectual/developmental disabilities programs) inmates with dementia, as well as those with previous head trauma (resulting in significant limitations in cognitive and adaptive functioning), regardless of the age of onset of the condition.

A Learning Disability is a neurological disorder. Most people with Learning Disorders have average to above average intelligence. Learning disabilities cannot be cured or fixed. But those with Learning Disabilities often learn through different modalities, and so long as they receive the appropriate accommodations, they are generally able to perform all required functions. In fact, many people with Learning Disabilities may excel in other areas and/or have special talents. Inmates with Learning Disabilities may have difficulty with any of the following; reading, writing, spelling, speaking, listening, mathematics, remembering, sequencing, organizing, reasoning, time management, and social skills.

Accommodations for Learning Disabled inmates may include, but are not limited to; note-taking; allowing extra time for the inmate to gather his/her thoughts; read and/or explain in lieu of relying on the inmate to read and understand (if necessary); write (scribe) for the inmate; proper lighting; rephrasing, repeating, and/or clarifying; and ensure inmate understands the encounter or directions given by staff, etc.

In order to comply with the Code of Federal Regulations and Title II of the ADA, the Jail must have processes in place to identify a qualified individual that is processed into the jail in a reasonably private setting, to identify the accommodation needs that staff must provide in order to ensure the inmate has equal access to the Jail programs, services and activities, and to track the disabled population (e.g., mobility, vision, hearing, speech, psychiatric, intellectual/developmental, and learning disabled inmates). In order for custody and non-custody staff to be aware of the aforementioned disabled population and their accommodation needs, the Jail must ensure the local policies and procedures are modified, ensure staff are trained on their responsibilities under the ADA as well as the rights of the disabled inmate population regarding equal access to the Monterey County Jail's programs, services, and activities, and to assure nondiscrimination.

This report details the Monitor's review of the policies, procedures as well as staff practices regarding programs, services and activities provided to the Monterey County Jail's mobility, vision, hearing, speech, psychiatric, intellectual/developmental, and learning disabled inmate population.

This report also outlines the Settlement Monitor's ratings as to substantial compliance or lack of substantial compliance as related to specific areas of the Monterey County Implementation Plan. The report also cites general concerns whether systemic or isolated, and best practices needed or recommended for an ADA compliant/comprehensive inmate disability program.

While the ADA does not require: a comprehensive, networked ADA tracking system, and a comprehensive training program for all staff who have any inmate contact, both are crucial for overall ADA compliance.

This report rates each of the three major areas (as outlined in the County Implementation Plan) as either Overall Substantial Compliance or Overall Lack of Substantial Compliance:

- ADA Coordinator (Compliance Sergeant and Ombudsman);
- Tracking and Identification (ADA Compliance Plan); and
- Programs/Activities/Services (ADA Compliance Plan).

Also, within the major sections titled, "Tracking and identification", and "Programs/Activities/Services", there are numerous subsections. For example, under the major section titled, "Tracking and identification" are subsections titled, "Intake/Booking/Classification (Disability identification)", and "Tracking." Likewise, under the major section titled, "Programs/Activities/Services", there are numerous subsections, for example, "Access to Programs", "Access to Out-of-Cell Time (Outside Yard – Pod/Dayroom)", "Inmate ADA Grievances", and many others. All of the sub-sections also have noted ratings as either Substantial Compliance or Lack of Substantial Compliance.

There is also a section titled, Summary List of Findings which is presented prior to the more detailed major sections and corresponding subsections.

Documents Requested for Review

In addition to the initial documents the Settlement Monitors received from the parties to this action, listed below are the documents that the Monitor requested that the Monterey County Jail ADA Coordinator (or other appropriate staff) provide to the monitor for review in preparation for the on-site monitoring review. The documents requested either directly or indirectly relate to the processes and documents to be examined, or, they were expected to assist the Monitor in gaining a better understanding of staff roles, processes, and documents used, etc. However, there were numerous requested documents that were not provided as requested. It is unclear as to which types of documents that were requested were not provided due to such documents not existing, or whether Monterey County Jail staff simply did not provide them for other reasons. Since these documents were requested in conjunction with the on-site monitoring tour, Monterey County Jail staff should have provided the requested documents to the extent feasible within ten (10) days prior to the visit. This violates the Settlement Agreement. For all future monitoring tours, Monterey County Jail staff must provide all requested documents prior to the monitoring review, including an explanation as to why specific documents (or types of documents) were not provided. Listed below are two separate lists; the first list outlines the documents (types of documents) that the Settlement Monitor requested, and the second list outlines the documents that were provided.

List of Documents Requested by the Monitor:

- 1) Current tracking list (such as Custody Special Conditions List, or other list);
- 2) Copy of most recent Annual Review (as pertaining to ADA and the Implementation plan) conducted by the Monterey County Sheriff's Office;
- 3) Policy/Procedures or information regarding distribution of Health Care Appliances/Assistive Devices;
- 4) Logs or list of health care appliances/durable medical equipment issued at the jail for the period of June – September;
- 5) Classification documentation showing monthly reviews of administrative segregation placements for disabled inmates for the period of June – September;
- 6) Copies of any lesson plans or training curriculum associated with ADA or the County Implementation Plan;
- 7) List of all disciplinary reports issued (and hearing results) for the period of June – September for Seriously Mentally Ill/Mentally Ill inmates, intellectual/developmental disabled inmates, learning disabled inmates, hearing impaired inmates, vision impaired inmates, and speech impaired inmates;
- 8) Any disciplinary or mental health related documentation showing that mental health clinicians were consulted as part of the inmate disciplinary process for seriously mentally ill/mentally ill, and intellectually/developmentally disabled inmates;

- 9) All logs showing yard and pod/dayroom actually provided for each housing unit and pods that house one or more inmates with any disabilities, specifically for the following dates: August 27th and September 4th;
- 10) Any exclusionary criteria for work assignments (e.g., kitchen, laundry, pod workers, inmate assistants, etc.);
- 11) Any exclusionary criteria (if any) for educational assignments;
- 12) Any exclusionary criteria (if any) for inmate programs, self-help groups, re-entry programs, etc.;
- 13) The Compliance Sergeant's random audits conducted in September;
- 14) The two most recent Jail Commander's quarterly report of findings regarding the Compliance Sergeant's monthly reviews/audits;
- 15) The Ombudsman's duty statement;
- 16) The ADA Coordinator's post orders or duty statement;
- 17) Tracking list of all ADA Related grievances submitted (and responded to) for the period of June – September;
- 18) Copies of all ADA related grievances submitted in August – September;
- 19) Copies of any disability related requests, e.g., message requests, medical requests, disability or reasonable accommodation requests, etc.;
- 20) Policy and procedure regarding grievances;
- 21) Inmate Handbook (Monterey County Jail Inmate Orientation Manual);
- 22) Any Sign Language Interpreter (SLI) logs or documentation showing use of SLI for 2019;
- 23) Policy for telephones (including TTY/TDD);
- 24) Any TTY/TDD logs for 2019;
- 25) Proof that staff are trained in TTY/TDD technology/equipment;
- 26) Any training material or documentation showing that inmates have been trained regarding the electronic Telmate tablet;
- 27) Orientation video;
- 28) Orientation written materials (including alternate formats);
- 29) PREA video;
- 30) Two most recent Support Services Commander's Quarterly Report of Findings regarding accommodations offered/provided;
- 31) Inmate Assistants (inmates) policy;
- 32) Transportation logs for mobility impaired inmates for the period of June – September;
- 33) Any Regional Center contact information from 2019;
- 34) Any recruitment material provided to inmates or posted throughout the jail regarding inmate programs, self-help groups, education, re-entry services, etc.
- 35) Any documentation that might show that the ADA Coordinator communicated with disabled inmates;
- 36) List of disabled inmates who requested law library services for the period of June – September;
- 37) From the education department, a list of inmate names who are known or suspected by education staff to have an intellectual/developmental disability

- or learning disability. Also, a listing of any associated accommodations that the respective instructors provided;
- 38) Policy and procedures for the inmate disciplinary process;
 - 39) Policy and procedures for work assignments; and
 - 40) Compliance Sergeant's post orders or duty statement.

List of the limited supplemental documents that the Monitors received from the Monterey County Jail:

- (#21) Inmate Handbook (Monterey County Jail Inmate Orientation Manual);
- Inmate Notes Reports (June through September);
- Monterey County Sheriff's Office Corrections Operations Bureau Operations Manual:
 - Receiving;
 - Custody and Control Specialist Duties;
 - Housing Deputy Duties;
 - Inmate Classification;
 - Inmate Discipline;
 - Inmate Services;
 - Emergency Procedures;
 - Training and Reports;
 - Transportation Procedures;
- Training Material:
 - Basic Course Workbook Series Learning Domain 37 People with Disabilities;
- County of Monterey Office of the Sheriff Inter Office Memos:
 - Commanders June Compliance Report (dated 7/10/19)
 - Failure to notate date and times inmates were sent to the hospital and/or returned;
 - Lack of completion of yard rosters;
 - Quarterly Administrative Segregation Time Outside of Cell Report (dated 6/27/19):
 - Four random inmate audits reviewed (from Compliance Sergeant audit);
 - January: two occasions showed that yard time was not conducted for two inmates housed in Men's holding area, and no documentation as to why;
 - April: three occasions where three different inmates had their yard time shortened without explanation;
 - Sergeants have been reminding staff as to the requirements, and corrective action has been discussed;
 - February/March was all compliant;
- (#1) In Custody Special Conditions List; and
- (#18) Copies of all ADA related grievances submitted in August – September.

While the Settlement Monitors reviewed the reports of the previous ADA Settlement Monitor, the current Settlement Monitors conducted an independent assessment of Monterey County's compliance with the Settlement Agreement and the County Implementation Plan.

Summary List of Findings

Listed below is a summary of findings and the most serious topics showing a lack of substantial compliance, or a lack of following local policy/procedures, or, overall general concerns as noted by the Settlement Monitors. Also outlined is relative language from the Settlement Agreement and County Implementation Plan. Also as stated above, this Summary List of Findings section is presented here prior to the more detailed major sections and corresponding subsections.

Tracking System:

The Settlement Agreement states in part, “Defendants shall design and implement a system for identifying and tracking all inmates who are qualified individuals with disabilities Defendants shall also design and implement a system for identifying and tracking the reasonable accommodations necessary for qualified inmates with disabilities to participate in programs, services and activities offered by Defendants at the Jail.”

The County Implementation Plan states in part, “At the time of an inmate’s intake, the intake nurse will identify any conditions of the inmate requiring an accommodation and generate a medical treatment order which will serve as the basis for all custody and medical staff to identify and track the required accommodations.”

The County Implementation Plan also states in part, “Medical treatment orders will be entered into TracNet and are accessible to all deputies working within the Monterey County Jail. Any information received by the California Department of Corrections concerning an inmate’s accommodation needs will be entered into TracNet. Medical treatment orders will include the identification of individuals who are provided with hearing impaired vests. TracNet will also be utilized to identify the preferred communication method of an inmate with hearing impairments, communication impairments, vision impairments, speech disabilities, and learning disabilities.”

The County Implementation Plan further states in part, “Inmates who, after intake, develop a need for an accommodation will similarly be identified through medical treatment orders.”

Lastly, the Implementation Plan states in part, “The County Jail’s Program Director will be responsible for tracking and documenting that inmates requiring accommodations have been offered participation in all programs and activities normally available to inmates in the County jail.”

Comments:

- The Monterey County Jail has an identification and tracking system in place that begins with the intake process which includes custody, medical, and mental health intake as well as classification. Inmates are identified during this process as well as through follow-up healthcare assessments, and information received from prior incarcerations e.g., through CDCR DAPO;
- However, the identification process and ADA tracking system is not capturing all disabled inmates (e.g., hearing, speech, intellectual/developmental, and learning disabled), is not capturing reasonable accommodation needs for the respective inmates and their disabilities, and therefore staff (e.g., custody, healthcare and other staff) are not aware of inmate disabilities or reasonable accommodation needs for these inmates;
- ADA information received from the CDCR DAPO regarding disabled prisoners is widely not being placed into any sort of tracking system (such as TracNet / In Custody Special Conditions list), or at least it is not being done consistently, and not for all types of disabilities. Therefore, staff do not fully know who the disabled inmates are, and more importantly as to what their specific reasonable accommodation needs are.

Tracking System:

Rating: Lack of Substantial Compliance

Medical (including Intake and Classification Processes):

The Settlement Agreement requires the county to develop standards for conducting, at intake, "Psychological Evaluation[s] for persons with signs of development disability."

The County Implementation Plan states in part, "[W]hen an accommodation is identified by medical staff, medical staff will provide the inmates with any immediate needs, such as canes, crutches, vests, etc."

The County Implementation Plan also states in part, "Inmates who require maintenance of an assistive device, such as a hearing aid or cane, may schedule an appointment with the jail's medical provider who will assist them in obtaining the required maintenance."

The Settlement Agreement states in part, "Defendants will develop and implement an Intake Screening Implementation Plan that specifies standards and timelines to ensure that arriving prisoners are promptly screened for urgent medical, mental health and dental needs, with prompt follow-up and disability Accommodations..... The Implementation Plan shall include a mental health assessment tool to be used with all prisoners at intake to determine which prisoners need Psychological or Psychiatric Evaluation and on what time frame."

..... The Intake Screening Implementation Plan shall also provide for ... Psychological Evaluation for persons with signs of development disability, Psychological Evaluation for persons with signs and/or histories of mental illness that meet certain thresholds.”

The county jail plan further states in part, “At the time of an inmate’s intake, the intake nurse will identify any conditions of the inmate requiring an accommodation and generate a medical treatment order which will serve as the basis for all custody and medical staff to identify and track the required accommodations.”

The County Implementation Plan states in part, “All inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.”

Lack of Compliance or Concerns:

- The current Monterey County Jail medical screening process is inadequate to identify intellectual/developmental disabled inmates, to determine if the inmate is a qualified individual, or to determine if the inmate has an impairment that requires a reasonable accommodation(s);
- Likewise, there is no process in place to attempt to identify any learning disabilities or relative accommodation needs;
- A more thorough examination will take place at the next semi-annual monitoring review with regard to storage and issuance of assistive devices that an inmate may have immediate need for, e.g., canes, walker, etc.;
- The Classification process includes general disability related questions, but nothing regarding intellectual/developmental, or learning disabilities;

Medical (including Intake and Classification Processes):

Rating: Lack of Substantial Compliance

Inmate Orientation:

The County Implementation Plan states in part, “All inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.”

Comments:

- There is some question as to whether the Monterey County Jail provides inmate orientation information or materials/information (handbook) related to the ADA for disabled inmates;
- Handbook/orientation material does not contain information specific to a Monterey County Jail disability or ADA Program, and there is no reference to the ADA Coordinator or contact information;

Inmate Orientation:

Rating: Lack of Substantial Compliance

Housing Placements:

Comments:

- Monterey County Jail staff are not properly identifying and housing disabled inmates and accommodation needs, and therefore not housing them accordingly or ensuring reasonable accommodations within the housing units;
- Although not required, there is no formal or informal housing unit specific orientation or information provided to new arrivals or housing unit transfers;
 - This would be beneficial to the inmates and should be considered;
- A shower chair is in need of repair or replacement in one of the housing units. There is no evidence to support that there is a systemic problem;
- Housing unit staff who were interviewed indicated that they would refer an inmate who exhibited signs of a possible disability (e.g., mobility, hearing, vision, intellectual/developmental, learning, etc.) to medical or mental health staff, if the inmate was not otherwise already identified, or, if the inmate appeared to be in need of medical or mental health department involvement.
 - However, beyond a phone call, it is unclear as to whether staff are also making such referrals via an electronic referral or through a paper referral process. This will be examined more closely at the next monitoring tour.

Housing Units

Rating: Lack of Substantial Compliance

Grievances:

The County Implementation Plan states in part, "The Implementation Plan will ensure that prisoners with disabilities are not discriminated against and are not denied the benefits of, or participation in, programs, services, and activities at the Jail."

The settlement agreement states in part, "Prisoners' requests for a particular type of accommodation shall be given primary consideration and shall be granted unless the request is unreasonable for specific articulated reasons allowable under Title II of the ADA or pose a significant safety or security threat."

The County Implementation Plan states in part, "With the permission of the effected inmate, the Ombudsman will be responsible for assisting any inmates with vision, learning or other information processing disabilities in understanding and completing forms used for medical, classification, due process and other programs."

The County Implementation Plan further states, “Inmates who feel that their disabilities have not received the proper accommodation, including communication devices, or have been denied a particular accommodation for safety or security reasons shall have access to the Monterey County Jail’s grievance process as outlined in the inmate handbook. The Monterey County Jail Ombudsman is responsible for tracking and reviewing inmate grievances and ensuring that they have received a response, including any grievances related to communication services. Pursuant to the inmate handbook, an inmate may appeal a grievance to the Jail Operations Commander.”

Comments:

- Housing unit staff indicated that they would not scribe (for the grievance process) for disabled inmates if the inmate was unable to read and write, but rather would notify mental health staff;
- Although not required, there is no urgent or emergent or expedited ADA grievance response timelines. This would be extremely beneficial and should be considered.

Grievances:

Rating: Lack of Substantial Compliance

Work/Work Assignment Process:

The Settlement Agreement states in part, “Defendants shall develop and implement an ADA Implementation Plan to improve accessibility to inmate programs and services. The Implementation Plan will ensure that prisoners with disabilities are not discriminated against and are not denied the benefits of, or participation in, programs, services, and activities at the Jail.”

The County Implementation Plan states in part, “All inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.”

Comments:

- Disabled inmates are not being hired, particularly for the kitchen and laundry jobs, which comprise the majority of available positions;
- It is unclear whether Inmate worker positions have essential functions identified and listed;
 - This is a concern for the disabled inmates, as they may need specific reasonable accommodations to enable them to meet any essential functions pertaining to a job assignment. But without documented essential functions, and without disability identification and reasonable accommodations needs met, disabled inmates may be unable to participate in these job assignments.

Work/Work Assignment Process:

Rating: Lack of Substantial Compliance

ADA Coordinator (Compliance Sergeant and Ombudsman):

The County Implementation Plan states in part, “By January 30, 2016, the Chief Deputy or Captain of Corrections Bureau will appoint a staff member to serve as the ADA Coordinator, whose responsibilities include, but are not limited to, coordinating compliance with ADA requirements, including compliance review of vendors providing sign language services. The ADA Coordinator should work with the Training Sergeant as appropriate, developing training regarding issues specifically related, but not limited to [the requirements of Section 504 of the Rehabilitation Act and the ADA].”

The County Implementation Plan further states in part, “The Monterey County Jail Ombudsman is responsible for tracking and reviewing inmate grievances and ensuring that they have received a response, including any grievances related to communication services.”

The County Implementation Plan also states in part, “With the permission of the effected inmate, the Ombudsman will be responsible for assisting any inmates with vision, learning or other information processing disabilities in understanding and completing forms used for medical, classification, due process and other programs.”

Comments:

- The Ombudsman and compliance Sergeant have shared duties but it's unclear as to who the assigned ADA Coordinator is; and the inmate population does not know;
- The ADA Coordinator's role and responsibilities for managing the ADA program have not been clearly defined;
- There is no reference to the ADA Coordinator in the Monterey County Jail handbook/orientation material.

ADA Coordinator (Compliance Sergeant and Ombudsman):

Rating: Lack of Substantial Compliance

Inmate Programs:

The Settlement Agreement states in part, “Defendants shall develop and implement an ADA Implementation Plan to improve accessibility to inmate programs and services. The Implementation Plan will ensure that prisoners with disabilities are not discriminated against and are not denied the benefits of, or participation in, programs, services, and activities at the Jail.”

The Settlement Agreement also states in part, “The County Defendants shall offer inmates with ambulatory disabilities all programs, services and activities offered to other inmates, including by not limited to outdoor exercise, religious services, education programs such as Choices and Pride classes or the equivalent, and Narcotics and Alcoholics Anonymous meetings or the equivalent, in locations that do not require them to climb stairs in order to access the programs, services and activities, as long as those programs, services and activities are offered to the general population.”

The county jail plan states in part, “All inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.”

The county jail plan also states in part, “The County Jail Program Director will be responsible for tracking and documenting that inmates requiring accommodations have been offered participation in all programs and activities normally available to inmates in the County jail.”

The county jail plan further states in part, “All current jail programs are offered on the ground level, such that use of stairways is not an issue. Ground floor exercise yards are available for any inmates with mobility impairments. Hearing impaired inmates will participate in programs through either a sign language interpreter or equivalent program on a tablet (i.e. I-pad). If a program is held in an upstairs location, it will be moved to a downstairs location if necessary to ensure equal access.”

The county jail plan also states in part, “Women who require ambulation assistance, have difficulty ambulating, or are confined to the use of a wheelchair, cane, walker, or crutches will have exercise time available in the yard outside of Q-pod and will have programming downstairs in V-pod.”

Lastly, the county jail plan states in part, “Men who require ambulation assistance, have difficulty ambulating, or are confined to the use of a wheelchair, cane, walker, or crutches will have exercise time available in the yard outside of E dorm.”

Comments:

- All programs are offered upstairs (Q-Pod) and it's too difficult to access for mobility disabled or blind inmates;
- Inmates have not been provided any training on the electronic tablets (one indicated that he was self-taught, and one inmate said she was taught by an inmate);
- Several inmates who were interviewed were unaware of various programs and services available;

- Downstairs area (e.g., Q-Pod) is not conducive for programming when vision or mobility disabled inmates are unable to ambulate up the stairs for programming. There is too much staff and inmate foot traffic, cleaning crews use the space, and healthcare staff use the space

Inmate Programs:

Rating: Lack of Substantial Compliance

List of Inmate Complaints/Concerns (via Confidential Interviews)

Listed below is a summary of some of the complaints or concerns identified by inmates during the confidential interviews with the Monitor. The Monitor conducted nine randomly selected interviews. All nine inmates had at least one documented disability or impairment (some had multiple) i.e., mental illness, mobility, vision, epilepsy, brain damage (permanently effecting speech and motor skills), hypertension, and diabetes). Inmates were selected from various housing units, including general population and administrative separation. Specifically, seven of the inmates were male and two were female. For the male inmates; two were housed in A-Pod, one was housed in B-Pod, two were housed in A-Dorm, and two were housed in B-Dorm. For the female inmates; one was housed in Q-Pod, and one was housed in R-Pod.

Some of the listed complaints/concerns were each identified by multiple inmates from various housing units. However, it's fair to point out that some inmates either in the same or different housing units made statements in contrast to some of the identified concerns. The validity of some of these concerns could not be substantiated or refuted.

Staff/Housing Units

- Does not know who the ADA Coordinator is;
 - None of the inmates who were interviewed know who the Compliance Sergeant is;
 - A couple of the inmates who were interviewed know who the Ombudsman is;
- Has never spoken to ADA Coordinator;
- Doesn't believe ADA Coordinator tours housing units or interviews disabled inmates;
- Many rotating staff working the unit/no consistency;
 - Often due to training, but the staff we get are responsive;
- Some deputies are rude;
- Some deputies need to treat us with some compassion;
- Some medical staff are rude;
- Cell is not clean/no longer able to clean (mobility and mental health concerns);
 - Submit notes for staff to get my room cleaned, but they don't respond;
 - Sometimes the inmate with whom I used to go to dayroom with helped me clean my cell (but not the new person who is assigned dayroom with me);
- Reports that "maggots" were recently found in either cell 206 or 210 (R-Pod);
- Deputies walk the units/tiers regularly, but don't talk with me;
- Staff do not explain documents (including housing unit staff, parole staff, and others);

- No in-house verbal orientation provided specific to the unit (or otherwise);
- “Dirty” bathroom, “not enough cleaning is being done”;

Yard/Dayroom

- Sometimes staff don't let me out of my cell for yard or dayroom because they say I am acting up;
- We don't get to check out games, such as dominoes, cards, etc. Claims only two hours per week yard time (two days, one hour each);
- (A-Pod) Yard is offered once or twice per week, but its located upstairs;
 - But dayroom is offered for two hours daily;
- (R-Pod) Until the lawyers visited a couple of weeks ago, they were not offering yard. Since, I have been to yard once:
 - Use Q-Pods lower level yard;

Intake Orientation

- Did not receive an orientation manual at Intake, and no verbal orientation provided:
 - One of the inmates has serious mentally illness, and learning disabilities;
 - One of the inmates received one later from another inmate;
- A couple of the inmates indicated that they learn about programs and rules through other inmates;

Grievances/Message Requests

- Don't know how to submit a grievance (but have never had a need);
- Submitted a grievance a couple of weeks ago, but no response;
- Does not know that a grievance process exists;
- Grievance response said I was issued a second mattress prior, but that was never the case (supposed to have two mattresses for medical condition);

Healthcare

- Deputy is present during appointments/interviews with mental health staff;
- Mental health staff see me in the hallway, no privacy; and deputies are in the room;
- Mental health staff do not spend enough time with me (3-4 minutes per session, once per week by psychiatrist, and one per week by clinicians);
- Mental health medications make me sleep all day, therefore I do not participate in any programs;

- Sometimes do not receive responses back from mental health staff for requests submitted to see mental health staff;
- Medical doctors on duty only on Tuesdays and Thursdays;
- Medical services staff wait until medications expire before they order new medications/refills, and sometimes it takes weeks;
- My medications for inflammation, pain, and diabetes keep getting cancelled (except for my psychiatric medications);
- Medication requests takes weeks;
- Incorrect medications are provided;
 - “Ended up at outside hospital due to poor medical decisions”;
- No rehabilitative medical services offered for my mobility impairment;
- Despite claimed mobility impairment, medical staff will not issue a cane (but has walker and temporary wheelchair);
- Supposed to have two mattresses, but I only have one (medical condition);
- Custody staff denied my personal cane from the streets;
- Dentist “won’t do anything here”, so I have not requested;
- Dentist never followed up from a previous appointment. They were supposed to call me back to discuss cavities;

Inmate Programs

- Did not receive any training on the electronic tablets (one inmate indicated that he was self-taught, and one inmate said she was taught by an inmate);
 - One inmate acknowledged being computer illiterate;
- One inmate stated that another inmate does the Tablet for her (due to her severe vision impairment) when she has requests. She indicated that she does not get much help from staff. However, she did not indicate whether she specifically has asked staff for assistance with the tablet;
- Had never been offered any programs until a few weeks ago when some attorneys came through the institution;
- Does not know about law library/legal services opportunities;
- We have books in the dayroom, but they are just lying on the floor;
- They used to bring book a book cart to my unit, but we have not seen a book cart in two months;
- Need new books;
- Inmate would like assistance with laundry/clothing exchange process;
- Not aware if there are any books on tape or Braille reading materials;
- All programs are offered upstairs (Q-Pod) and it’s too difficult to access;

- Laundry smells and clothes are “itchy”;
- No board games, dominoes, or cards available in the dayroom;
- Power does not usually come on in time in the mornings before 8:00 AM, therefore we don’t get to watch television;
- Went to a GEO class once, but it was at the same time that staff passes out lunches, so I stopped going (“otherwise I would be interested”);

Durable Medical equipment/Assistive Devices/Vests

- Does not have a mobility vest;
- Mobility vest that was issued does not fit me;
- No shower chair in S-Pod;
- In R-Pod, fell off shower chair;
- In A-Dorm, shower chair is unstable, so I don’t use it;
- In A-Dorm, previously fell in shower, believes shower chair is faulty;

Classification

- Not provided any Orientation manual or materials or information provided;
 - A couple of inmates provided that they have some in the housing unit;
 - Only one of nine inmates who were interviewed indicated that he received orientation material (but no verbal orientation);

Miscellaneous

- Food complaints (underfed), and “diet/nutrition could be better”;
- Mattresses could be better;
- Lights are turned on for 18 hours per day.

ADA Coordinator (Compliance Sergeant & Ombudsman)

The County Implementation Plan requires that by January 30, 2016, that a staff member be appointed to serve as the ADA Coordinator, whose responsibilities include, but are not limited to, coordinating compliance with ADA Requirements, including compliance review of vendors providing sign language services. It also states that the ADA Coordinator should work with the Training Sergeant as appropriate, developing training regarding issues specifically related, but not limited to: a) The requirements of Section 504 of the Rehabilitation Act, and b) Office policies and procedures relating to ADA requirements.

The County Implementation plan requires the ADA Coordinator (Compliance Sergeant) on a monthly basis to conduct a random audit of two inmates requiring some form of accommodation, including the proper housing assignment and bunk assignment and the proper communication devices. An audit report is required to be generated as a result. In-turn, on a quarterly basis an operations commander will review the monthly audit reports to ensure compliance. The Jail Operations Commander will also generate a quarterly report to documents their audit findings, and the report will be sent to the Chief Deputy of Corrections or Captain of the Corrections Bureau.

Staff Interviews

The Monitor conducted separate interviews of the Compliance Sergeant and the Ombudsman. At the time of the interviews, it was explained that both staff jointly handle ADA Coordinator duties, but it appears that the Ombudsman takes more duties normally associated with the ADA Coordinator position, however it appears that the Compliance Sergeant is widely considered as the ADA Coordinator. This was confusing to the Settlement Monitor.

The Ombudsman reportedly checks to ensure that custody and medical staff members provide disabled inmates what they are required to receive. She also reportedly works closely with classification staff. The Ombudsman sometimes “walks and talks” with the disabled inmates, and corresponds with them in writing or via the electronic tablet to ensure they understand their rights as disabled inmates. She does not believe the Monterey County Jail has any confirmed learning disabled inmates. She indicated that Classification staff see administrative segregation inmates every 14 days.

The Ombudsman reportedly reads every ADA grievance that is submitted (whether submitted by a disabled inmate, or if the issue is an ADA issue (regardless as to who submits them). There are weekly multidisciplinary meetings between classification staff, mental health staff, medical staff, and the Ombudsman. Any issues identified by the Ombudsman via the grievance process, is discussed during the multidisciplinary meetings, and the information is presented to the County Staff Counsel Attorney if necessary.

The Compliance Sergeant confirmed that he conducts the monthly ADA audits. Some of the findings noted by the Compliance Sergeant include: staff are not continuously documenting yard or out-of-cell activities regarding the disabled inmates; the Team Sergeants have been reminding their staff as to the importance of documentation if yard or out-of-cell time is not provided or shortened. Also discussed was the types of corrective action that would be taken to avoid the lack of documentation: continue to remind line staff members during roll call to document any occurrences that does not allow for the allocated time out of cells; and line staff members will be subject to discipline should the lack continue. First Watch Sergeants will be responsible for checking all yard and housing rosters for any discrepancies, while compiling the 24-hour roster. This will allow for a prompt response from line staff, who were assigned to the effected housing location. A recommendation was also made to procure the Guardian RFID Spartan System, which will aid the bureau with compliance issues such as the lack of documentation for out of cell time.

Inmate Interviews

Most of the inmates interviewed did not know who the ADA Coordinator is, or that there is an ADA Coordinator.

Conclusions:

ADA Coordinator (Compliance Sergeant and Ombudsman)

Rating: Lack of Substantial Compliance

The ADA Coordinator position normally has multiple duties. Although it is great to see that the staff work well together in their shared responsibilities, the Monterey County Jail must have one staff member who would clearly be regarded as the ADA Coordinator. This is important for staff, inmates and for the overall program. It is important for the jail's inmate population to know who the ADA Coordinator is. This can be accomplished by the ADA Coordinator interviewing or talking with the disabled inmates periodically, and touring the various areas of the jail where the disabled inmates live, work, or frequent for programs and activities, etc. Also, notice postings were noticeably missing in the housing units which would inform the inmate population as to the Hernandez Settlement Agreement and ADA Coordinator contact information. As stated above, the County Implementation Plan requires that a staff member be appointed to serve as the ADA Coordinator.

The Settlement Monitor reviewed several examples of the Compliance Sergeant's monthly audit reports. The Settlement Monitor recommended that the Compliance Sergeant conduct face-to-face interviews with the inmates that he is auditing, as this is not currently being done (albeit not required). However, with regard to the requirement for the Jail Operations Commander to generate a quarterly report to document the audit findings, this was reviewed but was inconsistent in terms of being done. This will be monitored closely.

Bulleted below are examples of areas where as the ADA Coordinator needs to be involved (or become more involved) to ensure that the Monterey County Jail operates an effective disability program pursuant to ADA, the Hernandez Settlement Agreement, and the County Implementation Plan. Most of these bulleted areas are also outlined in other sections or subsections of this report, and are generally outlined in greater detail in the other respective sections or subsections. The bulleted information outlined below although tied to other specifically titled sections, still must fall under the general purview of the ADA Coordinator position for oversight of the entire Monterey County Jail disability program:

- No clear defined role as to who the ADA Coordinator is;
 - Shared responsibilities between the Ombudsman and the Compliance Sergeant;
- No reference in the jail handbook/manual indicating that there is an ADA Coordinator;
- Identification and Tracking of disabled inmates;
 - Inadequate (or at least incomplete) identification and tracking process at Intake;
 - Not capturing all disabilities;
 - CDCR disabled inmates housed at Monterey County Jail are not completely being identified and/or added to the tracking list;
 - As such, there are disabled inmates who are not known to staff, and equally or more importantly their accommodation needs are not known to staff, therefore not being provided;
- Not all inmates are receiving orientation information/jail handbook/manual;
 - Inmates are widely not aware of available programs, services, and activities of the jail;
- Inmates are referred to mental health by housing unit staff for reading and writing (scribing) assistance, e.g., for the grievance process;
- Disabled inmates are not provided work assignments;
- No training provided to inmates regarding the electronic I-pads;
- Some areas in housing units are not accessible for programming to mobility impaired inmates;
 - For example, inmates cannot ambulate upstairs;
 - There are too many other activities going on in the designated downstairs alternate locations, e.g., there is allot of passing foot traffic, cleaning crews occupying the space, and healthcare staff using the areas as well;
- Disabled inmates are widely not being interviewed (unless there is a specific need such as for a grievance interview, etc.) regarding their programming, understanding of their rights as disabled inmates, including access to programs, services, and activities, and equal access and reasonable accommodation needs, etc.;

- Inmates could also be interviewed as part of the Compliance Sergeant's monthly audit process;
- It is unclear as to whether the Compliance Sergeant tours the housing units or other program areas, e.g., programs, re-entry, education, chapel or areas where religious services are held, etc., to ensure equal access and reasonable accommodations are provided, and a general assessment as to how programming is taking place for the disabled population;
 - This may not be a direct violation of the Settlement Agreement or County Implementation Plan, but is vital for the success of the program;
- The Compliance Sergeant audits:
 - Do not include any observations or findings regarding equal access to programming and adequacy of accessible program space;
 - Continued audits should improve the self-reported overall out-of-cell time deficiencies (yard exercise time and pod/dayroom recreation time) allotted to disabled inmates, so this will continue to be examined closely on a regular basis;
- Difficulty for the Ombudsman to produce a report (and/or actual grievances) for a specified period of time for grievances related to ADA issues (whether submitted by a designated disabled inmate or otherwise), or, for those submitted by disabled inmates;
- Hernandez Settlement Agreement information is not being posted (or not being maintained) in the housing units;
 - Also, though not specifically required, there is no notice posted indicating ADA Coordinator contact information. This would be extremely helpful for the disabled inmate population;
- The jail handbook/manual only has a small section for ADA, but does not mention anything regarding a disability program, ADA Coordinator responsibilities, or ADA Coordinator contact information;
- The Monterey County Sheriff's Office Corrections Operations Bureau Manual, Section 1117 Emergency Procedures does not contain any information specific to disabled inmates (particularly for mobility, vision, and hearing impaired inmates);
- The Settlement Monitor never received all requested documents prior to the on-site monitoring review;
 - All requested documents must be provided prior to the next semi-annual monitoring review;
- Although not directly a violation of the Settlement Agreement or County Implementation Plan, there is no Effective Communication policy in place, or, there does not appear to be any is Effective Communication language within existing policies.

Tracking and Identification (ADA Compliance Plan)

The County Implementation Plan Section V. II. b. Tracking and Identification addresses the following: medical intake screening; medical treatment orders; electronic tracking for disability accommodations (TracNet); receipt of California Department of Corrections and Rehabilitation (CDCR) disability and accommodation information; issuance of durable medical equipment/assistive devices whether for immediate needs upon intake or via the normal medical process through the medical provider; special vests for hearing impaired inmates; housing accommodations needed (e.g., lower bunk, accessible bathroom facilities); identification and tracking of an inmate's preferred method of communication; assistance with forms (e.g., medical, classification, due process related, and others); Ombudsman responsibilities to review inmate grievances and to track the overall process; maintenance of assistive devices (e.g., hearing aid); Compliance Sergeant requirement to conduct random monthly audits of two inmates who require some form of accommodation, and associated audit reports; requirement to use interpreter service for inmates during events of due process, etc.; and preferred method of communication for hearing impaired inmates.

Intake/Booking Classification (Disability Identification)

The following Monterey County Sheriff's Office Custody Services Manual policies/procedures and Monterey County Sheriff's Office Corrections Operations Bureau, Operations Manual sections outline staff responsibilities relative to the intake/booking/classification processes regarding inmates with disabilities: Policy 602 Inmates with Disabilities, and Sections 1104 Receiving, 1109 Lobby and Desk Duties, 1110 Inmate Classification, and 1114 Inmate Services. Section 1114.01 (B)(6) requires that "[d]eputies shall notify the Medical Staff if an inmate is suspected or confirmed to have a developmental disability."

In order for custody and non-custody staff to comply with the ADA, Hernandez Settlement Agreement, and the County Implementation plan, inmates must first be properly identified as to their specific disabilities and accommodation needs. To identify inmates that are processed into the Monterey County Jail that have a qualified disability, there must be a comprehensive screening process in place. The disability screening must be part of the Intake/booking process (or at least begin there), and must identify any applicable reasonable accommodation needs. Without a comprehensive disability screening process, Staff (both custody and non-custody) may not be aware of all disabled inmates being processed and/or housed at the Monterey County Jail. Likewise, staff may not in-turn be aware of accommodation needs they are required to provide to ensure that the affected inmates are afforded equal access to the Jail's programs, services and activities as required pursuant to ADA, the Hernandez Settlement Agreement, County Implementation Plan, Policy 602, as well as other relevant local policies and operations manual.

At intake/booking it is the responsibility of booking/intake staff and healthcare staff to assess inmates for evidence of a disability or any special management needs. The healthcare (medical/mental health) Intake process includes a fairly comprehensive evaluation for psychiatric disabilities to identify specific mental health care, programming, and housing needs. There is also some general questioning that takes place relative to ADA (disabilities) and healthcare appliances such as walkers and crutches.

Observations

The Monitor observed the intake/booking processes for a male inmate. This included the initial arrival of the inmate by an outside law enforcement officer. The Monitor observed the Monterey County Jail pre-booking process, completion of the medical pre-screening process, the custody booking process and the intake classification process. Staff appeared to follow the respective screening form when asking the intake questions.

The Monitor then observed the medical intake screening process for a new arrival, which included vital signs taken as well as general questions asked by the intake nurse. Questions asked pertained to: allergies, prior incarceration, health insurance, prior accidents/loss of consciousness/head trauma, prescription medications, under a doctor's care, diabetes, heart condition or hypertension, medical problems, hospitalizations, TB, travel outside of the country, drug usage/withdrawals, alcohol use, drugs in body now, cigarette usage, hospitalizations for mental health, substance abuse treatment, victim of abuse, violent behavior history, suicide attempts, broken bones, support system, family history or friends with suicide history, recent loss of family member(s), any current problems, pain now, dental questions, "any ADA disabilities", "any walker or crutches", PREA concerns, stay hydrated, informed inmate about healthcare services process, electronic tablets, informed inmate that someone would monitor him every eight hours for five days.

Noticeably there were not any questions asked pertaining to intellectual/developmental or learning disabilities, other than through the Prison Rape Elimination Act questioning process such questions were not asked. As a result, the Monitor did not see any evidence to support that Intake healthcare staff conduct or are prepared to conduct psychological evaluations for persons with signs of an intellectual/developmental disability as required pursuant to the Settlement Agreement.

It appeared that the medical screening nurse complied with the screening protocols. She was knowledgeable, took her time, spoke clearly to the inmate, answered his questions, and she appeared to read each question from the medical screening form from her computer screen. However, the Monitor cannot be certain that all protocols were followed, as the Monterey County Jail did not provide copies of the intake medical screening forms. Prior to the next semi-annual monitoring review, the Monitor will need to copies of all medical intake screening forms.

The Monitor also observed the custody intake screening and classification processes for a new arrival, as questions were asked by an intake deputy. The questions asked pertained to: gangs, sex crimes, prejudices, known enemies, whether an interpreter was needed, prior military, custodial parent, sexual preference, prior incarceration, parole status, prior disciplinary history at the Monterey County Jail (DAR process), assaultive behavior on law enforcement personnel, escape history, any prior administrative segregation placement in prison, currently seeing a doctor for medical or mental health reasons, prescribed medications, current address, work information history, medical insurance, PREA, ADA Accommodation needs, and tattoo's (asked and examined). The inmate was then given a blue wristband and placed in a temporary holding cell. The Classification Deputy completed filling-out the Inmate Movement Form.

Similarly, to medical intake process, the classification deputy asked about physical or mental disabilities, but it appeared that the emphasis was solely on psychiatric disabilities and not about intellectual/developmental or learning disabilities.

It appeared that the intake and classification deputies complied with the intake screening protocols. Staff ensured that the inmate understood the questions being asked. But again, the Monitor cannot be certain that all protocols were followed, as the Monterey County Jail did not provide copies of the Inmate Movement Form or other applicable intake forms. Prior to the next semi-annual monitoring review, the Monitor will need to copies of all custody and classification related intake screening forms.

After the screening processes were complete, the Monitor observed the process whereas inmates complete the booking process and prepare to be housed. Inmates are given unclothed body searches and given a "bed-roll" inclusive of various hygiene items and a Monterey County Jail Inmate Orientation Manual (blue book). There is no process in place for the inmates to sign any document acknowledging receipt of the book/manual. It is unclear whether there are large print copies of the manual for vision impaired inmates. There is also not a verbal orientation conducted, nor is there a follow-up process to ensure that disabled inmates understand the orientation manual, and/or orientation and Prison Rape Elimination Act videos.

Staff Interviews

The Monitor interviewed numerous custody staff members, including intake staff. Classification staff indicated that the classification deputies interview the new arrivals and fill-out the intake screening Questionnaire then determine appropriate housing placement. The Movement (or lockdown) Form that they also complete reportedly explains any sensitive needs, ADA concerns, gang status, PREA concerns, etc. The screening Classification Deputy reviews their completed Movement Form as well as the "ISQ" Form. Based on various factors, inmates may be placed on administrative segregation, maximum separation, general population, or lockdown status, and housed accordingly. Classification deputies use the Jail

Management System/TracNet systems to look for any previous history or pertinent information that might be helpful.

When asked about providing effective communication during the classification process, staff indicated that he takes time to explain information, and sometimes will walk them to the housing units himself.

An intake deputy provided the following information regarding the intake process: inmates are searched; an intake nurse does a healthcare intake screening; classification staff use a Movement Form and ask specific questions; inmates are finger printed and receive an armband; and they are placed in a temporary holding cell or room prior to being housed. Staff ensure that the inmates are fully aware of their charges, and the inmates are given unclothed body searches. After the intake process is complete, housing deputies then receive their respective inmates, and ensure they receive a “bed-roll” inclusive of a blue handbook. Ultimately the inmates will each receive a 14-day physical.

Staff indicated that there is no standardized verbal orientation for the jail or specific to a housing unit.

Inmate Interviews

The large majority of inmates who were interviewed indicated that they never received a jail handbook/orientation materials during the Intake/Booking/Classification processes. A couple of the inmates indicated that they asked for them when they arrived at their assigned housing unit, and a couple of other inmates stated that they learn about the jail and programs through other inmates.

Conclusions:

Intake/Booking Classification (Disability Identification)

Rating: Lack of Substantial Compliance

The current medical and classification processes at intake do not adequately screen for possible intellectual/developmental or learning disabilities. Also, as mentioned earlier in this report, the Monterey County Jail did not provide the Settlement Monitor with intake screening and classification forms for review. These must be provided prior to the next scheduled semi-annual monitoring assessment.

Tracking

To ensure that Monterey County Jail inmates (who are otherwise eligible) are not excluded from participation in or not denied the benefits of services, programs, and activities of the jail, and not discriminated against, there must be a comprehensive networked tracking system to alert staff of qualified individuals and their accommodation needs (e.g., preferred method of communication, durable medical

equipment/assistive devices, auxiliary aids, services, prompts needed, etc.). Because regulations implementing the ADA require a public entity to accommodate persons identified as disabled (e.g., mobility, vision, hearing, speech, mentally, intellectually/developmentally, and learning disabled), a tracking system is a necessary part of compliance for an effective ADA program. The Monterey County Jail must ensure that disabled inmates and their required accommodations are properly identified in order to ensure staff are aware of the inmates and their accommodation needs, and ensure the provision of the accommodations as required by the ADA.

Additionally, Monterey County Jail staff must be aware of the mobility, hearing, and vision disabled population and their accommodation needs in the event of the need to evacuate the inmate population during an emergency. If the jail staff are not aware of the mobility, hearing, and vision disabled inmates and their accommodation needs during an emergency then the inmates are put at risk for harm.

Observations

The Monterey County Jail uses the TracNet and In Custody Special Conditions List as their ADA tracking list. The list reviewed included inmates who are mobility, vision, and hearing disabled, those with epilepsy, as well as those categorized as seriously mentally ill. The list also captures accommodations issued or required for those inmates.

The Monitor reviewed an In Custody Special Conditions List from early October 2019. It listed 53 inmates, to which ten inmates were identified as “ADA”, 13 were identified as “seizures”, and 11 were identified as seriously mentally ill. There were also inmates identified as “lower bunk” and “suicide.” All of the “ADA” inmates were either vision or mobility disabled. There were no inmates identified as mental health (except the seriously mentally ill inmates), speech, hearing, intellectual/developmental, or learning disabled. If these types of disabled inmates are not being identified and tracked, then there is a high probability that these inmates may not be receiving appropriate reasonable accommodations in order to access the jail's programs, services, and activities, and/or receiving their specific accommodation needs (e.g., preferred method of communication, effective communication, auxiliary aids and services, prompts, assistance, monitoring, etc.). In essence, the Monterey County Jail is currently not in compliance with the Settlement Agreement in that Monterey County does not employ a system for identifying and tracking all inmates who are qualified individuals with disabilities. This will again be examined closely at the next semi-annual monitoring assessment.

It is unclear whether all pertinent staff who need access to this tracking list has access and refers to it (e.g., disciplinary hearing staff and investigators, grievance staff, healthcare staff, education staff, and other staff).

Staff Interviews

The Monitor interviewed several healthcare and custody staff members regarding tracking.

Staff indicated that housing rosters are produced at midnight each evening, by either the custody control staff or tower staff. Each housing unit receives a copy. Medical tracking is done through the CorEMR system.

When asked how housing unit staff would know which inmates have disabilities, what type of disabilities they have, and what specific reasonable accommodations are needed, custody staff indicated that the "Housing Templates" inform the housing unit staff as to what type of inmates are housed in the respective units, and the vests are indicators for staff as to whether they have a specific disability. Staff further stated that the TracNet system provides information relative to disabilities and accommodation needs. When asked whether they ever remember intellectual/developmental disabilities or learning disabilities being indicated or tracked in the system, staff indicated that they did not remember ever seeing such information.

The Compliance Sergeant reportedly receives regular emails from CDCR DAPO identifying disabilities for CDCR inmates who are at the Monterey County Jail for a CDCR parole violation, or, they are doing their state prison sentence at the Monterey County Jail. The Compliance Sergeant sends the information to the Ombudsman, Classification Supervisor, and the county staff counsel attorney for the Monterey County Jail. At least a couple of the staff members who receive and/or handle this information acknowledged that they don't always fully understand what the information and disability codes necessarily represent in terms of types or levels of disabilities and accommodation needs. It was evident that not all of the disability related information received from CDCR DAPO makes it into the TracNet / In Custody Special Accommodations list.

Conclusions

Tracking

Rating: Lack of Substantial Compliance

For the Tracking section, the Monitor rates as Lack of Substantial Compliance due the following:

- The Monitor did not receive requested intake screening forms (for medical or custody, e.g., Inmate Movement Form [classification] and medical intake questionnaire forms) for review and reconciliation purposes against actual questions asked during intake screening. The Monitor will need these documents prior to the next semi-annual monitoring review.

- Other than the PREA process, there were no questions asked at intake regarding cognitive disabilities such as intellectual/developmental and learning.
 - As a result, necessary disability and reasonable accommodation information (e.g., preferred method of communication, prompting required, assistance required, and staff monitoring required) is not being captured or entered into the TracNet electronic system (in accordance with the County Implementation Plan), or the In Custody Special Accommodations tracking list;
 - Also as a result, the Monitor did not see any evidence to support that Intake healthcare staff conduct or are prepared to conduct psychological evaluations for persons with signs of an intellectual/developmental disability as required pursuant to the Settlement Agreement.
- In Custody Special Conditions List does not include inmates with the following disabilities; speech, hearing, intellectual/developmental, and learning;
 - If these types of disabled inmates are not being identified and tracked, then there is a high probability that these inmates may not be receiving appropriate reasonable accommodations in order to access the jail's programs, services, and activities, and/or receiving their specific accommodation needs (e.g., preferred method of communication, effective communication, auxiliary aids and services, prompts, assistance, monitoring, etc.).
 - The Settlement Agreement requires that the Monterey County Jail identify and track all inmates who are qualified individuals with disabilities and that reasonable accommodations be provided as necessary for qualified inmates with disabilities to participate in programs, services, and activities offered at the jail.
 - Without proper identification and tracking, the Monterey County Jail cannot be in Substantial Compliance.
- Staff members acknowledged that they have never seen inmates who have cognitive disabilities captured on the Special Conditions List;
- Staff admitted there is some confusion as to what some of the CDCR DAPO disability information means and what to do with the information, therefore some of the inmate names and their accommodation needs information is not being captured on the In Custody Special Conditions List.

The CDCR inmate names and accommodation needs must be entered into the In Custody Special Conditions list (and any other appropriate tracking list whether for medical, custody, or other staff). For the next semi-annual Monitoring review, the Monitor will examine whether key personnel have access to this information, and are using it for various processes such as healthcare encounters, due process related events, etc. The Monitor will closely examine whether inmates who likely may need accommodations for effective communication purposes are listed on the document as well as their accommodation needs (e.g., vision, hearing, speech, intellectual/developmental, and learning disabled inmates).

The Monitor will examine more closely during the next semi-annual review to ensure that speech, hearing, intellectual/developmental, or learning disabled are being captured within TracNet and on the In Custody Special Conditions list.

The Monitor will also examine whether custody, education, and healthcare disability information is being shared as to ensure that inmates who are known to have a disability and accommodation needs is being captured on the tracking list.

Intake staff members appear to be doing a good job with the medical and custody questionnaires and inmate processing. But there does not seem to be any attention to intellectual/developmental or learning disabilities, and whether they have any reasonable accommodation needs to ensure equal access to the Monterey County Jail's programs, services, and activities.

As such, these types of inmates are not being identified, and therefore not placed on a tracking list (e.g., In Custody Special Accommodations List). As a result, key staff are not aware of their disabilities or accommodation needs (e.g., housing staff, disciplinary staff, education staff, healthcare staff, etc.). As such, staff are likely going to be unable to provide or ensure effective communication for these inmates. This is especially important for healthcare encounters as well as events where due process may be involved, or other types of significant communications.

The Intake questionnaires need to include at least some basic questions pertaining to intellectual/developmental disabilities. Some inmates who are intellectually/developmentally disabled may not be aware of that or know exactly what that means. So asking them directly in and of itself may not truly answer the question. Short of using cognitive and adaptive support screening tools at intake, a registered nurse can ask several basic questions of the inmate during Intake Medical screening.

The RN should ask the following recommended questions during the Intake Medical screening related to a possible intellectual/developmental disability:

1. What is the highest grade completed in school?
2. Were you ever in special education classes in school?
3. Did you ever have an IEP in school?

4. Did you ever receive services from a regional center growing up as a kid or as a teenager?
5. Do you have any problems with reading or writing?
6. Do you have any problems with understanding of following instructions?
7. Do you sometimes need to be reminded to do stuff?
 - a. To be somewhere where you are supposed to be at?
 - b. To get someplace on time?
 - c. To do something you were supposed to do?
8. Have you ever had any problems with people taking things from you?
9. Have you ever had any problems with people fighting you?
10. Have you ever had problems with people asking for sexual favors?
11. Can you read this paragraph for me and tell me in your own words what it means?

I am in the Monterey County Jail Facility. I have the right to have equal access to all the programs, services, and activities provided in this jail. If I need help understanding what programs, services, and activities are offered here, someone will explain to me.

12. Were you ever in state prison (in the California Department of Corrections and Rehabilitation [CDCR])?
 - a. If so, what prison were you last housed at?
 - b. If so, when did you parole or discharge from prison?
 - c. If so, were you in the Clark/Developmental Disability Program (DDP)?
 - d. If so, were you a DD1, DD2, or DD3 (DDP category)?

Based on the inmate's responses to the questions, if the registered nurse has reason to believe that the inmate being interviewed is likely to have an intellectual/developmental disability, he/she should refer the inmate for more extensive evaluation by a psychologist, who has been trained in intellectual/developmental and learning disability screening/testing processes. Due in large part to AB 109 and the fact that inmates on average are doing longer county jail stays, and there are now more programs and services opportunities, strong consideration should be given to evaluating/testing inmates who are not cited and released/cannot make bail and are expected to be housed at the jail pending disposition of their cases. It is for the parties to decide the length of time

an inmate is to be housed in the jail for them to be tested. Both cognitive and adaptive support testing/evaluations should be performed. Behavioral Health staff will need to research to determine what screening/testing tools are available and are most cost effective for Monterey County. There are several validated testing instruments designed to measure cognitive levels (TONI-3rd, WAIS-II, WAIS-IV), and there are Correctional Adaptive Support Evaluations and similar screening instruments available to identify specific adaptive support deficits and needs. Within a jail environment, examples of areas in which adaptive deficits may exist, include: communication skills, academic skills, self-care skills, socialization skills, self-advocacy/use of inmate resources, work, health and safety, self-direction, and leisure activities.

Ultimately what is important is that an intellectual/developmental disability be identified if it exists, including any reasonable accommodations required (e.g., coaching, assistance, monitoring, and prompting), for all or any aspects of jail life. This includes accommodations that may need to be provided during housing unit activities, work, education, inmate programs (e.g., self-help groups, re-entry services, religious services, commissary, electronic tablet usage, clothing exchange, etc.), recreational activities, reading and/or writing, and personal hygiene, etc. They may also generally need assistance (EC to be provided) for process such as disciplinary, grievances, message requests, ADA accommodation requests, healthcare encounters, and possibly re-entry services, etc.

Each intellectually/developmentally disabled inmate will be different, and any adaptive deficit and adaptive support needs (reasonable accommodations) will be unique to each individual.

For example, and hypothetically speaking, fictitious Inmate X #12345 may have a moderate level of cognitive impairment and adaptive support needs. Specifically, he may have victimization concerns, may need semi-frequent assistance. Specifically, he may have time-management issues and needs to be reminded to report to activities on time (e.g. work, school, appointments, etc.); needs assistance with commissary activities (e.g., filling out a commissary slip and being escorted to and from the commissary, and/or staff need to keep an eye on him to ensure he is not being “pressured” to give away his commissary items); reminders to shower, brush his teeth, and clean his cell; needs assistance with reading and writing; and staff need to advocate for him (as he is mentally unable to do so).

For another example, and hypothetically speaking, fictitious Inmate Y #54321 may have mild cognitive deficits and adaptive support needs, and may only need occasional assistance. Specifically, he may only need help reading and writing, and may only need other types of assistance or monitoring if he is under unusual stress or unfamiliar situations (e.g., he was just transferred to a new unit, a family member recently passed-away, etc.).

Regardless of the level of intellectual/developmental disability, or the amount or types of prompting and assisting needed, staff must always be pro-active with this

population as was indicated. Most of these types of inmates may be hesitant to approach staff or to advocate for themselves. This population also widely has a tendency to try to please others. With regard to staff, this population may tend to tell staff what they think staff want to hear, rather than being truthful. Staff also have to watch out for “Parroting”. When asking an intellectual/developmental disabled inmate whether he/she understood the staff directions, or requirements, or process, etc., the inmate may reply “yes.” But knowing this population, staff should properly take it to the next step (to ensure EC) and ask the inmate to briefly explain (in his/her own words) what they just discussed. Some intellectually/developmentally disabled inmates may “Parrot” back almost word for word as to what the staff member said. Staff need to be aware of this. Staff need to ensure the inmate understood. But again, each inmate will be different.

With regard to intellectually/developmentally disabled inmates and them dealing with other inmates, an intellectually/developmentally disabled inmate may do or say whatever they think the other inmates want them to say or do, without fully understanding any possible consequences.

Regarding learning disabled inmates, intake medical staff can ask some of the same questions as outlined above (for intellectually/developmentally disabled inmates). Although it should still be asked, the highest grade completed may not be completely indicative of a learning disability, as most learning disabled people have average to above average intelligence. So long as they had the proper reasonable accommodations, they may have graduated high school or even college. Other questions that should be asked include; special education and IEP history, and what specific accommodations have been provided in the past. Inmates should be able to have their education transcripts or Special Education/IEP information sent to the Monterey County Jail if desired, and have the material examined at the jail for confirmation of a specific learning disability. There are literacy tests available like Tests of Adult Basic Education (TABE) that the jail’s behavioral health staff or Monterey County Office of Education could administer to determine an inmate’s reading level. In the absence of having a specific learning disability testing process, utilizing TABE test results for reading level could serve as a trigger for staff to query an inmate during a healthcare encounter, due process event, or other type of significant communication. For example, inmates who test at a 4.0 or below reading level could be placed on a list. Staff who conduct healthcare encounters, due process events, or other types of significant communications could simply ask the inmate (during the proceeding) whether he or she understands the proceeding, process, and dialogue. If the inmate is able to read and understand the proceeding or information on his or her own, then no assistance would be required. But for inmates who are not able to read or understand, then the respective staff member would work with the inmate to ensure the inmate understands, e.g., read, explain, re-phrase, simplify, give the inmate more time to process and information, etc. For the Monterey County Jail staff, the purpose of having this information or otherwise confirming that a specific learning disability exists is not solely for possible education purposes through the

Monterey County Office of Education, but also for many other aspects of jail activities and processes, such as the inmate disciplinary process, grievance process, message requests, ADA or disability accommodation requests, healthcare encounters, inmate programs, etc., in order to ensure effective communication is achieved. As stated above, prior to the next monitoring review, the Monitor will need to review all blank copies of all appropriate intake documents used, and any other specific policies, procedures, or Operations Manual Sections pertaining to intake, booking, and classification.

Program/Activities/Services (ADA Compliance Plan)

The County Implementation Plan Section V. II. c. Programs and Activities addresses the following: equal access for inmates to all programs and activities offered at the jail; programs and exercise yards offered on ground level; sign language interpreters and I-Pad tablets as program access accommodations for hearing impaired inmates; County Jail Program Director's tracking and documentation responsibilities for inmates who require accommodations to participate in programs and activities; Compliance Sergeant responsibilities for audit reports and auditing; Support Services Commander responsibilities to audit the reports on a quarterly basis, and to generate a quarterly report to document the audit findings; female inmates who require ambulation assistance, have difficulty ambulating, or are confined to the use of a wheelchair, cane walker or crutches will have exercise time available in the yard outside of Q-Pod and will have programming downstairs in V-Pod; male inmates who require ambulation assistance, have difficulty ambulating, or are confined to the use of a wheelchair, cane walker or crutches will have exercise time available in the yard outside of E-Dorm.

DELIVERY, REPAIR, REMOVAL, AND USE OF DURABLE MEDICAL EQUIPMENT/ASSISTIVE DEVICES/MEDICAL SUPPLIES

The provision and retention of assistive devices is essential for the safety of the disabled inmates (e.g., mobility impaired, hearing impaired, vision impaired, and other disabled inmates). Assistive devices specific for mobility disabled inmates include, but are not limited to, wheelchairs, walkers, canes, prosthetics, and orthotics.

The Settlement Agreement states that "[P]risoners' requests for a particular type of accommodation shall be given primary consideration and shall be granted unless the request is unreasonable for specific articulated reasons allowable under Title II of the ADA, or pose a significant safety or security threat."

Policy 602 Inmates with Disabilities, provides that "[I]nmates with prosthetics or other adaptive devices shall be allowed to keep the devices provided the safe and secure operation of the facility is not compromised."

Observations

The Monitor did not observe any inmates during the intake process that had an assistive device or durable medical equipment, or who was in need of such. The Monitor did interview several inmates who had walkers, canes, or wheelchairs.

Inmate interviews

The Monitor interviewed an inmate who has a mobility impairment. The inmate has a walker and a temporary wheelchair that were issued to him. His complaint was that medical staff would not issue a cane. A second inmate with a mobility

impairment claimed that Monterey County Jail custody staff denied him the opportunity to have his personal cane sent in from his family. He further stated that he is supposed to have two mattresses due to a medical condition, but has only been allowed one mattress.

The Monitor is currently unable to determine whether there is a systemic problem regarding issuance of durable medical equipment/assistive devices, including permitting use of such devices that are personally owned by disabled inmates in the community.

For the next semi-annual monitoring review, the Monitor will request to observe the medical supply of durable medical equipment/assistive devices to issue if needed. The Monitor will also inquire with medical staff and custody staff as to the specific processes for intake and non-intake issuance, and as to the process for allowance of personally owned durable medical equipment/assistive devices for disabled inmates.

The Monitor will need to see any relevant policies/procedures as well as any pertinent tracking forms and logs. For example, to tracking logs or documents to show who currently has durable medical equipment/assistive devices issued to them, and any expiration dates (if applicable). The Monitor would also need to review any inspection or maintenance logs or documents, e.g., for hearing aids, wheelchairs, etc. The Monitor will also examine the jail release process with regard to inmates maintaining their durable medical equipment/assistive devices.

Conclusions

DELIVERY, REPAIR, REMOVAL, AND USE OF DURABLE MEDICAL EQUIPMENT/ASSISTIVE DEVICES/MEDICAL SUPPLIES

Rating: No rating/Deferred until next semi-annual monitoring assessment

HOUSING PLACEMENTS

The Monterey County Implementation Plan indicates that dorms A, B, and Q pod will be serve as designated housing for inmates with physical disabilities (excluding hearing). It is unclear whether these units are also designated housing for intellectual/developmental disabled inmates.

Staff Interviews

Classification staff indicated that the inmates are housed based on the intake screening, including various factors such as medical, mental health, safety, security, ADA, and others.

Classification staff identified that male mobility impaired inmates are housed in A and B dorms, while female mobility impaired inmates are housed in Q-pod. He explained that they attempt to put all disabled inmates in those same units.

Inmate Interviews

The assessment representative conducted numerous inmate interviews. However, there were no identified concerns specific to housing placements.

Conclusions

The Monterey County Jail must ensure that all disabled inmates (e.g., mobility, vision, hearing, speech, epilepsy, and intellectual/developmental disabled inmates) are properly identified, and the medical treatment orders are generated at the time of intake to include any special accommodation needs such as lower bunk, double mattress, access to accessible bathroom facilities), and all applicable information is added into an electronic tracking list (Trac/Net – In Custody Special Conditions), and the inmates are subsequently housed appropriately.

Until the medical staff can demonstrate that a process is in place to capture all disabled inmates and that they are being identified, tracked, and the medical treatment orders and tracking system identified required accommodation needs, the Settlement Monitor will be unable to rate as being in substantial compliance. The Settlement Monitor will continue to examine this more closely.

With regard to inmates with cognitive impairments; unlike intellectually/developmentally disabled inmates, learning disabled inmates (in many prison and jail systems) are not generally clustered into designated housing units. But staff need to know what their reasonable accommodation needs are. To the contrary, intellectual/developmental disabled inmates (if properly identified) are often clustered in to designated units or pods, in large part for closer monitoring, and for housing unit staff to be better equipped to provide required or needed assistance, and prompting. However, the Monterey County Jail must monitor any clustering very carefully as this population should be clustered to a degree, but generally should not be exclusively clustered away from other general population inmates. In fact, unless there are other security or safety reasons to prevent it, intellectual/developmental disabled inmates are generally often celled with, or reside in the same housing units as non-disabled inmates. Although their Intelligence Quotient or cognitive levels will not increase, these inmates can often improve on their everyday life-skills through observations of other inmates and positive interactions with them on an everyday basis. An ideal clustering situation could be a pod(s) mixed with intellectual/developmental disabled inmates as well as non-disabled inmates. However, the Monterey County Jail administration must ensure that classification staff carefully screen all inmates (non-disabled inmates as well as intellectual/developmental disabled inmates) for potential victimization, vulnerability, and predatory concerns as well as other factors when considering housing placement.

Ultimately, staff would need to be trained to best work with this population. Staff must be aware of their respective adaptive support needs (accommodation needs), and to be very proactive with this population in term of monitoring them and checking in on them on a regular basis.

*Conclusion:***Housing Placements****Rating: Lack of Substantial Compliance**

The Monterey County Jail must ensure that all disabled inmates (e.g., mobility, vision, hearing, speech, epilepsy, and intellectual/developmental disabled inmates) are properly identified, and the medical treatment orders are generated at the time of intake to include any special accommodation needs such as lower bunk, double mattress, access to accessible bathroom facilities), and all applicable information is added into an electronic tracking list (Trac/Net – In Custody Special Conditions), and the inmates are subsequently housed appropriately.

Until the medical staff can demonstrate that a process is in place to capture all disabled inmates and that they are being identified, reasonable accommodations are identified, and they are being tracked, the Settlement Monitor will be unable to rate as being in substantial compliance. The Settlement Monitor will continue to examine this more closely.

ACCESS TO OUT OF CELL TIME (OUTSIDE YARD – POD/DAYROOM)

The Settlement Agreement requires that the Monterey County Jail offer disabled class members all programs and services and activities offered to other inmates. This includes outdoor exercise, and in locations that do not require them to climb stairs.

The County Implementation Plan requires that all inmates, regardless of the need for an accommodation shall have equal access to all programs and activities offered at the jail. This includes access to the jail's outside yards and pods/dayrooms.

Staff Interviews

Staff who were interviewed indicated that the Compliance Sergeant makes up the yard schedules for the respective yards/rosters on the "R" drive. General announcements are made for yard or pod/dayroom release. Reportedly staff circle on the yard rosters as to who went to the yard. It is unclear if staff log the refusals and why? This information can be very useful and important. Such information can help identify whether an inmate(s) is being offered required out-of-cell exercise or recreation activities, whether an inmate is actually refusing or has been passed over for some reason (e.g., first come/first serve and missed out, not enough tables or seating areas, etc.), whether there is a pattern of refusals, and ultimately reason(s) why the inmate may have refused (e.g., mental health reasons, physical reasons, safety reasons, etc.).

Females attend yard on the second floor, outside of Q-Pod, and reportedly they often do not go either due to the cold weather or the time of morning of release (e.g., 8:00 AM).

Staff provided that most exercise yards are located upstairs in the units. A staff member indicated that E-Dorm has a yard on the ground level and mobility impaired inmates could be taken to that yard if needed.

Monterey County Jail internal audits by the Compliance Sergeant has revealed a problem with staff not logging out-of-cell exercise and recreation time.

Conclusion:

Access to Out-of-Cell Time (outside yard – pod/dayroom)

Rating: Lack of Substantial Compliance

The Settlement Monitor will more closely examine out-of-cell yard and pod/dayroom time opportunities for the next monitoring tour. This will include a review of yard schedules versus logging of yard and pod/dayroom time provided (if available). The Settlement Monitor recommends that staff log all exercise yard and pod/dayroom activities for all disabled inmates. This includes acceptance and refusals, and that refusals are carefully monitored for possible concerns.

ACCESS TO PROGRAMS

Per the Settlement Agreement, The Monterey County Jail is required to ensure that all disabled class members have access to “all programs, services and activities offered to other inmates, including but not limited to religious services, education programs such as Choices and Pride classes or the equivalent, and Narcotics and Alcoholics Anonymous meetings or the equivalent, in locations that do not require them to climb stairs.....”

The County Implementation Plan requires that all inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities of the jail. It also states that all current jail programs are offered on the ground level, such that use of stairways is not an issue. It further states in part that hearing impaired inmates will participate in programs through either a sign language interpreter or equivalent program on a tablet (i.e., I-pad). It also states in part, that if a program is held in an upstairs location, it will be moved to a downstairs location if necessary to ensure equal access. The county jail's Program Director will be responsible for tracking and documenting that inmates requiring accommodations have been offered participation in all programs and activities normally available to inmates in the county jail. The Compliance Sergeant will audit these reports on a quarterly basis. The Support Services Commander will generate a quarterly report

to document their audit findings. The report will be sent to the Chief Deputy of Corrections or Captain of the Corrections Bureau.

Observations

The Monitor toured applicable housing units at the Monterey County Jail including areas where inmate programs, educational classes, and religious programs, and other activities are often conducted.

The Monitor reviewed the current inmate program schedules for religious services and other non-religious programs, services and activities. The following is a breakdown of the listed schedules:

Inmate Programs Schedules (Religious and Non-Religious Programs)

Monday	GEO – MRT Class	0845-1015	Q, T, U Pods @ V-Pod
	HiSET	0900-1030	B-Dorm @ Dorm Classroom
	GEO Modified Cl	0930-1030	A&B Pod @ Rotunda Classroom
	HiSET	1100-1230	C&D Dorm @ Dorm Classroom
	Parenting Project	1100-1230	T&U Pod @ V-Pod
	HiSET	1300-1430	D-Pod @ Rotunda Classroom
	MOCO – ICEV	1315-1445	Q, T, U Pods @ V-Pod
	GEO – MRT Class	1330-1500	E&F Wing @ G-Wing Class#1
	Church	1500-1600	R-Pod @ V-Pod
	RJP	1500-1700	E&F Wing @ G-Wing Class #1
	Visiting	1800-2100	MJ Inside Visiting
	Hartnell - ESL	1700-2000	E&F Wing @ G-Wing Class #1
	Commissary	1730-1930	Women's Section
	Church	1830-1930	J-Pod @ Rotunda Chapel
	Church	1830-1930	D-Pod @ Dorm Chapel
	Church	1830-1930	T & U Pods @ V-Pod
	Commissary	1930-2230	All Dorms
	Church	2000-2130	D-Wing @ H-Wing
	Church	2015-2130	K4 @ Dorm Chapel
	Visiting	2100-2200	G-Pod @ MJ Inside Visiting
Tuesday	Hartnell COU 1	0800-1100	Q&U Pods @ V-Pod
	HiSET	0900-1030	E&F Wing @ G-Wing Class #3
	GEO – MRT Class	0900-1030	K5 @ Rotunda Classroom
	GEO – MRT Class	0930-1100	C&D Dorms @ Dorm Class RM
	PAPAS Class		
	Mental Health Group	1100-1200	WHO @ WHO
	HiSET	1115-1245	Q, T, U Pods @ V-Pod
	Hartnell COU 1	1200-1500	E/F Wings @ G-Wing Class #1
	Mental Health Group	1300-1400	R-Pod @ V-Pod
	Mental Health Group	1400-1500	S-Pod @ V-Pod

	HiSET	1330-1500	E/F Wings @ G-Wing Class #3
	Church	1715-1815	K 17 @ Rotunda Chapel
	Visiting	1800-1900	Q-Pod @ MJ Inside Visiting
	AA	1800-1900	C-Wing @ G-Wing
	AA	1800-1900	D-Wing @ G-Wing
	Church (Spanish)	1800-1900	D-Wing @ H-Wing
	Church	1830-1930	F-Pod @ Rotunda Chapel
	NA	1830-1930	B,C,D Dorms @ Dorm Chapel
	NA	1830-1930	E/F Wings @ G-Wing Class #1
	Visiting	1900-2000	E-Wing @ MJ Inside Visiting
	Church	1900-2000	T-Pod @ V-Pod
	Visiting	2030-2230	MJ Inside Visiting
Wed	GEO Modified Class	0900-1000	R&S Pods @ V-Pod
	HiSET	0930-1100	B Dorm @ Dorm Classroom
	GEO - MRT Class	1030-1200	Q, T, U Pods @ V-Pod
	Freedom Live	1100-1200	C-Wing @ Gg-Wing Class #1
	HiSET	1100-1230	C&D Dorms @ Dorm Classes
	CFMG - MH	1130-1230	A-Pod @ Rotunda Classroom
	CFMG - MH	1230-1330	B-Pod @ Rotunda Classroom
	GEO – MRT Class	1330-1500	E/F Wings @ G-Wing Class #1
	CCFMG - MH	1330-1430	MHO @ Men's Holding
	Stella's Bible Study	1430-1525	U-Pod @ V-Pod
	Hartnell - ESL	700-2000	E/F Wings @ G-Wing Cl #1
	AA	1715-1815	Q&U Pods @ V-Pod
	Commissary	1730-2030	Rehab @ Rehab
	Visiting	1800-2000	D Dorm @ MJ Inside Visiting
	Church	1830-1930	S-Pod @ V-Pod
	Church	1830-1930	G-Pod @ Rotunda Chapel
	Church	2015-2115	H-Pod @ Rotunda Chapel
	Commissary	2030-2230	K-Pod @ K-Pod
	Visiting	2030-2130	J-POD @ MJ Inside Visiting
	Visiting	2130-2230	BWT2 @ MJ Inside Visiting
Thursday	HiSET	0900-1030	E/F Wings @ G-Wing Cl #3
	MCOE ICEV	0900-1030	Q, T, U Pods @ V-Pod
	GEO – MRT Class	0900-1030	K-5 @ Rotunda Classroom
	GEO – MRT Class	0930-1100	C&D Dorms @ Dorm Class
	HiSET	1100-1230	Q, T, U Pods @ V-Pod
	MH Group	1100-1200	A-Pod @ Rotunda Class
	MH Group	1200-1300	B-Pod @ Rotunda Class
	MH Group	1300-1400	MHO @ Men's Holding
	HiSET	1330-1500	E/F Wings @ G-Wing Cl #3
	GEO - Modified	1430-1530	R&S Pods @ V-Pod
	Church	1700-1800	A-Dorm @ Dorm Chapel

	Commissary	1730-2200	Main Jail
	Visiting	1800-1900	MHO 1-2-3 @ MJ Inside Visit
	Church	1800-1900	E-Pod @ MJ Chapel
	Church	1800-1930	BWT3 @ G-Wing CI #1
	Church	1815-1915	C-Dorm at Dorm Chapel
	Visiting	1900-2000	MHO 4-5-6 @ MJ Inside Visit
	Church	1930-2030	K-16 @ MJ Chapel
	Visiting	2000-2100	WHO @ MJ Inside Visit
	Church - Spanish	2015-2115	B&C Dorms @ Dorm Chapel
	Visiting	2100-2200	BWT3 @ MJ Inside Visit
Friday	HiSET	0900-1030	K-5 @ Rotunda Classroom
	Parenting Project	0930-1130	T&U Pods @ V-Pod
	Video/Journal/Book Ex.	1000-1030	Men's Holding
	GEO - Modified	0945-1045	AD @ Dorm Classroom
	Video/Journal/Book Ex.	1045-1215	Women's Holding
	HiSET	1045-1215	C-Pod @ Rotunda Class
	CFMG MH	1100-1200	R-Pod @ V-Pod
	CFMG MH	1200-1300	S-Pod @ V-Pod
	CFMG MH	1300-1400	Women's Holding
	GEO - Modified	1230-1330	A&B Pods @ Rotunda Chpl
	PAPAS Class	1300-1500	F-Wing @ G-Wing Class RM
	Church	1730-1830	C Pod @ Rotunda Chapel
	Visiting	1800-2100	D-Wing @ MJ Inside Visit
	Church	1830-1930	Q&U Pods @ V-Pod
	Church	1900-2000	I Pod @ Rotunda Chapel
	Church	1900-2000	BTW 1&2 @ GW Class #1
	NA	2000-2100	R or S Pod @ V-Pod
	Visiting	2130-2230	BTW 1 @ MJ Inside Visit
Saturday	Visiting	0830-1030	E-Pod @ MJ Inside Visit
	Visiting	0830-1030	T-Pod @ W/S
	Al-Anon Family Grp	0900-1015	Q&U Pods @ V-Pod
	Visiting	1100-1200	I-Pod @ MJ Inside Visit
	Visiting	1300-1500	R-Pod @ W/S
	Visiting	1300-1400	D-Pod @ MJ Inside Visit
	Visiting	1430-1530	K-4 @ MJ Inside Visit
	NA	1800-1900	Q&U Pods @ V-Pod
	Visiting	1930-2030	K-16 @ MJ Inside Visit
	Visiting	2100-2200	K-17 @ MJ Inside Visit
Sunday	Visiting	0830-1030	U-Pod @ W/S
	Visiting	0830-1030	C-Dorm @ MJ Inside Visit
	PMA Church	0900-1030	C-Wing @ H-Wing
	Visiting	1100-1200	H-Pod @ MJ Inside Visit

Visiting	1300-1400	F-Pod @ MJ Inside Visit
Visiting	1300-1500	S-Pod @ W/S
Visiting	1400-1600	B-Dorm @ MJ Inside Visit
Visiting	1700-1800	A-Dorm @ MJ Inside Visit
Church	1830-1930	R-Pod @ V-Pod
Visiting	1900-2000	C-Pod @ MJ Inside Visit
Visiting	2030-2130	A&B Pods @ MJ Inside Visit

The Monitor toured the following housing units:

A-Dorm:

Had books, volume control on the telephones, no ADA Coordinator notice posted, no *Hernandez v. County of Monterey* notice posted;

B-Dorm:

Shower chair was flimsy (appeared to be broken); volume control on the telephones (1 phone was inoperable), no ADA Coordinator notice posted, no *Hernandez v. County of Monterey* notice;

D-Dorm:

Closed-captioning was working on the television; volume control on telephones; no ADA Coordinator notice posted, no *Hernandez v. County of Monterey* notice;

A-Pod:

No ADA Coordinator notice posted, no *Hernandez v. County of Monterey* notice;

V-Pod:

Upstairs there was a mental health class in session, as well as yard. However, classes can be held downstairs if needed; The Mental Health Group Coordinator conducts weekly administrative segregation sessions, which are logged in the CorEMR system on Flow Sheets; There is a satellite medical/mental health clinic/office located downstairs;

Q-Pod:

The shower chair appeared to be functional, volume control on the telephones, the yard was located downstairs, and there were reading books in the unit;

R-Pod:

There was a *Hernandez* lawsuit notice, reading books available, and a television; Reportedly inmates in R-Pod use the same yard as Q-Pod (downstairs);

S-Pod:

Had books and television;

T-Pod:
Had books and television.

Education

The following is a list of educational programs offered:

ICEV Class (Career & Technical Education/Certification
Industry Certifications
Online curriculum
Monterey County of Education Alternative Education and HiSET (High School
Equivalency Test)
Diploma
Career Technical Education

PAPAS Class
Group Facilitation of Supporting Father Involvement Curriculum
Hartnell College
Credit and non-credit courses
Domestic Violence – Inside Out Class
Bike Restoration Class
Restorative Justice Program – (Victim Impact Program)
Loving Solutions – Parenting Class (Partners for Peace)
Journal, Video, and Book Program for MHO/WHO
Programs Provided by GEO
Moral Recognition Therapy
Courage to Change Journals
Living in Balance
Twelve step approach to lifelong recovery
Feelings & Disruptive Behavior
Anger Management
Substance Abuse
Denial
Parenting
Financing
Freedom Live Experiencing God Through Music
The Bridge Program
Stella's Bible Study

The following is a list of Inmate Services programs offered:

Alcoholics Anonymous
Narcotics Anonymous
AI-Anon – Weekly
Church Services – Weekly

Transition Counseling – Weekly
Turning Point
Job Fair (Bi-Annual)
Veteran's Resource Centers of America
Veteran's Transition Center

Commissary

Many of the inmates who were interviewed indicated that they utilize the commissary. There were no specific complaints.

Visiting

The Monterey County Jail facilitates non-contact (behind glass visits) as well as visits via videophone. The Sabot architect is examining for accessibility.

Library

The Monitor did not receive any policy/procedure or documentation regarding library or legal services. The Monitor will need any information regarding library and legal services prior to the next semi-annual monitoring review.

Staff Interviews

Reportedly some deputies are re-directed "once in a while, but it's rare," and it has not affected program operations.

Female inmates go the program in V-Pod, except the mobility-impaired. Reportedly, the V-Pod upstairs area where programs are held could be moved to another unit if necessary, to accommodate female mobility disabled inmates who could not ambulate the stairs. However, staff did not identify where a program could be moved to. An alternate program site must be identified. Reportedly, possible conflicts with moving programs downstairs include: feeding between 10-11 AM, Inmate Services Specialists (Janitors) are using the area to clean the housing unit, inmates are regularly traveling up and down the stairwell to go to and from yard, etc., and inmates often are coming and going to the area where medical appointments are held. Mental health interviews were also held in the area (about ten feet from entrance door/area), while inmates were walking in the area. There was no privacy or confidentiality. And clinical interviews took place in the infirmary are were conducted within 10-15 feet of a deputy.

The GEO Group oversees some of the programs. Reportedly GEO recruiting notices are posted in the housing units. The GEO Programs Supervisor works closely with the Programs Officer to create the schedules for the various programs offered.

If the inmates inform the housing deputy that they are interested, the housing deputy contacts the GEO Programs Officer. The Programs Officer talk to appropriate staff, then gives a referral for the inmate. Inmates can submit interest

requests in writing or via electronic tablet that they are interested. The inmates are ultimately assessed for possible placement.

There are milestone credits that can be earned based on the program and length of the program. Students can earn certificates of completion.

Staff indicated that the assigned inmates have Behavioral Change Plans which are started at their inception in to the respective program, and every 30 days thereafter. Programs staff meet with the respective inmates at least once weekly and ensure any reasonable accommodations are provided in accordance with their respective disability and specific needs, e.g., magnifiers, amplifiers, etc.

Reportedly, there are no staffing issues that cause cancellations or delays in programs. However, in the event staff are running late or there is a unit incident which creates a delay in the class, reportedly there are staff to back-fill for delivery of the program if needed.

All housing units have GTL electronic tablets for the inmates to use if they desire to use them. The software allows for free access to various programs, services, and activities of the Monterey County Jail, e.g., religious services, education, grievances, sick call request, legal research, PREA, healthcare requests, facilities management, Ombudsman, and other various programs. For a fee, the tablet also offer access to various games, music, and movies.

With regard to one staff member who was interviewed acknowledged that he would like to see more mental health staff assigned on the weekends, as sometimes it takes quite a bit of time to see a psychiatrist or a clinician on the weekends.

For Hartnell College, currently there is a blind inmate assigned. Instructors work with her to provide accommodations. She currently has a reader. Another student assists her, but admittedly it is putting a strain on the other inmate who is helping.

Admittedly, time is a concern for the instructor to adequately provide the assistance yet meet the demands of the entire class. Hartnell College staff admit that an assessment needs to be completed for this particular situation with this inmate. Staff also believe that a "Smartpen" would be of great assistance. A "Smartpen" is a writing tool which records spoken words (e.g., from a blind or vision impaired inmate) and synchronizes them with notes written on special paper.

With regard to enrollment and providing reasonable accommodations for Hartnell College inmate-students, staff indicated that they do not discriminate, and they can provide amplifiers, magnifiers, and other accommodations if needed.

Hartnell College offers Counseling I (Student Success)/Necessary Skills to be Successful, which is a three-unit transferrable class for first time college students. The course teaches writing skills, reading skills, note-taking skills.

Instructors from Restorative Justice Partners, Inc., provide a Victim Impact Program and Restorative Justice in Schools Program. The programs offer

milestone credits upon completion. Flyers are reportedly posted for recruitment. The programs are offered in Q-Pod, with a maximum capacity of 15 students.

The Monterey Office of Education offers: Personal Journaling, High School Equivalency Test (HiSET), Parenting Project, and PAPAS. Reportedly classes rotate between the housing units of sentenced inmates.

For religious services, a chaplain conducts Freedom line on Wednesdays in C and D wings. Stella's Bible Study is provided by volunteers (Prison Industries of America) for interested female inmates on Wednesdays. Reportedly there are allot of 1-on-1 s conducted.

Why'd You Stop Me (WYSM) is offered once per year. Video Journal Book Exchange is offered. Other programs include; the Al-Anon program provided by volunteers, The Bridge Life Restored (faith-based) which is very popular amongst the inmates, and the Kick Start Program which is offered by the probation department, and part of the Silver Star Program (life skills). Bike Restoration class is also offered, as well as substance abuse programs and Anger Management.

Reportedly, the Programs Officer regularly checks in the inmate-students to ensure that their reasonable accommodation needs are being met. Inmate Programs reportedly maintains an ADA Equipment log. Attendance rosters reportedly have an ADA notation serve as a trigger to the instructors regarding the possible need to provide accommodations.

The Programs Director also receives the CDCR DAPO ADA emails. They maintain a log for reasonable accommodations provided, e.g., magnifiers. If there are accommodations needs that arise that the programs cannot provide, then the inmate is reportedly referred back to medical. When asked whether there are any internal MCJ audits conducted of the programs operations, staff indicated that the only audits are the monthly audits conducted by the Compliance Sergeant (for two inmates).

The Monitor interviewed three mental health staff members. When healthcare staff confirm a disability such as mental illness or other disabilities, the information is entered into the electronic CorEMR system. Generally, a licensed clinical social worker will see the mental health patients. A licensed clinical social worker conducts initial assessments, makes a clinical decision regarding relative acuity, and may refer an inmate to see a psychiatrist if needed.

Psychiatric disabled inmates are only categorized as either seriously mentally ill, or mental health. Only the inmates categorized as seriously mentally ill are placed on the tracking list (In-Custody Special Accommodations list). The Settlement Monitor ascertained but did not receive a clear explanation as to why only the inmates categorized as "seriously mentally ill" are placed on the aforementioned tracking list, and not the inmates designated as "mental health." The Monitor will examine this more closely during the next semi-annual monitoring review.

Seriously mentally ill inmate-patients are seen at least once per week by either a licensed clinical social worker or a marriage family therapist, and a registered nurse or licensed vocational nurse sees them at least once daily. Psychiatrist intervals to see the patients vary and are on a case-by-case basis.

Inmate-patients categorized as mental health are not placed on the tracking list. Based on their suicide history as applicable, they may be seen between every 30-90 days, and for medication refills, and see them upon request (for those inmate who can advocate for themselves). Some healthcare such as the sick-call notes may indicate if the inmate-patient needs his or her cell cleaned, needs clean clothes, etc.

Mental health staff indicate that they have never had to use a sign language interpreter or video remote interpreting services. They also admit that there is no tracking of inmate-patients with intellectual/developmental disabilities or learning disabilities.

Mental health inmate-patient requests are reportedly seen right away or it's immediately scheduled for the next day. All mental health appointments requested through the Telmate tablets are tracked.

The Monitor interviewed the Religious Services Coordinator. His mission is to help inmates connect with their faith and faith leaders, and connect the with long-term faith-based programs. He does not have any other staff, but does work with volunteer chaplains and other volunteers. He works with approximately 175 volunteers. The Programs Officer coordinates all of the religious services scheduling. Inmates can use the Telmate electronic tablet system to submit requests. The chaplain conducts weekly services himself. There is a chapel, and classrooms are also used to facilitate religious programs. The Chaplain conducts 1-on-1 counseling as do some of the volunteers.

When asked about providing any ADA accommodations, he indicated that the Programs Officer handles all ADA concerns. He received donations e.g., books from outside sources, and they also have local funds to purchase religious books and materials. Reportedly all sites where religious services are conducted are physically accessible.

The Monitor also interviewed medical staff. The OPH unit has four beds, to which one was occupied (psychiatric patient) at the time of the assessment. When asked about intellectual/developmental disabled inmates, the medical staff member stated that the Intake nurses have a form of a Quick Test ("sort of") to help provide a better idea as to any possible cognitive abilities or developmental disability status. Such cases are discussed at the multidisciplinary meetings. She also indicated that durable medical equipment request orders are placed into the Jail Management System that the inmate is clear to have their prescribed durable medical equipment or assistive devices, and housing unit staff have access to the information.

Any ADA related information is entered into the TracNet system. The TracNet system can produce an ADA list.

Medical staff indicated that most inmates do not want to wear their prescribed disability vests, and that they are required to sign letters of refusal if they don't want to wear one.

In the OPH unit, if a long-term inmate is housed there, then they receive outside yard activities from either E-Dorm, or other unit as available. The Men's Holding Area is used as a dayroom. The inmates assigned to OPH also reportedly receive reading materials. The Director of Nursing track all medical related grievances.

The Monitor interviewed a staff member from the Monterey Office of Education. The Monterey Office of Education is accredited by WASC. They offer the following: High school diploma completion (includes an option for on-line curriculum from Odyssey Ware); HiSET (California version of GED) to which testing occurs every two weeks, and there are five associated tests; 12-16 CEV courses (all on-line, videos, or via PowerPoint) which are industry sponsored classes; ACT 101 which includes National Career Readiness Certification, and includes three required components (reading for information, applied mathematics, and locating information).

The Monterey Office of Education is currently working on development of an elective course to provide students.

There are different levels of certification that inmates can earn based on the course and completion. Milestones that can be achieved include: seven days for completion of HiSET; seven days for completion of one ICEV certificate and 36 hours of classroom time (can earn up to two certificates); and seven days for completing the ACT.

Staff stated that there is not any ADA related exclusionary criteria, but they must be able to sit in class. Inmates can apply via the electronic tablet. The Programs Officer places inmates on a waitlist (if there are no immediate openings) once the inmate completed a registration form, is interviewed, and ultimately approved.

All inmates are provided the mandated CASAS on-line exam for reading and math.

The instructor admitted that he does not have the inmate ADA or accommodation information. He stated that there are questions about disabilities on the applications that the inmates complete. If the inmates do not disclose the information, then the instructor will not know, until he reviews any transcripts from outside schools or school districts, and any IEPs. The Programs Officer also tells the instructor if there are any disability or accommodation needs. The instructor said that he tried to accommodate the inmates in need. He indicated that he provides magnifiers, and earphones/headphones for videos. He added that they are currently looking for a specialty teacher who can bring in someone who can do assessments and provide additional tools, and adaptive technology. He indicated

that he currently has a student with traumatic brain injury (housed in E-Wing), he provides help to him, and the student does very well, but he is just “slower.”

The Compliance Sergeant conducts monthly audits. He examines the unit door entry logs regarding unit security checks conducted; and assesses the out-of-cell time provided in the unit. It is unclear whether this process has the capability to identify out-of-cell time for specific inmates (e.g., disabled inmates), or whether this system merely shows dates and times that yard, dayroom and other programs were operated. It is also unclear whether this or any other logging process can demonstrate if specific inmates (e.g., disabled inmates) refuse to attend yard, dayroom or other programs activities, and the reason(s) for the refusal.

Inmate Interviews

Approximately nine disabled inmates were interviewed. Please refer to the section titled “List of Inmate Complaints/Concerns (via Confidential Interviews)” for applicable inmate comments.

Conclusion:

Access to Programs:

Rating: Lack of Substantial Compliance

Some of the concern include:

- No *Hernandez v. County of Monterey* notices posted (for most of the units);
 - Though not required, there are no ADA Coordinator notices (with ADA contact information) are posted in the units. This is recommended;
- The Compliance Sergeant does not include any observations or audit findings (in his monthly audits of class members or the County Implementation Plan requirements) pertaining to equal access to programming and adequate and accessible program space;
 - As mentioned above, areas of concern include V-pod
- Compliance Sergeant audits have shown a general lack of documentation of units out-of-cell exercise and pod/dayroom recreation activities;
- There are numerous reported inconsistencies with the delivery of the book carts;
- For Hartnell College, an inmate is providing assistance to a blind Classmate; education staff admit time is a concern for the instructor to adequately provide the assistance to a disabled inmate yet meet the demands of the entire class; The instructor admitted that he does not have the inmate ADA or accommodation information. He stated that there are questions about disabilities on the applications that the inmates complete.

If the inmates do not disclose the information, then the instructor will not know;

- Settlement Monitor did not receive requested policies/procedures that would have been helpful.

ACCESS TO WORK ASSIGNMENTS

The County Implementation Plan requires that “[a]ll inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.”

The Monterey County Jail must ensure that disabled inmates have the opportunity to participate in the Monterey County Jail work assignments.

The Monitor did not receive any policy, procedure or other documentation regarding inmate workers or the assignment process. If any such documents exist, they must be provided to the Settlement Monitor prior to the next semi-annual monitoring review.

Staff Interviews

Staff indicated that most male workers are sentenced inmates who live in F-Dorm, and most female workers are housed in Q-Pod. Staff indicated that mobility disabled inmates will not be housed in F-Dorm.

Staff stated that classification deputies assign inmates to work positions after they are screened and medically cleared. Available jobs include those in the kitchen, laundry, outside crew, receiving control worker, and F-Wing and Q-Pod porters. Additionally, the other units “informally” have inmates who serve as “clean-up workers.”

Inmate Interviews

None of the nine inmates who were interviewed are assigned to work, and none of them indicated that they were on a work waitlist.

Conclusion:

Access to Work Assignments:

Rating: Lack of Substantial Compliance

Disabled inmates are not being afforded the opportunity for employment as are non-disabled inmates. This is extremely problematic. The Monitor will continue to monitor this closely.

Prior to the next semi-annual monitoring assessment, the Monitor will need to see all work assignment criteria, exclusionary criteria (if any), roster/list of all inmate work assignments (filled and vacant), and some examples of any essential functions listed for example job assignments.

INMATE ADA GRIEVANCES

One of the best tools for any jail/detention center to best monitor “the pulse of the jail” is through the grievance process. A grievance system enables inmates to file complaints regarding conditions as well as events in the jail where the inmate believes their rights are violated, including violations of the ADA and requests for accommodations. In essence, it's an effective and proven avenue they have to know that their voices are heard, and their issues will be taken seriously and addressed as appropriate.

The County Implementation Plan requires that the Ombudsman assist any inmates with vision, learning or other information processing disabilities in understanding and completing forms. This includes grievance forms, and other forms.

To comply with the August 28, 2012, federal court order (County Jail Plan for addressing *Armstrong* Class Members housed in county jails), issued by Judge Claudia Wilkins, in the matter of *Armstrong* vs. Brown, Case Number 94-2307CW, detention facilities received CDCR 2275-CJ Forms-Requests for Reasonable Modification or Accommodation for Access to Housing and/or Program(s) in a County Jail from CDCR. *Armstrong* class members housed in county jails must have ready access to disability grievance forms. This can be either the CDCR's Reasonable Modification or Accommodation Request form (CDC 1824) or a separate county jail grievance form. The county jail grievance form must be; Readily available to all class members housed in that county's jail facilities; Have an initial response deadline of no later than fifteen calendar days from receipt by the designated jail staff member; Contain a provision for expediting a response if the appeal alleges a condition, which is a threat to the parolee's health or safety, or is necessary for participation or effective communication in a parole revocation proceeding; Include a provision for review of the parolee's request by medical staff, if necessary; Provides a right to appeal denials; and Requires that a copy of each and every grievance and response be provided to *Armstrong* Defendants at the same time it is provided to the *Armstrong* class member.

Aside from CDCR inmates, for all Monterey County Jail inmates, the Settlement Agreement requires that prisoners' request for a particular type of accommodation shall be given primary consideration. All county jail grievances have a 10-day time frame for response (10 days for each one of the three levels).

The Monitor did not receive any local policy, procedure or other documentation pertaining to grievances. This information will need to be reviewed prior to the next monitoring review.

Staff Interviews

The Monitor interviewed the Ombudsman regarding the inmate grievance process. The Ombudsman explained that inmates can submit grievance either on a paper grievance form or via the electronic tablet, and there are no limitations as to the number of grievances that an inmate can submit. She reviews every grievance that is submitted (whether it's an ADA related grievance or not).

The Ombudsman explained that there are three levels to the grievance response process. Sergeant's and above can respond, but classification deputies can respond as well. Healthcare staff can respond if it's a healthcare related issue, as can programs staff if it involved a programs issue. She further explained that the highest level (third level) is normally addressed by the Chief or Captain, or, by the healthcare administration. There is a 10-day response time for each level (if the inmate appeals a grievance to the second or third levels). There are no built-in expedited response timeframes for emergency grievances. The Ombudsman did explain that any serious or problematic issues are brought forward to the weekly multidisciplinary meetings.

When asked whether grievances can be sorted to produce a list and/or specific grievances themselves, whether from disabled inmates, or relative to an ADA issue, the Ombudsman indicated that the grievances can be sorted by "ADA." However, there is no box or checkbox on the form where an inmate would indicate "ADA." They can only be sorted by "ADA" if an inmate writes the word "ADA" somewhere in the form. Likewise, the grievance forms can only be sorted based on a word or words that are actually written by the inmates within the grievance form. She did mention that the GTL Command system for the electronic tablets can track grievances submitted via the tablet process, but the paper grievances are rarely tracked. The Ombudsman added that she can produce an overdue grievance response list, and email appropriate administrators to alert them.

When asked about interviewing inmates regarding their submitted grievances, the Ombudsman explained that is decided on a case-by-case basis, and it's up to the discretion of the responder. But there are no automatic interviews, e.g., disabled inmates, grievances that are denied, etc. When asked whether staff scribe for a disabled inmate if requested, she stated that staff do not scribe, but they contact a social worker or other mental health staff to provide the assistance.

Inmate Interviews

Inmate complaints regarding the grievance process includes: Don't know how to submit a grievance (but have never had a need); Submitted a grievance a couple of weeks ago, but no response; Does not know that a grievance process exists; and a grievance response received said that I was issued a second mattress prior, was that was never the case (supposed to have two mattresses for a medical condition).

Conclusion:

ADA Grievances

Rating: Lack of Substantial Compliance

Although there are a lot of positives to take from the current grievance process, the Settlement Monitor is unable to rate as "Substantial Compliance" particularly given the fact that it is difficult (if at all possible) for the Ombudsman to produce a report that shows ADA grievances or those pertaining to specific disabilities or, specific accommodations, unless the grieving inmate specifically writes the word "ADA" or other key word on the grievance form. The Ombudsman must identify and employ a system to easily and accurately produce grievances for a specified period of time (for electronic and hard copy grievances), whether submitted by a disabled inmate, or submitted by an inmate claiming to have a disability.

Staff do not scribe for disabled inmates (when reading or writing is a concern relative to their disability), but rather staff refer the inmate to mental health staff. Ultimately the jail administration must ensure that such assistance as scribing, and understanding the form and/or grievance process is provided by staff. Inmates must be informed as to who or what staff positions are required to provide them needed assistance with the grievance process, whether it's with the Ombudsman, mental health staff, or housing unit staff, etc.

Although it appears that electronic I-pads are generally accessible to inmates, the Monitor will examine more closely with regard to specific accessibility for mobility and vision impaired inmates.

Although there were no inmate complaints regarding access to hard copy grievance forms in the housing units (as described in the orientation manual), the Settlement Monitor will examine this more closely at the next semi-annual monitoring review.

Although not required, there are no built-in expedited response timeframes for emergency grievances. The Monterey County Jail should strongly consider implementing an expedited grievance process, or, at minimum adopting an alert system along with specific criteria whereas urgent or emergent grievances (or such requests for accommodations) will be addressed immediately (in quicker timeframes).

INMATE ORIENTATION

The Monitor did not receive any policy, procedure, or other documentation regarding inmate orientation (except for the Monterey County Jail Inmate Orientation Manual).

The County Implementation Plan states in part that all inmates, regardless of the need for an accommodation, shall have equal access to all programs and activities offered at the jail.

Inmate orientation is essential in advising inmates of programs, services, and activities that are available, whether self-help groups, re-entry programs, education, grievances, disciplinary process, religious activities, general rules of the jail, etc. The absence of an orientation process is problematic for many disabled inmates (whether they have been identified or not through disability evaluation/screening processes). It is important that inmates receive the necessary information that would enable them to know what services are available, to know how to seek assistance, and to learn what accommodations they may have access to and how to request accommodations they need.

Observations

The Monterey County Jail Inmate Orientation Manual was designed to provide inmates information regarding the rules and regulations of the Monterey County Jail, as well as information regarding programs and services available to inmates.

The Monterey County Jail Inmate Orientation Manual contains the following sections: General Information; Access to Court Information; Health Services, Educational Classes and Inmate Services; Inmate Correspondence; Housing Activities; Disciplinary Process and Penalties; PREA, and other topics.

Specific information contained includes: inmate classification; wristbands; release of property; message requests; inmate grievances; commissary; obtaining information from the court; medical, mental, and dental services; religious services; educational classes; library; legal materials; notary services; mail; counts; meals; visitation; access to Telmate; telephones; recreation; dayrooms; television; housing rules; personal hygiene; disciplinary process; conduct violations; and others. There was no ADA or disability program section of information contained.

Classification: Upon arrival to the Monterey County Jail, a classification questionnaire will be completed for each inmate to determine appropriate housing. The section explains that housing is predicated on safety, security, criminal charges, disciplinary action during incarceration, inmate's conduct and behavior, gang affiliation, or court action.

Sheriff's Office personnel will work with jail health care providers to aid in making accommodations for those inmates with disabilities.

Inmates with prosthetics or other adaptive medical device(s) shall be allowed to keep the device(s) provided the safe and secure operation of the facility is not compromised. A jail responsible physician or jail health nurse will verify the medical necessity of the device with the inmate's medical provider prior to approval.

Message Requests: Inmates should make every effort to address their requests and needs with the Deputy assigned in their housing area of the jail.

Inmate Requests: In the event a request cannot be addressed by a housing Deputy or the request is for a specific staff member, inmates may elect to submit an official Inmate Request Form, either electronically via an inmate tablet or a physical, hard copy request form.

ADA: The Sheriff's Office will take all reasonable steps to accommodate inmates with disabilities while they are in custody and does comply with Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, 29 USC & 794 and all California State Laws. Any request related to disability access to services, etc. or reasonable accommodation must be submitted to the Jail Medical Unit and include the specific accommodation the inmate is requesting.

Inmate Grievances: Refer to California Code of Regulations, Title 15 for Minimum Standards for Local Detention Facilities, Section 1073(a). The intent of the Inmate Grievance Process is to successfully resolve grievances at the lowest level possible. Inmate grievances may be submitted electronically via any inmate tablet or by a physical, hard copy grievance form. Hard copy grievance forms are available in all housing units and may be requested from corrections staff. There are two main categories of grievances: General and Health Care. The Inmate Grievance Process involved one level of appeal, but if the inmate is unsatisfied with the decision, the inmate can appeal the decision to the second level.

Commissary: Commissary items may be ordered once per week. Inmate identification wristbands are required to receive commissary.

Access to Court Information: Inmates may obtain information regarding their court appearances with the following resources: 1) Participation in their court process; 2) Contacting their legal representative; and 3) Writing a letter to the specific court involved in their case.

Health Services: Health Services Exam Requirements: 1) Inmates will receive a medical examination by medical staff within 14 days of being incarcerated at the jail.

Medical/Mental/Dental: 1) Sick call is conducted Monday through Friday. Inmates who desire to be evaluated by medical staff for a non-emergency medical, mental health, or dental matter, must submit a sick call slip either with a hardcopy form or electronically via an inmate tablet. Hard copy sick call slips are available in all housing units and from medical and corrections staff. sick call slips must be

submitted to medical staff. Inmates will be scheduled to see medical staff at the next available sick call appointment.

Medication administration generally occurs in the morning between 4:00 AM and 7:00 AM and during the evening between 4:00 PM and 7:00 PM.

Dental exams are generally conducted on a weekly basis inside the facility. Inmates incarcerated for 12 months or more are eligible to receive a comprehensive dental exam.

Educational Classes and Inmate Services: (Inmate Programs Unit):

Volunteer Religious groups, AA, NA, etc. Inmates can submit an Inmate Request (hard copy or electronic).

Religious Services: Inmates submit request through the Religious Coordinator. Inmates may elect to contact their preferred religious provider by telephone, letter, or with assistance of the Religious Coordinator. Inmates can contact the Religious Coordinator by sending a request either by electronic form from any inmate tablet or a hard copy Inmate Request Form. Religious materials, Bible, and books will be provided upon request. An inmates' conduct and classification status may restrict participation in group religious services. Request for religious diets may be submitted through the Religious Coordinator.

Educational Classes: The Programs Unit provides educational classes for inmates, which also includes re-entry planning. Inmates must submit a request to the Programs Unit (electronic or hard copy). Then requests are screened for initial eligibility. Inmates that successfully pass the initial screening process will be required to submit a 250-word essay to the Programs Manager. If approved, the Programs Unit will determine the class assignment for the inmate based on assessment and inmate needs. Inmates will be notified in writing of their eligibility status at each step of the process.

Library: The jail offers library services to inmates for the purpose of leisure and self-study. Book exchange is generally conducted on a monthly basis. Requests for library books may be submitted via an inmate tablet or hard copy request form. Library requests will be responded to within a month's period.

Legal Materials: The jail contracts with the Legal Research Associates (LRA) to provide all legal document requests from the inmates. All inmate legal requests are available by completing the Legal Research form available on an inmate tablet or hardcopy form from any housing deputy or by writing a request to the Mail Room Clerk.

Notary Services: Available Monday through Friday (excluding holidays). Inmates must submit a request to the Mail Room Clerk. Inmates may also arrange for a Public Notary via any licensed bail bonds agency.

Meals: Generally served at 5:00 am (breakfast), 10:30 AM (lunch), and 4:30 PM (dinner). Meals are eaten in the assigned cell or at tables within housing areas.

Visitation: Inmates can visit with family or friends for one hour per week in person, no contact rooms at the jail. Additionally, inmates are afforded the opportunity to access video visiting. In person no-contact visiting hours for jail visits are generally scheduled by the housing unit and may vary. Visiting days and times will be posted in jail housing units, in the main lobby of the jail and on the Sheriff's Office website

Personal Identification Number: Inmates will be issued a Personal Identification Number (PIN), to make phone calls, access inmate tablets and order commissary. Most housing units are equipped with inmate tablets.

Telephones: Monterey County contracts with Telmate for inmate telephone and tablet services. Inmates must use their assigned PIN number to make calls, access electronic tablets, and order commissary. Telephones are located in each housing unit, and each call has a maximum time limit of 30 minutes, and are accessible between 8:00 AM and 11:00 PM each day.

Recreation: Indoor and outdoor recreation day and times vary depending on housing unit. Inmates will receive a minimum of 3 hours in a 7-day period. Access to recreation may be limited or restricted for disciplinary reasons.

Dayrooms: Dayrooms are open areas within housing units which may be used for recreation activities. Inmates can use the telephones and showers during dayroom time. Inmate housing units will receive cleaning supplies to clean up the unit each morning.

Televisions: Housing units may be equipped with television(s). This is a privilege. Normal viewing hours will occur between 8:00 AM and 11:00 PM.

Personal Hygiene: Clothing exchange is scheduled on a weekly basis:

Undergarments will be exchanged twice a week, and outer clothing and linen will be exchanged once a week. Blankets are washed once every three months and then redistributed to the entire population. During laundry exchange, inmates are required to turn in all their issued laundry items that are being exchanged. Clothing exchange is mandatory. Haircutting clippers and nail clippers are available on a rotating basis. Contact the housing deputy for that schedule. Electric shavers are issued daily to each housing unit.

Disciplinary Process and Penalties: Inmates will receive a copy of the Disciplinary Action Report (DAR) and will be asked if they want it heard right away or wait 24 hours. Inmates will be given the opportunity to explain their actions before a Disciplinary Hearing Board. Once the Board issues a finding of liability, disciplinary actions may be taken against the responsible inmate. The Inmate Orientation Manual breaks down the penalties for Category 1, 2, 3, and 4 violations. Inmates

may appeal the Disciplinary Review Board's findings by submitting a written appeal to a Shift Commander within 72 hours of the Board's findings. Appeals will be answered within 7 working days of being received.

Corrections Ombudsman: The Corrections Ombudsman oversees the Inmate Grievance and Request processes. The Corrections Ombudsman provides inmates and the public with a confidential avenue to address complaints and resolve issues at the lowest level possible.

Prison Rape Elimination Act (PREA): The Monterey County Jail maintains a zero-tolerance policy for sexual misconduct of any kind and complies with the Prison Rape Elimination Act of 2003. Inmates may confidentially disclose incidents of sexual misconduct, sexual assault, sexual contact, sexual abuse, rape and/or sexual harassment to any member of the jail or medical staff.

The Inmate Orientation Manual also covers other topics as well.

Staff Interviews

Most staff who were interviewed indicated that all inmates receive the inmate orientation handbook along with their "bed-roll" at intake.

Inmate Interviews

Most of the nine inmates who were interviewed indicated that they never received an inmate orientation handbook at intake.

Conclusion:

Inmate Orientation

Rating: Lack of Substantial Compliance

Although the handbook/manual contains a great deal of information for inmates, the large majority of inmates who were interviewed indicated that they never received the jail handbook/manual, or any other related ADA or *Hernandez* specific information (which was corroborated by the Settlement Monitor, as previously stated in this report). And the jail does not have a system in place to demonstrate that all inmates receive a copy of the handbook manual or any ADA or *Hernandez* Settlement Agreement information. The jail does not have a verbal orientation for inmates to ensure that they understand the material and disability program in the event they did not receive a copy of the jail's handbook/manual.

The inmate orientation handbook/manual has a small section regarding ADA, but it does not mention a Monterey County Jail disability program, nor does it site that there is an ADA Coordinator, what the ADA Coordinator's general responsibilities are, or what the ADA Coordinator's contact information is.

The Monitor did not receive any policy, procedure, or other relative documentation regarding inmate orientation (except for the Monterey County Jail Inmate Orientation Manual).

ALARMS/EMERGENCIES/EVACUATIONS/ANNOUNCEMENTS

In the event disabled inmates (e.g., mobility, vision) must be evacuated or are involved in emergency situations, the Monterey County Jail must have policies in place to ensure the inmates are safely evacuated and are provided accommodations during the emergency situations.

The Monitor reviewed the Monterey County Sheriff's Office Corrections Operations Bureau Manual, Section 1117 Emergency Procedures to determine if language included: information about staff requirements for inmates during emergency alarms or evacuations, e.g., return to their assigned cell/bed areas, freeze movement, 'take a knee' on the ground, face the nearest wall, sit on the ground, lay on ground in a prone position, or await for specific verbal instructions from staff; reasonable accommodations/assistance (during evacuations or emergencies); and special considerations for disabled inmates during movement or transport.

Observations

During the time period the Monitor was on grounds at the Monterey County Jail there were no emergency alarms activated or staff responses to emergency situations. In addition, there were no evacuations; therefore, the Monitor was unable to observe these processes.

Staff Interviews

When interviewed, one staff member stated that for verbal announcements, hearing impaired inmates must knock on the window and face staff in order to find out what the announcement is. This is a concern.

Conclusion

Alarms, Emergencies, Evacuations, Announcements

Rating: Lack of Substantial Compliance

The Settlement Monitor is unable to issue a rating of substantial compliance at this time. The material included very detailed evacuation information, but nothing specific to disabled inmates.

MECHANICAL RESTRAINTS

Mobility disabled inmates that cannot be restrained, searched or counted using the standard methods/processes must be provided reasonable accommodations.

The Monitor reviewed policy 512 Use of Restraints.

Observations

The Monitor did not observe any court processing, or any disabled inmates in restraints.

Conclusion:

Mechanical Restraints

Rating: Lack of Substantial Compliance

Policy 512, Use of Restraints, does not contain any language relative to disabled inmates. For example, there is no language contained regarding mobility impaired inmates and/or those with prosthetic limbs/devices. The policy should contain language on how to properly restrain such inmates. Likewise, there is no contained language for deaf and/or hard of hearing inmates. The policy should contain language on how to properly restrain deaf and/or hard of hearing inmates who use sign language as the preferred method of communication. This is relevant for inmates housed on administrative segregation/separation status who may be involved in a due process related event, healthcare encounter, or other significant type of communication.

TRANSPORTATION

Based on the severity of their disability, mobility disabled inmates may require accommodations to access the transport vehicle and during the transport. The accommodations include assistance in accessing the transport vehicle, use of prescribed assistive device/durable medical equipment, and use of an ADA accessible transport vehicle.

The Monterey County Sheriff's Office Corrections Bureau Operations Manual, Section 1120 transportation Procedures was reviewed.

On the next semi-annual monitoring review, the Monitor will need to interview transportation staff, review transportation logs (for disabled inmates who have assistive devices/durable medical equipment), examine the transport vehicles, and observe the overall transport process for disabled inmates.

Conclusion:

Transportation

Rating: Deferred Until Next Semi-Annual Monitoring Assessment

TRAINING

In accordance with the spirit of Title II of the ADA, and the 1991 Section-by-Section Analysis, the Monterey County Jail must develop and incorporate a comprehensive ADA training component for custody and non-custody staff. The ADA or inmate disability program/plan must have a comprehensive training regimen consisting of: formalized lesson plans, certified or otherwise qualified ADA expert trainers, close monitoring of the training program, and curriculum consisting of all major aspects of the ADA, including but not limited to: disability identification/verification; tracking system; housing, reasonable accommodations; effective communication; equal access; transportation; inmate grievances; message requests; ADA requests for reasonable accommodations process/form; orientation; work assignments; vocational and academic education; inmate programs including religious services; and visiting. Simply put, a quality ADA training program must be in place to ensure staff are appropriately trained to perform their job duties and to help ensure all disabled inmates are provided equal access to programs, services and activities provided at the jail facilities, and thus are not be discriminated against.

The Monterey County Training Requirements (for custody staff) are outlined in the Monterey County Sheriff's Office Corrections Bureau Procedure Manual, Section 1118 Training and Reporting Requirements.

The Monterey County Jail ADA training program must ensure staff are knowledgeable with respect to disabled inmate accommodation needs. The training should help foster an understanding that providing accommodations or modifications does not deter staff from accomplishing their job duties and does not create an additional workload, but rather puts the disabled inmates on a level playing field and provides equal access to that of non-disabled inmates in accordance with the ADA.

The County Implementation Plan requires that the ADA Coordinator should work with the Training Sergeant as appropriate, developing training regarding related issues. It also requires that custody staff receive training on the use of TracNet and Medical Treatment orders in identifying people who require accommodations.

Policy 602 Americans with Disabilities Act, states in part that the Training Sergeant should provide periodic training on such topics as: (a) Policies, procedures, forms, and available resources for disabled inmates; (b) Working effectively with interpreters, telephone interpreter services and related equipment; (c) Training for management staff, even if they may not interact regularly with disabled individuals, so that they remain fully aware of an understand this policy and can reinforce its importance and ensure its implementation.

Staff Interviews

The Monitor interviewed the Monterey County Jail Training Coordinator. He stated that POST certified training is required for 12 hours every two years, and STC requires 24 hours of on-going training. First year new hires take a Supplemental

Core training program through STC. Reportedly there is some general ADA information contained, but nothing specific to the Monterey County Jail disability program.

There is also a Legal Updates and Medical Updates course provided, but there is not any actual ADA training component included. The PREA training has some general ADA information included. There is also a week of on-boarding training (not part of STC) which includes information pertaining to the TracNet system, as well as classification related training. There is also a CIT training for 40 hours.

There is a detailed Policy and Training Update PowerPoint, dated August 2016, (Hernandez vs. County of Monterey) that is very informative. It is unclear whether there is a formalized lesson plan to supplement the PowerPoint training or not. The material covers many aspects of the Settlement Agreement, including but not limited to:

- Background/history on the case;
- Jail concerns
- Intake (including initial assessments and classification)
- Classification (including administrative segregation placement, initial seven-day classification, and every 14 days thereafter);
- Planned use-of-force (including consulting medical and mental health staff, and de-escalation);
- Training (including new deputy's requirement to be trained in mental distress and/or suicidal awareness, within one month of hire;
- Inmate Discipline (including mental health considerations relative to administering disciplinary measures; custody staff encouraged to contact mental health staff);
- Administrative Segregation (pods a, b, r, and s, and heightened safety features in cells for the first seven days);
- Time out-of-cell (three hours per week exercise, 14 hours per week socialization time, and two hours per week of programming);
- Sample of a 14-day socialization plan schedule;
- Audits and Inspections;
 - Compliance Sergeant requirement to randomly audit;
 - four administrative segregation inmates (per month) for review of out-of-cell time;

- two ADA inmates (per month) regarding their proper accommodations, housing, bunk, and communications devices;
- ADA Programs Access (staff responsible to track/document that inmates requiring accommodations have been offered participation in all programs and activities that are available in the jail;
 - Compliance Sergeant will audit these reports monthly;
 - Support Services Commander will audit these reports quarterly;
 - Support services Commander will generate a quarterly report to document their findings;

Other components to the training include; sobering cells, restraint chair, use-of-force; welfare checks, safety and violence reduction, keys, written reports.

The training material contains useful and valuable information, and appears to cover most major items outlined in the Settlement Agreement. But consideration may need to be given to update the material. Specifically, the material does not appear to provide enough detail regarding disability identification and tracking; accessibility information; equal access to programs, services, activities (including work assignments and education); as contained within the County Implementation Plan. The Settlement Monitor recommends that the consideration be given to expand the material to include information regarding effective communication, preferred method of communication; types of reasonable accommodations (relative to the major specific types of disabilities); types of auxiliary aids and services; telecommunications technology and equipment; transporting; restraints; notices/alarms/emergencies/evacuations; orientation; grievances; reasonable accommodation requests; durable medical equipment/assistive devices/medical supplies; and ADA Coordinator responsibilities.

It is unclear whether the Compliance Sergeant works with the Training Coordinator as outlined in Policy 602, ADA. The following items are still unclear: whether the training is provided by qualified expert trainers; how many staff have/have not been trained; and whether the Compliance Sergeant monitors the on-going training (along with the Training Coordinator).

Conclusions

Training

Rating: Deferred Until the Next Scheduled Semi-Annual Monitoring Assessment

The Settlement Monitor is deferring the rating until a better assessment can be made as to the issues cited above regarding the number or percentages of staff

who have been trained/not trained, a better understanding relative to coordination/monitoring efforts between the Compliance Sergeant and Training Coordinator; and whether qualified expert trainers are facilitating the training.

EFFECTIVE COMMUNICATION

The County Jail Plan requires that CFMG staff will use Spanish-speaking medical staff for any inmate requiring a Spanish interpreter for discussion of medical conditions or treatment thereof, including intake health evaluation. For any other interpretive needs, CFMG will use an appropriate interpreter service. Custody staff will use either Spanish speaking officers or an appropriate interpreter service for inmates during any procedure having due process implications, such as disciplinary hearings and inmate interviews for classification purposes. For those inmates who are hearing impaired, custody staff will work with that inmate to ascertain that inmate's desire as far as communication (i.e., whether the inmate prefers a sign language interpreter, writing, typing, etc.). The inmate's individual preference for method of communication will be given preference whenever possible.

Observations

The Monterey County Jail does not have a written effective communication policy. Specifically, there is no effective communication policy for daily encounters or interactions, nor is there an effective communication policy for clinical encounters (e.g., mental health, medical, or dental), due process events (e.g., classification process, inmate disciplinary process, pre-release process, parole/probation encounters/meetings), or for other significant events.

It is unknown whether other policies, procedures include effective communication information. For example, the Monterey County Sheriff's Office Corrections Operations Manual, Section 1111, Inmate Discipline does not include such information.

Local policies, procedures should define effective communication, address the events or circumstances when it is required, address how staff ensure that an inmate understood the encounter or process.

The Monitor's observed a multitude of processes at various sites throughout the Monterey County Jail to examine for the establishment of effective communication. Specific processes that were examined included but were not limited to: intake, booking, and classification (including medical screening).

The Monitor observed a DAR hearing for an inmate. At the time of the Monitor's assessment, there were no DAR hearings scheduled for any psychiatric, intellectual/developmental, learning, hearing, vision, or speech disabled inmates (whereas effective communication may have been a concern). Nevertheless, the

Monitor observed the process. Hearing staff read the specific charges to the charged inmate. The inmate admitted guilt and was subsequently found guilty. The hearing sergeant explained the findings and the inmate's right to appeal the decision, and then had the inmate sign the hearing report. The process does not allow for him to receive a final copy of the report. When asked, hearing staff indicated that they would allow for sign language interpreter services if required and would provide effective communication if required. However, staff do not have a tracking list that specifically list accommodation needs, e.g., for intellectual/developmental or learning disabled inmates.

Staff Interviews

For DARs, one particular staff member indicated that he reads for vision impaired inmates, if needed, and ask the inmate if they understood. He stated he has never done it, but would do the same for intellectual/developmental disabled, and learning disabled inmates.

Conclusions

Effective Communication

Rating: Lack of Substantial Compliance

The Settlement Monitor is unable to rate as Substantial Compliance at the present time. The Settlement Monitor did not receive numerous types of requested documents requested in part for the purpose of examining effective communication, e.g., disciplinary reports, classification documents, and sign language interpreter logs/reports/information. Further, there is no effective communication policy or effective communication information embedded within other existing policies.

The Settlement Monitor highly recommends that the Monterey County Jail develop and implement a comprehensive Effective Communication policy to ensure that reasonable accommodations are provided and effective communication is achieved (or all reasonable attempts are made) for disabled inmates during clinical encounters (medical, mental health and dental), due process events (e.g., classification process, inmate disciplinary processes, parole or probation, and other processes). The Monterey County Jail can opt to have one comprehensive effective communication policy, or incorporate necessary language within the numerous local policies as cited above.

NOTICES

The Hernandez Settlement Agreement information is not posted in the housing units. This is required to advise disabled inmates and other interested persons of information regarding the provisions of the Settlement Agreement and its applicability to services, programs, or activities, and to provide information relative to the protections against discrimination. Likewise, none of the units has any ADA Coordinator contact information posted in the housing units (though not required).

But in the absence of both, inmates are not provided information regarding the provisions of Title II of the ADA and its applicability to the services, programs, or activities. They are not apprised of the protections against discrimination assured them by the ADA, and they are not informed as to the name, office address, and telephone number of the employee or employees designated to coordinate compliance with the ADA.

Notices

Rating: Lack of Substantial Compliance

AMERICANS WITH DISABILITIES ACT ASSETS/FEATURES

The Monterey County Jail must maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by qualified individuals with disabilities (e.g., inmates with mobility disabilities). The Settlement Monitor will need to review any applicable policies/procedures developed and implemented.

Observations

It does not appear that the Monterey County Jail maintains any policies or procedures that are specific to the identification and tracking of fixed ADA structural assets and features, e.g., grab bars, transfer bars, raised toilet/seats, etc. Likewise, there does not appear to be any existing policy or procedures to identify specific categories or priorities specific to ADA requests/repairs. Or if there are any related policies and procedures they were not provided to the Monitor.

Conclusion

American with Disabilities Act Assets Features

Rating: Deferred Until the Next Monitoring Assessment

This will be examined during the next scheduled semi-annual monitoring assessment. During the next semi-annual monitoring review, the Monitor will interview the Monterey County Jail Plant Manager (or equivalent) regarding this information.

Policies (ADA COMPLIANCE PLAN)

The Monitor reviewed the Monterey County Sheriff's Office Corrections Operations Bureau Policies and Procedures, Operations Manual, and the Hernandez v. County of Monterey County Implementation Plan, for relative policies/procedures pertaining to disabilities or inmates with disabilities (e.g., mobility, vision, hearing, speech, psychiatric, intellectual/developmental, and learning).

The following list details the policies and procedures that were provided by Monterey County and reviewed by the Monitor:

Monterey County Sheriff's Office, Corrections Operations Bureau Operations Manual

Section 1104	Receiving
Section 1105	Custody and Control Specialist Duties
Section 1109	Lobby and Desk Duties
Section 1110	Inmate Classification
Section 1111	Inmate Discipline
Section 1114	Inmate Services
Section 1115	Facility Sanitation and Maintenance
Section 1117	Emergency Procedures
Section 1118	Training and Reports
Section 1120	Transportation Procedures

Monterey County Sheriff's Office, Custody Services Manual Policies and Procedures

Policy 512	Use of Restraints
Policy 602	Inmates with Disabilities

Contract

Deaf and Hard of Hearing Service Center, Inc.

- Agreement for Provision of Interpreting/Transliterating Services

Facility Accessibility Survey Report

OVERVIEW & EXECUTIVE SUMMARY

Sabot Consulting Access Specialist Architect, Paul L. Bishop, performed a limited accessibility monitoring inspection of the County of Monterey Jail at 1410 Natividad Road in Salinas, California. The inspection was performed pursuant to a Settlement Agreement between Jesse Hernandez (Plaintiff) and the County of Monterey (Defendant) (Case No. 5:13-2354 PSG). Pursuant to the Settlement Agreement, the County of Monterey has prepared an Implementation Plan that details the County's obligations with regards to several aspects of the Monterey County Jail (MCJ), including physical safety, policies regarding the use of force, use of restraints and inmate placement in safety and sobering cells, as well as accessible features and policies regarding inmates. Although the Settlement Agreement and Implementation Plan affect numerous aspects of the Monterey County Jail, the focus of this section of the monitoring report is solely the physical condition of limited areas of the facility.

Page 1 of the Implementation Plan states:

The Plan, combined with the settlement agreement, address all of the issues raised in the settlement agreement by Plaintiffs, as they relate to the policies, procedures, trainings, and physical changes within the Monterey County jail, pursuant to the Settlement Agreement. The County Implementation Plan and the Settlement Agreement represent the totality of the County's obligations to perform such changes.

Previous accessibility monitoring Inspections were performed by MIG, Inc. on February 24, 2017 and May 15, 2018. The scope of those monitoring Inspections Included both the physical conditions of limited areas of the facility as well as programmatic access items such as grievance procedures, medical treatment for inmates with disabilities and vests used by inmates with hearing impairments during their incarceration. This report will only refer to the observations in the previous monitoring reports that relate to the physical conditions at MCJ. The areas observed during the previous accessibility monitoring site visits were Dorms A, B & Q Pod, as well as V Pod, E Dorm and Visiting.

Our accessibility monitoring inspection was performed on September 16th and 17th of 2019. Limited programmatic information was provided by Monterey County Sheriff's Department representatives.

Our inspection was an effort to monitor progress on the removal of access barriers within the selected areas of MCJ subject to the Settlement Agreement as defined according to the 1991 Americans with Disabilities Act Standards for Accessible Design (Revised July 1, 1994) (ADAAG) and/or the 2010 Americans with Disabilities Act Standards (ADAS). Although "ADAAG" is the commonly used term for the 1991 ADA Standards, the term technically applies to the Guidelines

published by the United States Access Board. When Guidelines are codified into law by the United States Department of Justice, they become Standards and are enforceable as law. For purposes of this report, we will use the term “ADAAG” when referring to the 1991 ADA Standards and “ADAS” when referring to the 2010 ADA Standards.

Per page 2 of the Settlement Agreement, the County of Monterey is only required to demonstrate “Substantial Compliance” with the terms of the Settlement Agreement and Implementation Plan:

“Substantial compliance” shall mean adherence to the requirements of the Settlement Agreement and the Implementation Plans in all material respects, recognizing that 100% compliance is not required... Substantial compliance shall be assessed by the subject-area monitors and shall govern all requirements for the Settlement Agreement and Implementation Plan.

Additionally, page 11 of the Settlement Agreement includes this statement (emphasis added):

1. Prisoners with Disabilities

*i. Defendants shall develop and implement an ADA Implementation Plan to improve accessibility to inmate programs and services. **The Implementation Plan will ensure that prisoners with disabilities are not discriminated against and are not denied the benefits of, or participation in, programs, services, and activities at the jail.***

Page 12 of the Settlement Agreement goes on to state:

vi. The County Defendants shall offer inmates with ambulatory disabilities all programs, services and activities offered to other inmates, including but not limited to outdoor exercise, religious services, education programs such as Choices and Pride classes or the equivalent, and Narcotics and Alcoholics Anonymous meetings or the equivalent, in locations that do not require them to climb stairs in order to access the programs, services and activities, as long as those programs, services and activities are offered to the general population.

Accordingly, the findings contained in this report will indicate if, in our opinion, all inspected physical conditions in the limited areas of the MCJ are in substantial compliance with the ADAS and/or ADAAG, as applicable. Areas of MCJ that were inspected were determined based upon the limited programmatic information received from MCJ representatives, to verify if existing physical conditions either discriminate against or deny the benefits of, or participation in programs, services and activities at MCJ.

DESCRIPTION OF THE MONTEREY COUNTY JAIL FACILITY

The Monterey County Sheriff's Department is responsible for the care and custody of all prisoners falling under the jurisdiction of the Monterey County Court System. The Department operates one jail facility located at 1410 Natividad Road, Salinas, California. The original building, constructed in 1972, now serves as the Rehabilitation Facility. The Men's housing pods were constructed in the late 1970s and the Women's housing pods, Infirmary & Visitation and K-Pod were constructed in the 1980s. The Intake Center, Men's Dorms and Kitchen were constructed in 1995.

The Detention Division is responsible for the intake, housing and release of all inmates at the Monterey County Jail which encompasses both the Main Jail and Rehabilitation Facility. The Division also includes the Classification Unit. The County Jail houses sentenced and unsentenced male and female inmates. There is an infirmary with in-house medical, psychiatric and dental staff. There is an on-site full-scale laundry, professional kitchen, library, commissary services, building maintenance shop, and a chapel.

The Detention Division receives prisoners and inmates from all police agencies in the county; from the California Department of Corrections for parole violations, the Probation Department for probation violations, and the Superior Court of California (County of Monterey), once the individual is sentenced.

Approximately 1100 inmates are housed in 31 separate housing units that range from single cells to open dormitory settings. Sentenced inmates reside in open dormitories and provide manpower for work crews for the facility. Work crews inside the facility are used for things such as kitchen work, cleaning, and general maintenance. Work crews are also sent outside the facility for basic grounds keeping around the Sheriff's Office and for litter pick-up along highways and roads throughout Monterey County. Unsentenced inmates are held in a secured housing unit and do not participate in work crews. Sentenced inmates have access to a variety of programs that include educational and vocational classes, religious services, library services, and drug and alcohol programs.

An addition to the existing MCJ is currently under construction and is anticipated to be complete in 2020. The addition will accommodate male inmates only and will add over 570 new beds to the jail in addition to the 825 existing beds. The addition will also have ADA-compliant cells, 16 of them spread across eight housing units and areas where families and inmates can video chat, as well as attorney-client rooms. Every unit will have an attached exercise yard and exam room, and access to a small program space via an adjacent secure corridor.

PREVIOUS ACCESSIBILITY MONITORING REPORTS AT THE MONTEREY COUNTY JAIL FACILITY

Per the MIG accessibility monitoring reports, Dorms A and B and Q Pod (including the adjacent yard), as well as V Pod, E Dorm and Visiting were inspected. A and

B Dorms are for males and Q Pod is for sentenced females; V Pod is the program area for females and E Dorm provides an adjacent accessible exercise yard for inmates with disabilities. Q Pod is the only housing pod that is a single tier and female inmates with mobility and visual impairments are assigned to this pod.. Although alterations had taken place in each of these areas to make them more accessible per the Settlement Agreement. MIG observed areas that were not compliant with ADAS, such as:

A DORM

- Lack of volume control function at the accessible telephone;
- Accessible shower is not located within a standard or alternate roll-in or transfer type shower compartment;
- Lack of a seat in the accessible shower;
- The height of the accessible lavatory apron is 28-3/4" AFF;
- The side grab bar at the accessible toilet only extends 50-1/2" from the rear wall.

B DORM

- Accessible shower fixed head is located above maximum allowable height;
- Accessible shower seat is installed incorrectly;
- Diagonal grab bar in accessible shower is not compliant;
- The accessible toilet was not operable;
- The side grab bar at the accessible toilet only extends 51" from the rear wall.

Q POD

- The accessible shower curtain rod is only 79" AFF

Q POD YARD

- There is no seating that provides a forward approach for a wheelchair;
- There is a ramp with a 10.8% slope in front of the door from Q Pod to the yard.

The Men's program areas were also inspected during the accessibility monitoring visits and no barriers were observed. The Women's program area (V Pod) was also inspected and several noncompliant conditions were observed, including:

- Lack of a table or work surface with a 27" high knee space in the Attorney Visiting Room;

Although there is no accessible booth in the Women's visitor room, staff indicated that an accommodation can be made for a female inmate with a disability by scheduling a time in the accessible Men's Visitor rooms.

The sink in V Pod lacks knee and toe clearance below, but the sink has not been identified as being a component of any programs at MCJ.

E Dorm serves as the alternate exercise yard for inmates who cannot reach the 2nd floor exercise yard due to the lack of an accessible route to that area. This yard is also used by isolation inmates and the general population. Noncompliant conditions observed by MIG include:

E DORM YARD

- No grab bars at the toilet'
- Toilet seat height is 19-3/4" AFF;
- Lavatory rim height is 35-1/2" AFF;
- The emergency call button height is 49-3/4" AFF (although at the time of construction, ADAAG allowed a maximum parallel reach of 54" AFF, the 2010 ADAS requires the maximum parallel reach to be 48" AFF.

MIG had noted that an adjustable accessible examination table was provided in accordance with the Implementation Plan. Although the ADA has not yet adopted requirements for examination tables in medical facilities, the US Access Board has recently proposed guidelines that address the need for adjustable examination tables that enable disabled patients to transfer between the table and their wheelchair. More information can be obtained at <http://www.access-board.gov/medical-equipment.htm>.

RESULTS OF THE SEPTEMBER 16 and 17 2019 ACCESSIBILITY MONITORING INSPECTION

The same 3 housing units, V Pod and E Dorm Yard were inspected as part of our monitoring efforts. E Dorm was not inspected as our understanding is that only the yard itself is a component of the programs available to inmates with disabilities, since there is no accessible route to the upstairs yard that able-bodied inmates use. We observed the following conditions in the selected areas of MCJ that are not compliant with ADAS:

INTAKE AREA

- The accessible telephone cord is only 25-1/2" long



Requirements: When public telephones are provided, a minimum of one wheelchair accessible telephone shall be provided (**ADAS 217.1 & CBC 11B-217.1**)

Accessible telephones must have a minimum 29" long cord (**ADAS 704.2.4 & CBC 11B-704.2.4**)

Recommendation: Replace the cord on the low phone with a 29" long cord

A DORM

- There are no compliant wheelchair spaces at any of the tables; the knee space provided at the (8) – top table is only 9" deep before encountering a ½" high vertical base plate and there is only 14" deep knee space below the dining surface to the divider; at the (4) – top tables the base plate is 11" in from the edge of the dining counter above and there is only 18" depth from the counter edge to the pedestal base



Requirements: Wheelchair spaces shall be an integral part of the seating plan (**ADAS 221.2.2.2 & CBC 11B-221.2.2**)

There must be a minimum of 5% of the total of each type of seating that provides a knee space that allows a wheelchair user to make a front approach (**ADAS 226.1 & CBC 11B-226.1**)

Accessible seating must provide a minimum 30" w. x 24" h. x 19" d. knee space (**ADAS 902.4.1 & CBC 11B-902.4.1**)

Recommendation: Recess base plate into floor so base plate only projects ¼" maximum above the adjacent floor surface

- The accessible toilet flush control requires 9 pounds of activation force
- The accessible toilet flush control is not located on the wide side of the toilet



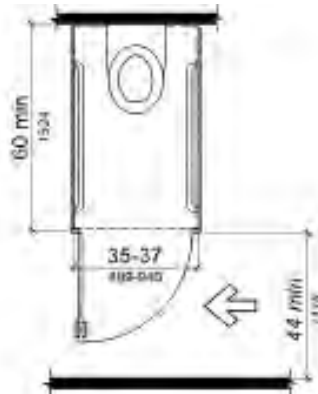
Requirements: Controls and operating mechanisms on accessible elements must not require more than 5 pounds of operating force (**ADAS 309.4 & CBC 11B-309.4**)

Accessible toilet flush controls must be located on the wide side of the toilet (**ADAS 604.6 & CBC 11B-604.6**)

Recommendation: Relocate flush control to wide side of toilet and ensure that the control requires no more than 5 pounds of operating force

- There are 6 toilet compartments but none are complaint ambulatory compartments

Requirements: When 6 or more toilet compartments or a combination of 6 or more toilets and urinals are provided in a restroom, at least 1 toilet compartment shall be an ambulatory compartment (**ADAS 213.3.1, 604.8.2 & CBC 11B-213.3.1, 11B-604.8.2**)



Recommendation: Relocate/install toilet partitions and grab bars to create a 35"-37" wide ambulatory toilet compartment

- The bottom of the reflective surface of the mirror adjacent to the accessible lavatory is 58" AFF



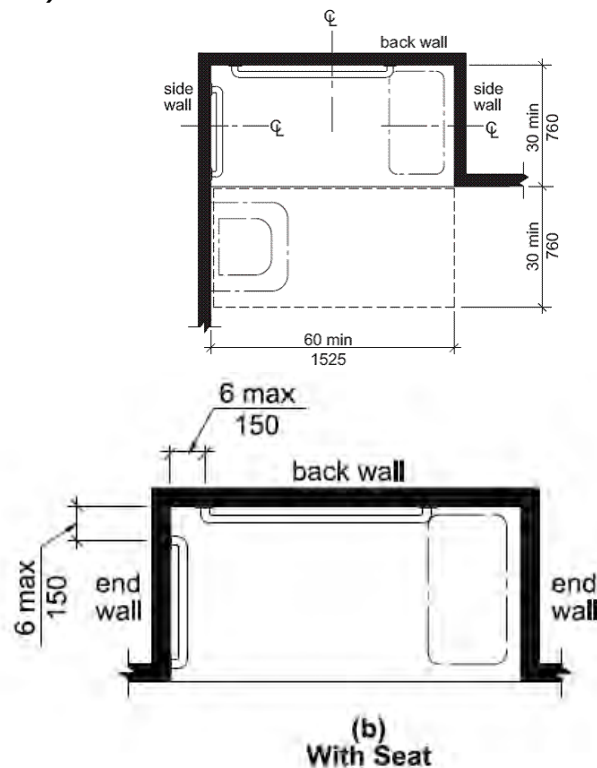
Requirements: Accessible mirrors must have the bottom of the reflective surface at 40" AFF maximum (**ADAS 603.3 & CBC 11B-603.3**)

Recommendation: Provide lowered mirror on wall adjacent to accessible lavatory with bottom of reflective surface at 35" maximum above the floor

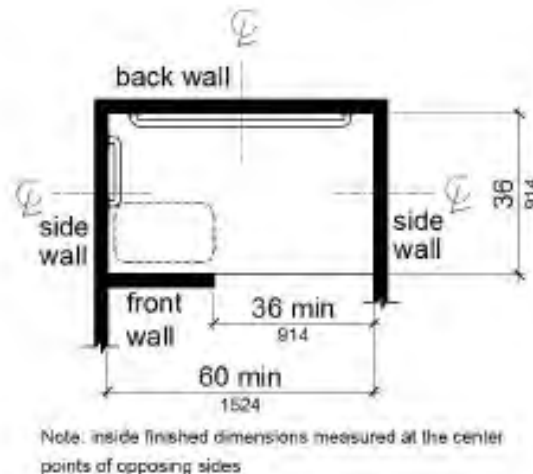
- The accessible shower compartment is not a compliant standard roll-in, alternate roll-in or transfer-type compartment
- The grab bars in the accessible shower compartment are installed on the walls adjacent to the shower heads so that an inmate with a disability cannot lean against either wall for support;
- The accessible shower lacked a 59" long spray attachment; 2 fixed shower heads are provided but neither one is adjustable



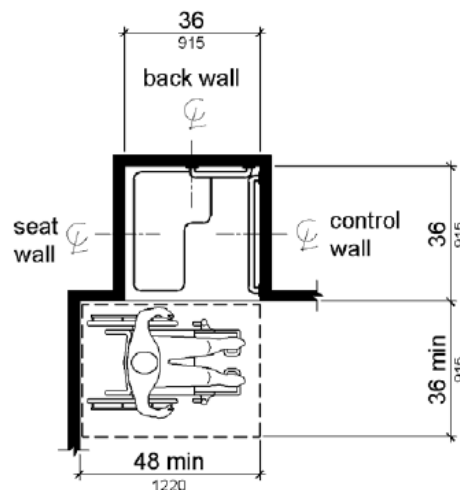
Requirements: Standard roll-in showers must be a minimum of 30" deep, have a minimum 60" wide opening and have grab bars, a folding seat and a 59" long spray hose attachment. A 59" long spray attachment or 2 independently operated shower heads that can be adjusted horizontally and vertically (**ADAS 608.2.2, 608.3, 608.4, 608.6 & CBC 11B-608.2.2, 11B-608.3, 11B-608.4, 11B-608.6**)



Alternate roll-in showers must be 36" deep and a minimum of 60" long, have a 36" wide opening, grab bars, a folding seat and a 59" long spray hose attachment or 2 independently operated shower heads that can be adjusted horizontally and vertically (**ADAS 608.2.3, 608.3, 608.4, 608.6, & CBC 11B-608.2.2, 11B-608.3, 11B-608.4, 11B-608.6**)



Transfer-type showers must be 36" x 36", have grab bars and a folding seat and a 59" long spray hose attachment or 2 independently operated shower heads that can be adjusted horizontally and vertically (**ADAS 608.2.1, 608.3, 608.4, 608.6, 610.3 & CBC 11B-608.2.1, 11B-608.3, 11B-608.4, 11B-608.6, 11B-610.3**)



Roll-in shower thresholds must not exceed ½" high (**ADAS 608.7 & CBC 11B-608.7**)

Accessible shower seats must be 17" – 19" AFF (**ADAS 610.3 & CBC 11B-610.3**)

Recommendation: Convert shower to a standard roll-in shower by relocating grab bars and installing a folding seat

- There is a 9.4% slope at the drain in the accessible shower compartment



Requirements: Walking surfaces shall not exceed 2.08% cross slope (**ADAS 403.3 & CBC 11B-403.3**)

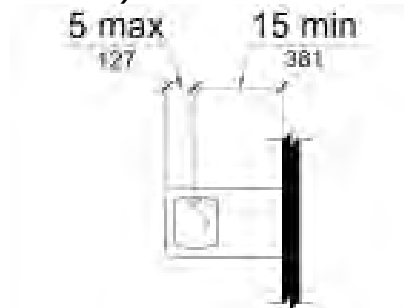
Recommendation: Raise the drain and float floor with a waterproof membrane so that the slope within the shower compartment does not exceed 2.08% in any direction

- The drinking fountain is not high/low and is not located within an alcove or outside the path of travel. The angle of water flow is more than 30 degrees from the front of the fixture



Requirements: When drinking fountains are provided, a minimum of 2 fixtures are required, or 1 fixture that has a spout at 36" AFF and another spout at 38" – 43" AFF (**ADAS 211.2, 602.7 & CBC 11B-211.2, 11B-602.7**)

Accessible drinking fountain spouts must be 15" minimum from the rear wall and the angle of the water stream must be 30 degrees maximum from the front of the fixture (**ADAS 602.5, 602.6 & CBC 11B-602.5, 11B-602.6**)



Drinking fountains must be located in alcoves or otherwise positioned not to encroach into pedestrian ways (**ADAS 603.3 & CBC 11B-603.3**)

Recommendation: Replace existing drinking fountain with a high/low fixture. Provide cane detectable railings on both sides of drinking fountain

B DORM

- The mirror in the area of the lavatories has the bottom of the reflective surface at 58" AFF



- (See Recommendation for A Dorm)
- There are 6 toilet compartments but none are complaint ambulatory compartments;
(See Recommendations for A Dorm)
 - The slope of the accessible shower compartment is 14.0% at the drain



(See Recommendations for A Dorm)

- The portable shower chair is broken and unstable and the seat height is 16" AFF



Requirements: A folding seat is required in roll-in and transfer type showers (**ADAS 608.6 & CBC 11B-608.6**)

Recommendation: Install a folding seat that is 17" – 19" AFF

- A & B Dorm Program Room 229 lacks any accessible desks



Requirements: Wheelchair spaces shall be an integral part of the seating plan (**ADAS 221.2.2.2 & CBC 11B-221.2.2**)

There must be a minimum of 5% of the total of each type of seating that provides a knee space that allows a wheelchair user to make a front approach (**ADAS 226.1 & CBC 11B-226.1**)

Accessible seating must provide a minimum 30" w. x 24" h. x 19" d. knee space (**ADAS 902.4.1 & CBC 11B-902.4.1**)

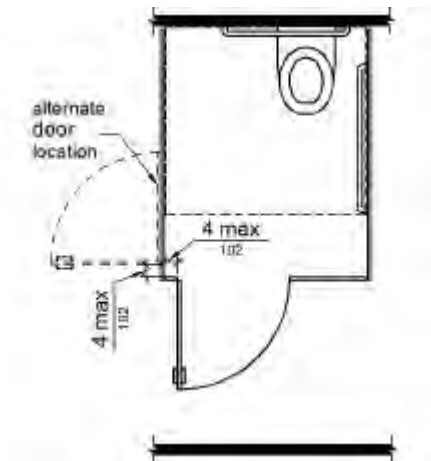
Recommendation: Replace a minimum of 1 desk with a desk that provides an equivalent writing surface as the existing desks as well as the required knee and toe space for a wheelchair user

Q POD

- The accessible toilet compartment door lacks a U-shaped handle on the inside or outside of the door and the door lacks a latch



Requirements: Accessible toilet compartment doors must be self-closing and have a slide-type or flip-over latch, a U-shaped handle on the inside and outside of the door and the maximum width of the door stile cannot exceed 4" (**ADAS 604.8.1.2 & CBC 11B-604.8.1.2**)



- The accessible toilet flush control requires 15 pounds of activation force (See Recommendation for A Dorm)
- The accessible toilet flush control is not located on the wide side of the toilet (See Recommendation for A Dorm)



- A portable shower seat is provided but the seat height is 21-1/2" AFF
Requirements: Shower seats shall be 17" – 19" to the top
Recommendation: Re-install seat at compliant height
- The grab bars in the accessible shower compartment are installed on the walls adjacent to the shower heads so that an inmate with a disability cannot lean against either wall for support (See Recommendations for grab bars and folding seat in A Dorm)
- The accessible shower lacked a 59" long spray attachment; 2 fixed shower heads are provided but neither one is adjustable; the upper shower head control is 53" AFF



(See Recommendations for spray attachment / fixed shower heads in A Dorm)

- There is a 11.1% sloped entry into the accessible shower compartment



Requirements: Walking surfaces shall not exceed 5.0% running slope (**ADAS 403.3 & CBC 11B-403.3**)

Recommendation: Replace the flooring on both sides of the sloped entry so the running slope does not exceed 5.0%

- The accessible telephone cord was only 25-1/2" long



(See Recommendation for Intake Area)

Q POD YARD

- There is a 3.0% cross slope from the yard entrance to the basketball hoop



Requirements: Walking surfaces shall not exceed 2.08% cross slope (**ADAS 403.3 & CBC 11B-403.3**)

Recommendation: Resurface the concrete pavement so the cross slope along the accessible route to the basketball hoop does not exceed 2.08%

V POD

We also inspected the V-1 Pod, which is where programming for female inmates takes place, including chapel. The V-1 Pod has 3 tiers and the upper tiers can only be accessed by stairs. Classroom space is located on the 2nd tier and an exterior yard space is located on the 3rd tier. Tape was recently added to each tread nosing and the upper approaches at each landing to provide a contrasting stripe that can be detected by individuals with visual impairments. Staff indicated that all programs can be provided on the accessible lower tier for inmates with mobility impairments.

The sink in V Pod is 36" high and lacks knee and toe space below. If any programs involve the use of this sink, it should be altered per the ADAS requirements described in this report



Noncompliant conditions observed in V Pod include:

- The drinking fountain is not high/low and the spout is 36-1/2" AFF and is only 8" from the wall
- The drinking fountain is not located within an alcove



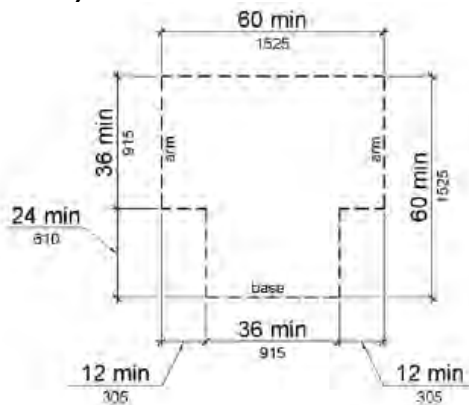
(See Recommendations for A Dorm)

- Room V101 is where medical services are provided for inmates and a restroom is provided for their use but there is no rear grab bar at the toilet,

the toilet seat height is 16" AFF, the centerline of the toilet is 20" from the adjacent wall and there is only 39" clear width at the toilet to the side of the lavatory; the restroom lacks a 60" diameter turning space and there is only 32" clear space in front of the toilet



Requirements: Accessible toilet rooms must provide a 60" diameter maneuvering space or a T-shaped space per Figure 304.3.2 / Figure 11B-304.3.2 (**ADAS 304.3.1 & CBC 11B-304.3.1**) and the door swing may not overlap this space by more than 12" (**CBC 11B-603.2.3**)



Accessible toilets must be located 17" – 18" from the adjacent wall (**ADAS 604.2 & CBC 11B-604.2**)

Accessible toilets must have 60" clear width to adjoining obstructions and 48" clear depth in front of toilet (**ADAS 604.3 & CBC 11B-604.3**)

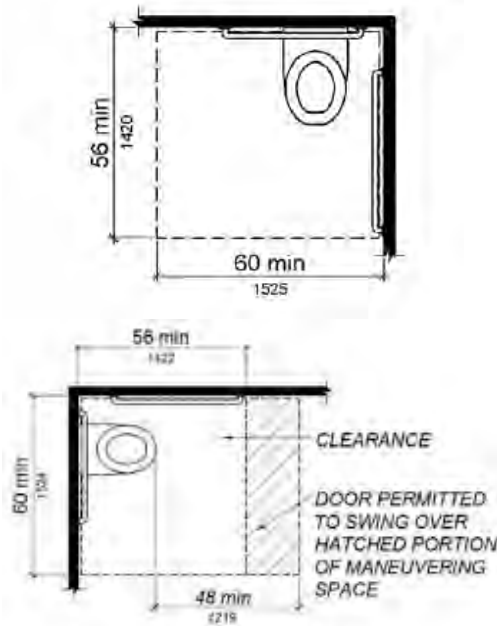
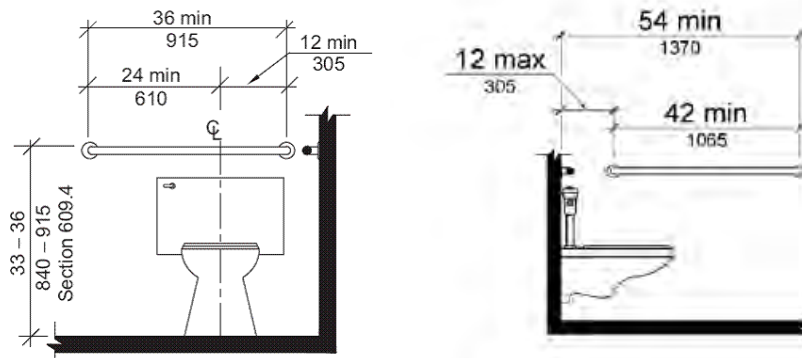


FIGURE 11B-604.3.1
SIZE OF CLEARANCE AT WATER CLOSETS

Accessible toilet seats must be 17" – 19" AFF (**ADAS 604.4 & CBC 11B-604.4**)

Accessible toilets must have a minimum 36" long rear grab bar and a minimum 42" long side grab bar, both mounted 33" – 36" AFF and the rear grab bar shall extend 12" to one side past the centerline of the toilet and 24" to the other side (**ADAS 604.5 & CBC 11B-604.5**)



Recommendation: Remove / relocate walls and convert restroom into a single accommodation restroom. Install grab bars behind and adjacent to toilet

- The paper towel dispenser is located at 49" AFF and the soap dispenser is located 51" AFF to the highest operating part and the bottom of the reflective portion of the mirror is 41-1/2" AFF
- The centerline of the lavatory is only 14-1/2" from the adjacent wall and the pipes are not insulated



Requirements: Accessible mirrors must have the bottom of the reflective surface at 40" AFF maximum (**ADAS 603.3 & CBC 11B-603.3**)

A minimum of 1 of each type of toilet accessory in each restroom must be mounted with the highest operating part at 40" AFF maximum (**ADAS 603.5 & CBC 11B-603.5**)

Lavatories located adjacent to side walls or partitions must be a minimum of 18" to the centerline of the fixture (**CBC 11B-606.6**)

Recommendation: Lower mirror so bottom of reflective surface is 40" AFF maximum, lower accessories so the highest operating part is 40" AFF maximum, relocate lavatory so centerline is 18" minimum from adjacent wall or partition and insulate lavatory pipes

- The door into the restroom lacks a U-shaped pull on the interior and the coat hook is 68" AFF



Requirements: At least 1 coat hook must be provided at a maximum height of 48" AFF (**ADAS 603.4 & CBC 11B-603.4**)

Recommendation: Install an additional coat hook at 48" AFF (See Recommendations for toilet compartment door hardware for B Dorm)

- None of the desks in the 2nd floor classrooms are accessible



(See Recommendation for A & B Program Room 229)

V Pod also includes Safety and Administrative Segregation (“Ad Seg”) cells, which are unique to this area of MCJ. Therefore, since these types of cells are a part of the programs offered at MCJ, we inspected them for compliance with the applicable accessibility requirements and observed the following noncompliant conditions:

- The door at Safety Cell W114 is only 26” wide and has a 1” sloped concrete threshold



Requirements: Doors must be 36” minimum width and provide a minimum 32” clear width opening when open 90 degrees (**ADAS 404.2.3 & CBC 11B-404.2.3**)

Accessible door thresholds must be ½” high maximum and be beveled at a 1:2 maximum slope (**ADAS 303.3, 404.2.5 & CBC 11B-303.3, 11B-404.2.5**)

Recommendation: Widen doorway and replace door with 36" wide door and replace exterior landing so threshold height does not exceed $\frac{1}{2}$ ". Exterior landing is allowed to slope 2.08% maximum

- There is no toilet fixture in Safety Cell W114



Requirements: When toilets are provided, at least one shall comply with ADAS 604 & CBC 11B-604

Recommendation: Install a stainless steel penal-type toilet in Safety Cell

- The shower in W105, which is for the use of inmates in Ad Seg, has a 2-1/4" high curb, is not a compliant standard roll-in shower, alternate roll-in shower or transfer-type shower and lacks grab bars; the portable shower chair is 16" high



Requirements: See Requirements for A Dorm

Recommendation: Relocate walls, remove curb, install grab bars and folding seat to create a compliant transfer-type shower compartment

- The door into W105 is only 32" wide;



(See Recommendation for Safety Cell W114)

- The door to Ad Seg Cell W117 is only 29-1/2" wide and the sloped concrete threshold is 1" high;

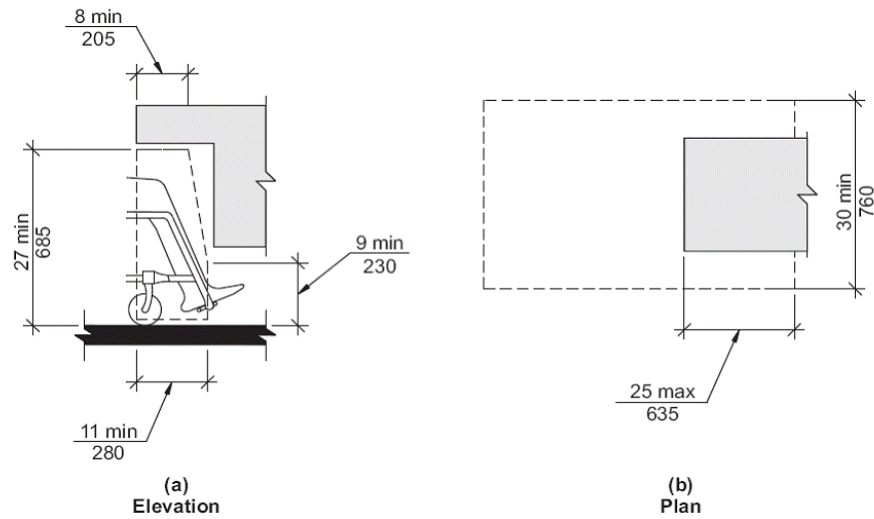


(See Recommendations for Safety Cell W114)

- The combination toilet/lavatory unit lacks grab bars and knee and toe clearance at the lavatory and the bottom of the reflective surface of the mirror is 58" AFF;



Requirements: Accessible sinks and lavatories must provide a minimum 27" high knee space 8" in from the front of the lavatory and the apron must be 29" minimum AFF (**ADAS 606.2 & CBC 11B-606.2**)



(See Requirements for grab bars and mirror for V101)

Recommendation: replace combination lavatory / toilet fixture with compliant stainless steel penal-type combination fixture)

(See Recommendations for grab bars and mirror for V101)

MEN'S VISITING

- The accessible telephone on the inmate side has a 24" long cord and the cord on the public side is 20" long



(See Recommendation for Intake Area)

WOMEN'S VISITING

- The accessible visiting station is only 22-1/2" wide and the telephone cord is only 23" long



Requirements: Accessible transaction counters must be a minimum of 36" long (**ADAS 904.4 & CBC 11B-904.4**)
(See Comments for Intake Area)

E DORM YARD

- The emergency call button is mounted 49-1/2" AFF



Requirements: The maximum forward reach range height to an accessible control or operable part is 48" AFF (**ADAS 308.2 & CBC 11B-308.2**)

Recommendation: Lower emergency call button so highest operating part is 48" AFF maximum

- The combination toilet unit lacks grab bars, the toilet seat height is 20" AFF, the centerline of the toilet is 23-1/2" from the adjacent wall, the lavatory rim is 35-1/2" AFF and there is only 6" deep knee clearance below the lavatory at 27" AFF



Requirements: The maximum height of accessible sinks and lavatories is 34" AFF (**ADAS 606.3 & CBC 11B-606.3**)
(See Requirements for grab bars, toilet seat height and centerline location and lavatory clearances for V101)

Recommendation: Replace combination lavatory / toilet fixture with compliant stainless steel penal-type combination fixture)
(See Recommendations for grab bars, toilet seat height and centerline location and lavatory clearances for V101)

ROTUNDA

The Rotunda is where programming for male inmates takes place. A classroom is located within this space and the following barrier was observed:

- None of the classroom desks are accessible



(See Recommendation for A & B Program Room 229)

INFIRMARY

We performed an inspection of OPH 4, which is where staff informed us that inmates with disabilities would be accommodated. We observed the following barriers:

- The shower compartment was not a compliant standard roll-in, alternate roll-in or transfer-type shower compartment
- The toilet lacks grab bars, the centerline of the fixture is 19" from the adjacent wall



(See Recommendation for W105 shower and grab bars and toilet location for V101)

- The lavatory rim is 35" AFF
- The bottom of the reflective surface of the mirror is 55" AFF



(See Recommendations for E Dorm Yard lavatory and mirror for V101)

REHABILITATION WING

Although the Rehabilitation Wing was not inspected as part of the previous monitoring efforts, staff informed us that inmate programming for males and females does occur in certain areas of this building. Inmates are escorted into the

Rehabilitation Wing from their housing pods through the parking lot. A staff restroom is located just inside the building entrance but we were informed that inmates are allowed to use the restrooms. Barriers we observed on the day of our monitoring visit included:

- Vehicles are left parked in the path of travel to the curb ramp that leads to the building entrance and the curb ramp is only 32" wide



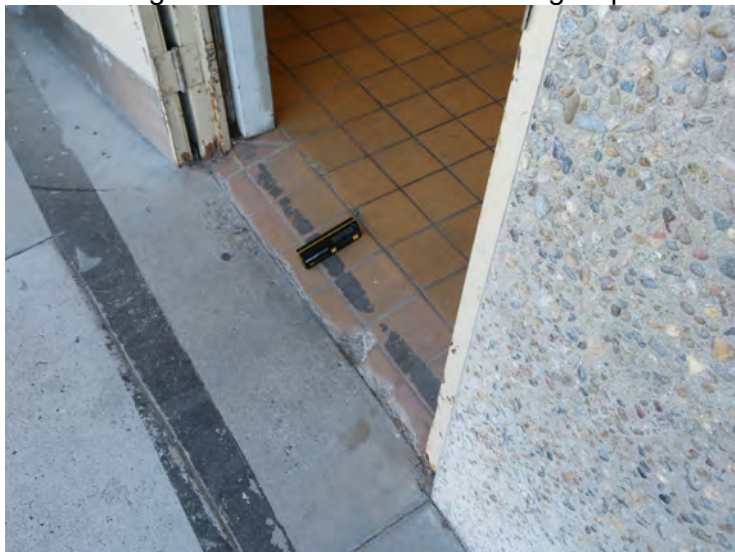
Requirements: Walking surfaces along accessible routes must be a minimum of 36" clear width (**ADAS 403.5.1 and CBC 11B-403.5.1**)

Curb ramps cannot project into vehicular traffic lanes (**CBC 11B-406.5.1**)

Curb ramps must be a minimum clear width of 48" (**CBC 11B-406.5.2**)

Recommendation: Post signage so that vehicles will not obstruct clear width of accessible route and replace curb ramp with 48" wide curb ramp within existing walk

- The building entrance has a 17.2% running slope



Requirements: Accessible door thresholds must be $\frac{1}{2}$ " high maximum and be beveled at a 1:2 maximum slope (**ADAS 303.3, 404.2.5 & CBC 11B-303.3, 11B-404.2.5**)

Recommendation: Replace exterior landing so threshold height does not exceed $\frac{1}{2}$ ". Exterior landing is allowed to slope 2.08% maximum

- There are no accessible desks in Classroom #1



(See Recommendation for A & B Program Room 229)

- The doorway at Classroom #3 only provides a 30-1/2" clear opening when open 90 degrees



(See Recommendation for V Pod Safety Cell 114)

- There is an 11.6% running slope at the entrance to the staff restroom, the door is only 30" wide and requires 9 pounds of opening force and the door pull is mounted 51" AFF



Requirements: Doors must be 36" minimum width and provide a minimum 32" clear width opening when open 90 degrees (**ADAS 404.2.3 & CBC 11B-404.2.3**)

Door hardware at accessible doors must be centered between 34" – 44" AFF (**ADAS 404.2.7 & CBC 11B-404.2.7**)

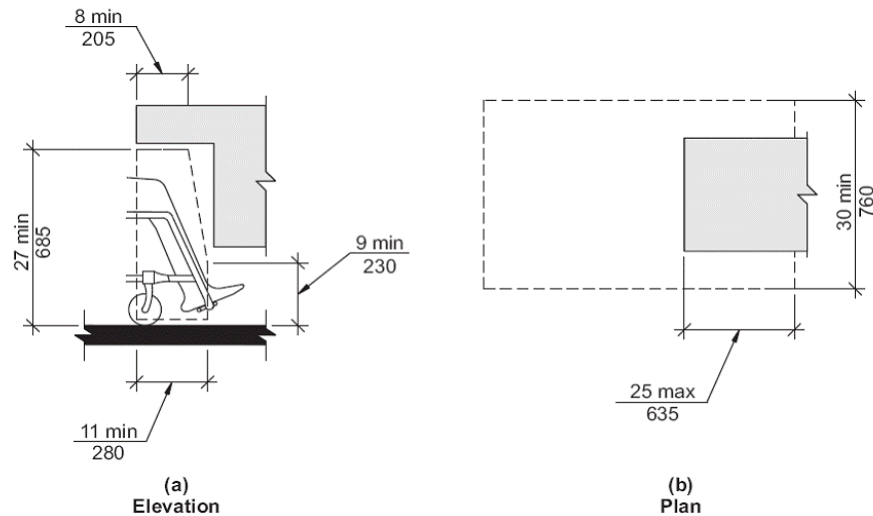
Accessible doors must operate with an opening force no greater than 5 pounds (**ADAS 404.2.9 & CBC 11B-404.2.9**)

Recommendation: Widen doorway and replace door with 36" wide door

- The lavatory in the staff restroom provides a 28-1/2" high knee clearance at the apron and there is only a 3" deep knee clearance at 27" AFF below the lavatory, the centerline is only 14-1/2" from the adjacent wall and the pipes are not insulated
- The soap dispenser in the staff restroom is located 47" AFF and the paper towel dispenser at 48" AFF, to the highest operating part



Requirements: Accessible sinks and lavatories must provide a minimum 27" high knee space 8" in from the front of the lavatory and the apron must be 29" minimum AFF (**ADAS 606.2 & CBC 11B-606.2**)



All pipes below accessible sinks and lavatories must be insulated or wrapped or otherwise configured to prevent against contact (**ADAS 606.5 & CBC 11B-606.5**)

Recommendation: Replace lavatory to provide the required knee and toe clearances. Insulate lavatory pipes and lower dispensers so highest operating part is 40" AFF. Also see lavatory centerline location, pipe insulation and toilet accessories comments for V Pod

- The cased opening into the toilet compartment in the staff restroom is only 29" wide and the toilet compartment is only 36" wide and there are no grab bars on the side or rear wall;



Requirements: Doors must be 36" minimum width and provide a minimum 32" clear width opening when open 90 degrees (**ADAS 404.2.3 & CBC 11B-404.2.3**)

Accessible toilets must have 60" clear width to adjoining obstructions and 48" clear depth in front of toilet (**ADAS 604.3 & CBC 11B-604.3**)

Accessible toilets must have a minimum 36" long rear grab bar and a minimum 42" long side grab bar, both mounted 33" – 36" AFF and the rear grab bar shall extend 12" to one side past the centerline of the toilet and 24" to the other side (**ADAS 604.5 & CBC 11B-604.5**)

Recommendation: Remove walls and convert restroom into a single accommodation restroom with a privacy lock. Install grab bars behind and adjacent to toilet

- The coat hooks in the staff restroom are all 69" AFF.



(See Comments for coat hook in V Pod Restroom V101)

F WING

F Wing is a housing unit where inmate workers can live. Since employment within MCJ is a program available to inmates, housing for inmate workers must also be accessible. However, we observed the following conditions that were not compliant:

- None of the phones have a 30' x 48' clear floor space in front of the phone



Requirements: A 30" x 48" clear floor space is required at accessible telephones (**ADAS 704.2.1 & CBC 11B-704.2.1**)

Recommendation: Remove a portion of the bench to provide the required clear floor space at a minimum of one phone

- The slot on the forms box is 54" AFF



Requirements: The maximum forward reach range height to an accessible control or operable part is 48" AFF (**ADAS 308.2 & CBC 11B-308.2**)

Recommendation: Lower forms box so slot is 48" AFF maximum

F WING YARD

- The drinking fountain is not high/low or located within an alcove



(See Recommendations for A Dorm)

- The cross slope from the door from F Wing to the Yard has a 3.7% cross slope



Requirements: Walking surfaces shall not exceed 2.08% cross slope (**ADAS 403.3 & CBC 11B-403.3**)

Recommendation: Resurface the asphalt in the Yard so the cross slope along the accessible route does not exceed 2.08%

H WING

- The path of travel to the program space from the H Wing Day Room passes through the Kitchen, which has a 19.4% running slope at the door



Requirements: Walking surfaces shall not exceed 5.0% running slope (**ADAS 403.3 & CBC 11B-403.3**)

Recommendation: Replace the flooring on both sides of the door so the running slope does not exceed 5.0%

KITCHEN

Inmate workers are allowed access to all areas of the Kitchen and deliver hot meals to inmates, so being a kitchen worker is a program available to inmates. Although the Kitchen itself is generally accessible and has compliant passage and maneuvering space throughout, an inmate restroom is provided that contains the following barriers:

- The door into the inmate restroom is only 32" wide

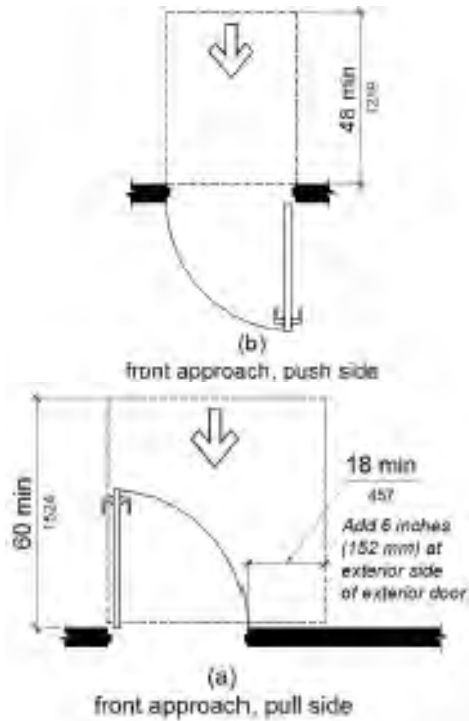


(See Recommendation for Classroom #3)

- There is only a 32" deep maneuvering space on the pull side of the inmate restroom door to the shelf



Requirements: The minimum depth push side clearance at doors is 48" and the minimum pull side clearance is 60" (**ADAS 404.2.4.1 & CBC 11B-404.2.4.1**)



Recommendation: Remove portion of shelf to provide a minimum 60" deep maneuvering clearance at the pull side of the door

- There are no grab bars at the toilet, the seat height is 15", the toilet is centered 19-1/2" from the adjacent wall and there is only 34" clear at the toilet to the side of the lavatory; there is no 60" diameter turning space within the restroom;



(See Requirements and Recommendations for V Pod Restroom V101)

- The lavatory apron height is only 28-1/2" high and the highest operating part of the soap and paper towel dispensers is 53" – 56" AFF.



(See Recommendations for lavatory apron height and toilet accessories for staff restroom)

We observed an examination table in the V-1 Pod Medical Room that was not adjustable.



Staff also informed us that MCJ has (2) TTYs on order as the existing TTYs are no longer operational.

TECHNICAL REQUIREMENTS / STANDARDS

AMERICANS WITH DISABILITIES ACT 1991 ADAAG & 2010 ADAS

The 1991 Americans with Disabilities Act Accessibility Guidelines (ADAAG), published by the U.S. Access Board and adopted as the Americans with Disabilities Act Standards for Accessible Design (ADA Standards) by the US Department of Justice, was the Federal technical standard applicable when constructing new facilities or altering existing public accommodations to comply with the ADA up until March 15, 2012. The U.S. Department of Justice published new requirements in 2004 that have now been codified as the 2010 Americans with Disabilities Act Standards (ADAS), which replaced the 1991 ADAAG as of March 15, 2012 for Title II entities

California Building Code

The California Building Code (CBC), as opposed to the ADA, which is a civil rights law, is a building code modeled after the International Building Code, which is a “model code”. Building codes such as the CBC do not apply to existing buildings

as does the ADA, but only apply when new construction, additions and alteration projects occur. The CBC contains accessibility requirements that were first developed in 1982 and are only applicable in California. Since the CBC requirements pre-date the ADA, the technical and scoping requirements are different than those found in ADAS. In recent years, the differences between the CBC and ADAS have been reduced, but some still remain.

TECHNICAL ASSUMPTIONS

Dimensional Tolerances – Section 3.2 of the 1991 ADAAG states that all dimensions are subject to conventional building industry tolerances for field conditions. Although many studies have been performed to determine what are acceptable dimensional tolerances, there are relatively few widely accepted tolerances. The 2010 ADAS Section 104.1.1 *Construction and Manufacturing Tolerances* which reads “All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.” One example would be a toilet centerline dimension from an adjacent wall; whereas the 1991 ADAAG required an absolute 18” dimension and the 2010 ADAS allows a range of 16” – 18”, a toilet located 18-1/2” from the side wall might have been considered within conventional industry tolerances under the old regulations but not the new ones.

Abbreviations and Acronyms Used

AA – Alcoholics Anonymous
AB – Assembly Bill
ABE – Adult Basic Education
ADA – Americans with Disabilities Act
CDCR – California Department of Corrections and Rehabilitation
CorEMR – Corrections Electronic Medical Record (System)
CFMG – California Forensic Medical Group
CIT – Crisis Intervention Training1q
CTE – Career Technical Education
DAPO – Division of Adult Operations
DAR – Disciplinary Action Report
DDP – Developmental Disability Program
DD1 - Code for DDP Inmate (Cognitive Impairment/Mild Adaptive Support Needs)
DD2 - Code for DDP Inmate (Cognitive Impairment/Moderate Adaptive Support Needs)
DD3 - Code for DDP Inmate (Cognitive Impairment/Severe Adaptive Support Needs)
DOJ – Department of Justice
EC – Effective Communication
EEOC – Equal Employment Opportunity Commission
ESL – English as a Second Language
IEP - Individualized Education Program
GED – General Education Diploma
JMS – Jail Management System
LRA – Legal Research Associates
NA – Narcotics Anonymous
OPH – Out-Patient Housing
PREA – Prison Rape Elimination Act
RC – Regional Center
SLI – Sign Language Interpreter
TABE – Test of Adult Basic Education
TB – Tuberculosis
TDD – Telecommunication Device for the Deaf
TTY – Text Telephone



Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the
County of Monterey

A handwritten signature in blue ink, appearing to read "Mike Brady", written over a horizontal line.

Mike Brady
Director
Sabot Consulting

1/06/2020
Date