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COUNTY OF ORANGE

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 FRED PIERCE, et al.,)
) Case No. SACV 01-981 ABC(MLGx)
) Consolidated with
17 Plaintiffs,) Case No. CV 75-3075 ABC (MLGx)
)
18 vs.)
)
19 COUNTY OF ORANGE, et al.) **DEFENDANT'S PROPOSED PLAN,**
) **SUBMITTED IN RESPONSE TO**
20 Defendants.) **THE COURT'S JANUARY 7, 2011**
) **FINDINGS OF FACT AND**
21) **CONCLUSIONS OF LAW**

22 JERRY E. STEWART, et al.,)
) Status Conference/Hearing:
) Date: April 4, 2011
23 Plaintiffs,) Time: 10:00 A.M.
) Ctrm: 980
24 vs.)

25)
26 BRAD GATES, et al.,) **MATTER FOR DETERMINATION**
) **BY THE HONORABLE AUDREY B.**
27 Defendants.) **COLLINS**
28)

1 PLEASE TAKE NOTICE that pursuant to the Court's January 7, 2011
2 Findings of Fact and Conclusions of Law (Doc. 752), Defendant County of Orange
3 hereby submits its Plan in response thereto.

4
5 Dated: February 18 2011

Respectfully submitted,
LAWRENCE BEACH ALLEN & CHOI, PC

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8 By 

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TABLE OF CONTENTS

| | Page |
|---|------|
| MEMORANDUM AND PROPOSED PLAN..... | 1 |
| 1. INTRODUCTION | 1 |
| 2. DEFINITIONS..... | 1 |
| Category #1 Inmates (Cat #1) | 1 |
| Category #2 Inmates (Cat #2) | 1 |
| Short Term Modification Project (ST)..... | 1 |
| Intermediate Term Modification Project (IT) | 1 |
| Long Term Modification Project (LT)..... | 2 |
| Inmate Programs Building (IPB) at the Theo Lacy Facility (TLF) | 2 |
| Central Women’s Jail (CWJ) vs. Intake Release Center (IRC) Module K..... | 2 |
| 3. PLAN OVERVIEW (BY FACILITY) | 3 |
| A. Theo Lacy Facility (TLF) Module O | 3 |
| B. Intake Release Center (IRC) Booking Loop and First Floor | 6 |
| C. Intake Release Center (IRC) Module K (Alternate Plan if CWJ remains unoccupied) | 8 |
| D. Central Women’s Jail (CWJ) (Primary Plan if CWJ is re-occupied) | 10 |
| E. Central Men’s Jail (CMJ)..... | 13 |
| F. James A. Musick Facility (JAMF)..... | 14 |
| G. Notice Of Rights Under The ADA..... | 16 |

1 MEMORANDUM AND PROPOSED PLAN

2 **1. INTRODUCTION**

3 A plan of action has been developed by the County and the Sheriff's
4 Department which includes the reassignment of housing locations for impacted
5 inmates, policy and procedural changes, and proposed structural and physical
6 alterations. Numerous actions are being taken now and in the immediate future
7 (weeks/months), while larger scale construction projects may take considerably
8 longer to complete. Some of the modifications being initiated by the County
9 exceed those required by the Court.

10 Should the Court request clarification or explanation regarding the County's
11 proposal, it can be provided by Captain Davis Nighswonger who is the Division
12 Commander of the Theo Lacy Facility.

13 **2. DEFINITIONS**

14 **Category #1 Inmates (Cat #1)**: Those inmates with permanent disabilities
15 who are wheelchair bound or have dexterity impairments but do not require
16 extraordinary medical care. As of Friday, February 11, 2011, there are five male
17 and zero female inmates in the Orange County Jail who fall within this category.
18 All five male inmates are currently housed in the Sheltered Living Cells of the
19 Central Men's Jail (CMJ).

20 **Category #2 Inmates (Cat #2)**: Those inmates with permanent disabilities
21 who are wheelchair bound and require extraordinary medical care. As of Friday,
22 February 11, 2011, there are four male and zero female inmates in the Orange
23 County Jail who fall within this category. All four male inmates are currently
24 housed in Ward C of the CMJ.

25 **Short Term Modification Project (ST)**: A physical alteration, modification,
26 or improvement that is estimated to be completed within weeks.

27 **Intermediate Term Modification Project (IT)**: A physical alteration,
28 modification, or improvement that is estimated to be completed within months.

1 **Long Term Modification Project (LT)**: A large scale, complex physical
2 alteration, modification, and/or improvement that requires a redesign and
3 significant construction which is anticipated to take at least one year to complete.
4 Practices and project work in this category are governed by the County Contract
5 Policy Manual (CPM) and the California Public Contract Code, otherwise known
6 as the Uniform Public Construction Cost Accounting Act. An Architect/Engineer
7 (A/E) contract must be secured to complete all design and modification
8 specifications for these projects to ensure ADAAG compliance. See Attachment 1
9 for a chart/timeline providing further details regarding this process.

10 **Inmate Programs Building (IPB) at the Theo Lacy Facility (TLF)**: This
11 building is currently used for a variety of inmate classes, vocational instruction, and
12 the inmate library. In July or August of this year, the functions and structure of this
13 building will be modified to accommodate Immigration and Customs Enforcement
14 (ICE) offices pursuant to the County's contract with ICE. Inmate programming
15 functions will be shifted to alternate locations (yet to be determined).

16 **Central Women's Jail (CWJ) vs. Intake Release Center (IRC) Module**

17 **K**: The CWJ is temporarily unoccupied by inmates, and the majority of assigned
18 staff members have been reallocated to other facilities. This action was taken as a
19 budgetary savings measure and as a consequence of the constraints imposed by the
20 current decrease in inmate population throughout the Orange County Jail system.
21 The CWJ will continue to be unoccupied until the demands of the inmate
22 population rise. The Sheriff's Department expects this to occur in the future due to
23 a number of reasons, primarily the securing of contracts to house federal prisoners.

24 The CWJ is the logical choice to house Cat #1 and Cat #2 female inmates
25 and the following plan will outline the steps, construction, and other actions
26 necessary to make this occur. However, as the re-occupation of the CWJ is
27 uncertain, this document also identifies a plan to utilize Module K in the IRC.

28 ///

1 **3. PLAN OVERVIEW (BY FACILITY)**

2 **A. Theo Lacy Facility (TLF) Module O.**

- 3 1. Module O at the TLF is made up of 5 Sectors containing 54 cells and a
4 12 bed open dormitory.¹
- 5 2. Within the next two weeks, all Cat #1 male inmates will be transferred
6 to the TLF and housed in Module O on the lower floor of Sector 37.
7 Sector 37 will be the primary housing location for all general
8 population Cat #1 male inmates in the future.
- 9 3. All Cat #2 male inmates will be transferred to the TLF and housed in
10 Module O on the lower floor of Sector 37. Sector 37 will be the
11 primary housing location for all general population Cat #2 male
12 inmates in the future. The transfer of Cat #2 male inmates requires the
13 reallocation of crucial medical staffing and services for their care, and
14 must be coordinated with the County's Correctional Health Services
15 (CHS). The transfer of services has been initiated; however, it
16 requires advanced planning, personnel reassignment, and other
17 measures before Cat #2 male inmates can be transferred.
- 18 4. The lower floor of Module O Sector 37 is the most ideal location for
19 Cat #1 and Cat #2 male inmates; it is an open dormitory setting and
20 already complies with a number of ADA requirements. The following
21 physical modifications are proposed:
- 22 a. Lower one phone (ST)

24
25 ¹ As an alternative to making 2% of each type of cell accessible in Module O of the
26 TLF, Defendant proposes that the class members be housed in the open dormitory
27 (Sector 37) and that special handling class members be housed in the negative
28 pressure and isolation cells. In addition to it being impractical to place more than
one wheelchair in an individual cell (regardless of whether that cell is designed to
house one, two, or four inmates), the dormitory setting allows for greater ease of
movement by the wheelchair bound class members.

- 1 b. Add one ADA compliant table (IT)
- 2 c. Adjust fixture height, add grab bars and bench seat for shower
- 3 (ST)
- 4 d. Lower the book shelf (ST)
- 5 e. Lower (or add a second) mirror (ST)
- 6 f. Move the toilet flush button (ST)
- 7 g. Lower the intercom (ST)
- 8 h. Lower posting of jail rules (ST)
- 9 5. Cat #1 and Cat #2 male inmates with classification restrictions or
- 10 separation needs will be housed in Cell 3, of Sector 42 of Module O.
- 11 This cell, also known as a negative pressure cell, will undergo the
- 12 following physical modifications:
- 13 a. Adjust shower fixture height (ST)
- 14 b. Add grab bars and bench seat for shower (ST)
- 15 c. Lower the intercom (ST)
- 16 6. Cat #1 and Cat #2 male inmates in Module O will be provided with
- 17 outdoor recreation. They may choose Green Sector at the TLF if their
- 18 classification status meets that of inmates housed in the Barracks and
- 19 their medical condition permits. The following physical modifications
- 20 are proposed for the Green Sector at the TLF:
- 21 a. Modify or lower water fountain (IT)
- 22 b. Redesign toilet area to meet ADA standards (ADA toilet, adjust
- 23 privacy walls, add grab bars) (LT)
- 24 7. Those Cat #1 and Cat #2 inmates who do not fulfill the classification
- 25 requirements for outdoor recreation in the Green Sector at the TLF,
- 26 and those class members who specifically request to stay in their
- 27 housing area, will be provided with outdoor recreation in the Module.
- 28

1 The following physical modifications are proposed for the outdoor
2 recreation area within the Module:

- 3 a. Remove or shift the privacy wall (IT)
- 4 b. Add grab bars to toilet area (IT)
- 5 8. A visiting booth in Module O is ADA compliant. In addition, those
6 Cat #1 and Cat #2 male inmates whose classification meets that of
7 inmates housed at the James A. Musick Facility (JAMF) will be
8 offered non-barrier visits in the Barracks visiting area of the TLF.²
- 9 9. Cat #1 and Cat #2 male inmates in Module O will be offered a full
10 range of inmate program opportunities. This will be accomplished by
11 providing some programs in the Module, and transporting these
12 inmates to the IPB (until conversion begins) or designated alternative
13 locations in the Barracks area of the TLF. Religious services will be
14 provided in the Module or in the chapel. Additionally, those Cat #1
15 and Cat #2 male inmates whose classification meets that of inmates
16 housed at the JAMF, and permitting medical conditions, will be
17 afforded the full range of programs and services offered at the JAMF
18 by transporting the inmates to the JAMF when necessary.
- 19 10. The Correctional Programs Technicians (CPT) assigned to the Theo
20 Lacy Module O inmate housing location will coordinate with the
21 Deputies in Module O to facilitate programs and services for class
22 members. The CPT will provide information regarding all available
23 programs and services to class members in Theo Lacy Module O and
24

25 ² During trial, the visitation arrangements at the JAMF were referred to as “contact
26 visits.” In fact, visitors are not allowed contact with any inmates. Rather, inmates
27 sit on one side of a six-foot wide table during visitation, and visitors sit on the
28 opposite side; there is no glass or plastic partition between visitor and inmate.
Accordingly, the equivalent of JAMF visitation (*i.e.*, visitation without a partition)
is referred to herein as “non-barrier” visitation.

1 document each contact with said inmates. The documented
2 information will include whether or not each class member has
3 requested a particular program or service. The CPT's supervisor will
4 keep these records on file for two years. The Correctional Programs
5 staff will make all programs and services provided in the Inmate
6 Programs Building (IPB) available to all class members with qualified
7 classification and medical status.

- 8 11. TLF will adjust its policies and procedures to accommodate the above
9 provisions. Staffing resources will be adjusted or augmented to
10 provide additional personnel to escort and supervise Cat #1 and Cat #2
11 male inmates in Module O.

12 **B. Intake Release Center (IRC) Booking Loop and First Floor.**

- 13 1. The Booking Loop contains the following number of counters:

14 A. Women's Booking Area

15 Classification/Interview – 2

16 Fingerprint - 1

17 Adjustable Livescan Machine - 1

18 B. Men's Booking Area

19 Classification/Interview – 3

20 Fingerprint - 2

21 Adjustable Livescan Machines – 3

22 Detention Release Interview - 2

23 ICE – 2 (not relevant to this proceeding)

24 C. Medical Interview/Triage Area - 3

- 25 2. All incoming Cat #1 and Cat #2 male and female inmates will be
26 received and booked at the IRC. Specially purchased lift-capable
27 wheelchair(s) or lift(s) will be obtained to raise and lower these
28 inmates to the height of current counter space to afford interaction

1 with jail personnel and processes. Deputies will be trained to properly
2 operate and maintain these chair(s) and/or lift(s). (IT)

3 3. All Cat #1 and Cat #2 male inmates will be processed and held in Cell
4 10 on the male side of the Booking Loop, which is ADA compliant.
5 All Cat #1 and Cat #2 female inmates will be processed and held in
6 Cell 5 on the female side of the Booking Loop, which is ADA
7 compliant.

8 4. All Cat #1 and Cat #2 female inmates will be processed for court
9 transport in the IRC Court Transfer area. They will be held in Cell
10 TM 13, which will receive the following proposed modifications:³

- 11 a. Complete redesign of the cell (LT)
- 12 b. Move privacy walls (LT)
- 13 c. Adjust toilet and sink (LT)
- 14 d. Add grab bars (LT)
- 15 e. Adjust mirror (LT)
- 16 f. Widen door (LT)

17 5. First floor Release will be used to process those Cat #1 and Cat #2
18 female inmates being released from custody. Special lift-capable
19 wheelchair(s) or lift(s) will be utilized. The following physical
20 modifications are proposed:⁴

- 21 a. Redesign of bathroom area (LT)

22
23 ³ In the interim, female Cat #1 and Cat #2 inmates will be taken directly from their
24 housing unit to the specially adapted vehicle used for transporting class members;
25 the process will be repeated upon their return from court. The same process will be
26 used for male Cat #1 and Cat #2 inmates housed at the TLF.

27 ⁴ In the interim, female Cat #1 and Cat #2 inmates will be given priority to
28 minimize the amount of time they spend in a release cell. The same priority will be
given to male Cat #1 and Cat #2 inmates being released from the TLF.

- 1 b. Modify toilet compartment (LT)
- 2 c. Install grab bars (LT)
- 3 d. Modify sink (LT)
- 4 6. The Central Jail Complex (CJX) will adjust its policies and procedures
- 5 to accommodate the above provisions.

6 **C. Intake Release Center (IRC) Module K (Alternate Plan if CWJ**
7 **remains unoccupied).**

- 8 1. Module K at the IRC is made up of Sectors 9 through 14 containing 96
- 9 cells; as of February 11, 2011, there were zero female class members
- 10 in custody.⁵
- 11 2. Cat #1 and Cat #2 female inmates will be housed in Sector 13, Cells 3,
- 12 5, and 7. These cells will serve as general population and special-
- 13 needs housing for those inmates with classification or separation
- 14 orders. The following physical modifications are proposed:
- 15 a. Redesign and construction of Cells 3, 5, and 7 (LT)
- 16 b. Redesign and construction of the shower and toilet areas of the
- 17 sector dayroom (LT). The Sheriff's Department is investigating
- 18 interim options including installation of a portable accessible
- 19 shower and toilet; installation of a portable accessible shower
- 20 along with the conversion of a cell including an accessible toilet;
- 21 and, modification of showers in the Disciplinary Isolation area
- 22 (which requires evaluation by an Architect/Engineering firm).
- 23 However, as of the date of the filing of this document, the
- 24 Sheriff's Department has been unable to identify an alternative
- 25
- 26

27 ⁵ Defendant is aware of the Court's directive that ten cells in Module K be made
28 accessible (Order at page 68, lines 10 and 11). However, based upon the number of
 cells (i.e. 96 cells in Module K), Defendant proposes to make three cells accessible

1 that provides greater access than the current accommodations.
2 The Sheriff's Department will continue to explore available
3 options and hopes to supplement this proposal prior to the April
4 4, 2010 hearing.

- 5 c. Modification of one dayroom table (LT)
 - 6 d. Lower phones and intercoms in dayroom (LT)
 - 7 e. Lower posting of jail rules (ST)
- 8 3. Cat #1 and Cat #2 female inmates in Module K will be provided with
9 outdoor recreation. If their classification status meets that of inmates
10 housed at the JAMF and their medical condition permits, they will be
11 offered the outdoor area of the South Compound at the JAMF and will
12 be transported to and from that facility. Those who do not fulfill these
13 requirements, and those who specifically request to stay in their
14 housing area, will be provided with outdoor recreation in the Module.
15 The following physical modifications are proposed for the outdoor
16 recreation area inside the Module:
- 17 a. Redesign and construction of the toilet, sink area (LT)
 - 18 b. Lower intercom (IT)
- 19 4. Visiting booths are available in Module K, and a special lift will be
20 installed on the stairway to accommodate Cat #1 and Cat #2 female
21 inmates (LT). Those Cat #1 and Cat #2 female inmates whose
22 classification meets that of inmates housed at the JAMF and whose
23 medical conditions permit will be offered non-barrier visits at the
24 JAMF or in the non-barrier Attorney Bonds area of the CWJ.
- 25 5. Cat #1 and Cat #2 female inmates in Module K will be offered a full
26 range of inmate program opportunities. Programs currently offered at
27

28 which would exceed the current 2% requirement, and meet the anticipated
increased requirement of 3%.

1 the IRC will be made available to class members in the
2 chapel/classroom at the IRC. Religious services will also be made
3 available to class members in the chapel/classroom. Additionally,
4 those Cat #1 and Cat #2 female inmates whose classification meets
5 that of inmates housed at the JAMF and permitting medical conditions
6 will be transported to and afforded the full range of programs offered
7 at the JAMF in accessible classrooms.

8 6. The Central Jail Complex (CJX) will adjust its policies and procedures
9 to accommodate the above provisions.

10 7. The Correctional Programs Technicians (CPT) assigned to the Module
11 K inmate housing location will coordinate with the Deputies in
12 Module K to facilitate programs and services for class members. The
13 CPT will provide information regarding all available programs and
14 services to class members in Module K and document each contact
15 with said inmates. The documented information will include whether
16 or not each class member has requested a particular program or
17 service. The CPT's supervisor will keep these records on file for two
18 years. The Correctional Programs staff will make all programs and
19 services available to all class members with qualified classification
20 and medical status.

21 **D. Central Women's Jail (CWJ) (Primary Plan if CWJ is re-**
22 **occupied).**

23 1. All Cat #1 and Cat #2 female inmates will be transferred to the CWJ
24 and housed in Tank 13 on the first floor. Tank 13 is open dormitory
25 style housing, and will be the primary housing location for all general
26
27
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1 population Cat #1 female inmates in the future. The following
2 physical modifications are proposed:⁶

- 3 a. Redesign and construction of the bathroom and dayroom areas
4 (LT)
 - 5 b. Lower bookshelf (ST)
 - 6 c. Lower intercom (ST)
 - 7 d. Lower phones (ST)
 - 8 e. Add bunks of additional height to assist with inmate transfer (IT)
- 9 2. Cat #1 and Cat #2 female inmates with classification restrictions or
10 separation needs will be housed in Sheltered Living Cells 1 and 2, and
11 Isolation Cell 3. These cells will receive the following modifications:
- 12 a. Lower intercom (ST)
 - 13 b. Lower mirror (ST)
- 14 3. Cat #1 and Cat #2 female inmates will be provided with showers in the
15 first floor shower area, which will receive the following modifications:
- 16 a. Widen doorway (LT)
 - 17 b. Adjust shower fixture (IT)
 - 18 c. Modify grab bars (IT)
- 19 4. Cell 10 of the Infirmary is an ADA compliant cell and the nearby
20 dayroom can be utilized with the following modifications:
- 21 a. Redesign and construction to enlarge the toilet/sink area (LT)

22
23 ⁶ Defendant is aware of the Court's directive requiring that at least three cells in the
24 CWJ be made accessible if any portion of the CWJ other than the Infirmary is
25 reopened. (Order at page 80, lines 21 and 22). As an alternative, Defendant
26 proposes that the class members be housed in the open dormitory (Tank 13) and
27 that special handling class members be housed in the Sheltered Living and isolation
28 cells. In addition to it being impractical to place more than one wheelchair in an
individual cell (regardless of whether that cell is designed to house one, two, or
four inmates), the dormitory setting allows for greater ease of movement by the
wheelchair bound class members.

- 1 b. Lower phone (IT)
- 2 c. Lower intercom (IT)
- 3 d. Lower mirror (IT)
- 4 5. Cat #1 and Cat #2 female inmates in the CWJ will be provided with
- 5 outdoor recreation. They may choose the outdoor area of the roof at
- 6 the CWJ, or the South Compound of the JAMF if their classification
- 7 status meets that of inmates housed at the JAMF and their medical
- 8 condition permits. The following physical modifications are proposed
- 9 for the roof area of the CWJ:⁷
- 10 a. Lower phone (IT)
- 11 b. Lower bulletin board (ST)
- 12 c. Modify water fountain (IT)
- 13 6. Those Cat #1 and Cat #2 female inmates whose classification meets
- 14 that of inmates housed at the JAMF and whose medical conditions
- 15 permit will be afforded non-barrier visits at the JAMF or the non-
- 16 barrier Attorney Bonds area of the CWJ.
- 17 7. Cat #1 and Cat #2 female inmates in the CWJ will be offered a full
- 18 range of inmate program opportunities. This will be accomplished by
- 19 providing some programs and religious services in the second floor
- 20 classroom of the CWJ, which is ADA compliant. Additionally, those
- 21 Cat #1 and Cat #2 female inmates whose classification meets that of
- 22 inmates housed at the JAMF and permitting medical conditions will be
- 23 offered the full range of programs offered at the JAMF.

26 ⁷ Unless a reasonable alternative is identified in the interim, the restroom on the

27 roof of the CWJ will be closed to all inmates.

28

- 1 8. The Central Jail Complex (CJX) will adjust its policies and procedures
2 to accommodate the above provisions.
- 3 9. The Correctional Programs Technicians (CPT) assigned to the class
4 member housing location will coordinate with the Deputies to
5 facilitate programs and services for class members. The CPT will
6 provide information regarding all available programs and services to
7 class members in the CWJ and document each contact with said
8 inmates. The documented information will include whether or not each
9 class member has requested a particular program or service. The
10 CPT's supervisor will keep these records on file for two years. The
11 Correctional Programs staff will make all programs and services
12 available to all class members with qualified classification and medical
13 status.

14 **E. Central Men's Jail (CMJ)**

- 15 1. The CMJ will continue to house Cat #2 male inmates until they can be
16 transferred to the TLF in the future. These inmates will be housed in
17 Ward C on the second floor of the CMJ. This area will receive the
18 following modifications:⁸
- 19 a. Redesign of bathroom and shower area (LT)
 - 20 b. Lower mirror (IT)
 - 21 c. Lower posting of jail rules (IT)
 - 22 d. Lower phone (IT)
 - 23 e. Redesign dayroom to provide accessible table (LT)

25 ⁸ The County is aware of the Court's Order addressing Module L in the IRC, and
26 Ward D and the Sheltered Living area in the CMJ. However, no modifications are
27 required of Module L, Ward D, or the Sheltered Living area because class members
28 will not be housed there. Male Cat #1 inmates are being moved to the TLF within
 weeks, and the remaining male Cat #2 inmates will be housed in Ward C until they
 are also moved to the TLF.

1 2. The 18 Sheltered Living Cells in the CMJ will no longer house class
2 members. Consequently, in the short term, the associated shower and
3 dayroom may be utilized for those class members housed in Ward C.
4 Deputies will be trained to respond to class members who request
5 showers in the Sheltered Living dayroom.⁹ This area will receive the
6 following proposed modifications:

- 7 a. Modify shower (IT)
- 8 b. Modify sink (IT)
- 9 c. Lower mirror (IT)
- 10 d. Adjust grab bars (IT)

11 3. The roof recreation area at the CMJ will no longer be used by class
12 members. Instead, class members whose classification and medical
13 condition permit will be transported to either the TLF or the JAMF for
14 outdoor recreation. Class members who are transported to the TLF or
15 the JAMF for outdoor recreation will be assisted by the CPT in
16 coordinating that activity. The CPT will provide information to the
17 class member and document each contact with the class member. The
18 CPT supervisor will keep these records on file for two years.

19 4. Those Cat #2 male inmates whose classification meets that of inmates
20 housed at the JAMF and whose medical conditions permit will be
21 offered non-barrier visits in the Attorney Bonds area of the CMJ.

22 **F. James A. Musick Facility (JAMF).**

23 1. The JAMF will be utilized to provide outdoor recreation opportunities
24 to those Cat #1 and Cat #2 male inmates whose classification meets
25

27 ⁹ Defendant is aware of the Court's admonishment that the Sheltered Living shower
28 shall not be used for class members (Order at page 17, lines 3-6). However, the
Ward C shower is a long term project, and the Cat #2 inmates will only remain in

1 that of inmates housed at the JAMF and have permitting medical
2 conditions. Recreation will be provided in the South Compound.

- 3 2. A full range of programs will be offered to all Cat #1 and Cat #2 male
4 and female class members whose classification meets that of inmates
5 housed at the JAMF and have permitting medical conditions. Class
6 members will be transported to and from the JAMF for that purpose.
- 7 3. The following Vocational Programs and Classes are currently being
8 offered at the JAMF: cabinetry; sewing; stained glass; welding;
9 Mothers of Preschoolers (MOPS); job development; and "Sew Much
10 Comfort."
- 11 4. The Sheriff's Department is prohibited by contract and law from
12 allowing the ICE Detainees housed at the JAMF to participate in
13 Vocational Classes. For that reason and due to the overall low inmate
14 population, the Sheriff's Department does not have enough inmates to
15 make it cost effective to provide these Vocational Classes in the
16 future. Consequently, the Sheriff's Department has begun the process
17 of eliminating these classes. In the mean time, the CPT will provide
18 information regarding all JAMF vocational classes to the class
19 members in TLF Module O, and IRC Module K, and CMJ locations,
20 and will document each contact with said inmates. Those inmates who
21 meet the classification requirements and have permitting medical
22 conditions will be transported to the JAMF for the respective classes.
23 The aforementioned documented information will include whether or
24 not each inmate has requested a particular vocational program or class.
25 The CPT's supervisor will keep these records on file for two years.

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28 Ward C until they are transferred to the TLF. See, ¶ 3(A)(3) above. Consequently,
Defendant requests the Court's indulgence.

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G. Notice Of Rights Under The ADA.

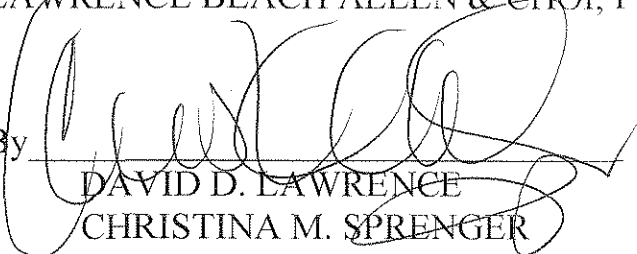
1. The County will ensure that the notices are posted at a level that is readable by class members, including those in wheelchairs or with other impairments.
2. The County will provide ADA compliance officers in the different facilities with a minimum of six hours of training on the ADA, its application in jail settings, and their responsibilities to process and respond to requests for accommodation and/or complaints of denial of access to programs and services.
3. The County has instituted a new grievance process which will come into effect within the next three weeks, and is designed to maintain and track all inmate grievances which raise claims under the ADA. The new grievance process system includes a database that will store and permit tracking of ADA grievances, and incorporates the other aspects of the grievance process that this Court has already approved.

Dated: February 18, 2011

Respectfully submitted,

LAWRENCE BEACH ALLEN & CHOI, PC

By



DAVID D. LAWRENCE
CHRISTINA M. SPRENGER
Attorneys for Defendant
COUNTY OF ORANGE

ATTACHMENT 1

MANDATED PROCESS FOR LONG TERM CONSTRUCTION PROJECTS

The Research & Development division of the Orange County Sheriff-Coroner Department is responsible for the management of alterations, improvements, and modifications to Sheriff-Coroner facilities. Practices and project work are governed by the County Contract Policy Manual (CPM) and California Public Contract Code.

An Architect/Engineer (A/E) contract will be secured for this project to complete all design and modification specifications in order to ensure ADA Accessibility Guidelines. A/E's are not on staff and are secured through contracts initiated by the County and its respective departments. Additionally, A/E construction estimates will be used to support funding requests to the County Board of Supervisors.

The process steps and required timeframes necessary for funding approvals, structural design (A/E), and construction requirements pursuant to the Court's order of January 7, 2011 are as follows (and presume a beginning date of **March 2011**):

FUNDING REQUESTS AND APPROVALS FOR MANDATED ADA IMPROVEMENTS DESIGN

| | | |
|--|---------|------------------|
| Budget Process for A/E budget | | 3 Months |
| Estimate A/E fees | 2 weeks | |
| Submit Budget Request to CEO | 2 weeks | |
| CEO Review | 3 weeks | |
| Agendize for Board of Supervisors approval | 4 weeks | |
| Receive Board of Supervisors approval | 1 week | June 2011 |

PRELIMINARY SCHEDULE FOR MANDATED ADA IMPROVEMENTS DESIGN

| | | |
|--|---------|-----------------------|
| A/E Selection Process | | 3 Months |
| Prepare Statements of Qualification (SOQs) | 2 weeks | |
| Solicit SOQs | 2 weeks | |
| Review and rate SOQs | 2 weeks | |
| Negotiate with A/E | 2 weeks | |
| Purchase Order process | 1 month | September 2011 |

| | | |
|---|----------|-------------------|
| Design Process | | 6 months |
| Initial design period | 3 months | |
| Design review and approval (Building Dep. & CDCR) | 2 months | |
| Final design period | 1 month | March 2012 |

FUNDING REQUESTS AND APPROVALS FOR MANDATED ADA IMPROVEMENTS CONSTRUCTION

| | | |
|---|---------|-------------------|
| Budget Process for Construction budget | | 2.5 Months |
| Submit Budget Request to CEO | 2 weeks | |
| CEO Review | 3 weeks | |
| Agendize for Board of Supervisors approval | 4 weeks | |
| Receive Board of Supervisors approval | 1 week | June 2012 |

PRELIMINARY SCHEDULE FOR MANDATED ADA IMPROVEMENTS CONSTRUCTION

| | | |
|--|---------|----------------------|
| Construction Award Process | | 5 months |
| ASR process for Board to approve advertising project | 5 weeks | |
| Required advertising period | 5 weeks | |
| Certify apparent low bidder | 2 weeks | |
| ASR process for Board to award Construction Contract | 5 weeks | |
| Approval of Contractor's Bonds & Insurance | 3 weeks | November 2012 |

| | | |
|-----------------------------|--|----------------------|
| Project Construction | | 13 months |
| | | December 2013 |

| | | |
|-------------------------------|--|--------------------|
| TOTAL PROJECT DURATION | | 32.5 months |
|-------------------------------|--|--------------------|

Project Construction Timeline

Areas other than housing identified for construction/modification can be overlapped in order to shorten the total construction duration. A visual representation of such a timeline is below:

| Construction Months | | | | | | | | | | | | | |
|---------------------|-------|------|------------------------------|---|---|---|------|---|------|---------------|----|----|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |
| Theo Lacy Mod | | | | | | | | | | | | | |
| O | | | 3/13 | | | | | | | | | | |
| | Music | 3/13 | MCJ | | | | | | 9/13 | | | | |
| | | | IRC areas other than housing | | | | 6/13 | | | IRC Mod K & L | | | 12/13 |

The above schedule assumes no delays as a result of the following conditions:

1. R&D project management resource attrition as a result of illness, family leave, jury duty, or other unplanned circumstances that can impact project schedules.
2. Any dispute or contest by architect or construction firms that could delay project start dates.
3. Delays in bond and insurance requirements for selected (responsive) architect or construction firms.
4. Board of Supervisor approval delays.
5. Jail lockdowns for inmate or security staff safety.

Notes:

1. The above schedule requires that structural projects at all three facilities (Theo Lacy, IRC, and James A. Musick) are running in parallel.
2. All jail construction and modifications require local planning and building department and California Department of Corrections and Rehabilitation (CDCR) review and approval prior to executing work.
3. The jail areas requiring construction/modification must be cleared of inmates for the duration of the work, which creates significant logistical issues when it involves housing locations.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Donna Adams, am employed in the aforesaid County, State of California; I am over the age of 18 years and not a party to the within action; my business address is 1600 N. Broadway, Suite 1010, Santa Ana, California 92706.

On February 18, 2011, I electronically filed the foregoing **DEFENDANT’S PROPOSED PLAN, SUBMITTED IN RESPONSE TO THE COURT’S JANUARY 7, 2011 FINDINGS OF FACT AND CONCLUSIONS OF LAW** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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Orange County Counsel

X (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 18, 2011, at Santa Ana, California.


Signature of Declarant