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12 COUNTY OF ORANGE

13 UNITED STATES DISTRICT COURT

14 CENTRAL DISTRICT OF CALIFORNIA

<p>16 FRED PIERCE, et al.,</p> <p>17 Plaintiffs,</p> <p>18 vs.</p> <p>19 COUNTY OF ORANGE, et al.</p> <p>20 Defendants.</p> <hr/> <p>22 JERRY E. STEWART, et al.,</p> <p>23 Plaintiffs,</p> <p>24 vs.</p> <p>26 BRAD GATES, et al.,</p> <p>27 Defendants.</p> <hr/>	<p>) Case No. SACV 01-981 ABC(MLGx)</p> <p>) Consolidated with</p> <p>) Case No. CV 75-3075 ABC (MLGx)</p> <p>)</p> <p>) [PROPOSED] ORDER ON</p> <p>) DEFENDANT'S AMENDED FINAL</p> <p>) PLAN SUBMITTED PURSUANT TO</p> <p>) THE COURT'S JUNE 27, 2011</p> <p>) ORDER</p> <p>)</p> <p>) <i>[Notice of Lodging submitted</i></p> <p>) <i>Concurrently Herewith]</i></p> <p>)</p> <p>) MATTER FOR DETERMINATION</p> <p>) BY THE HONORABLE AUDREY B.</p> <p>) COLLINS</p>
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1 Pursuant to the Final Judgment entered concurrently with this Order, the
2 Court ORDERS that the County be ENJOINED AND DIRECTED as follows,
3 based upon the Findings of Fact and Conclusions of Law entered on January 7,
4 2011 following a bench trial (Docket No. 752), the Court’s Rulings on Final
5 Objections to the County’s Proposed Amended Plan (Docket No. 772), and the
6 Court’s Order Re Final Proposed Plan and Final Judgment (Docket No. 776):

7 **DEFENDANTS’ FINAL PLAN**

8 **1. APPOINTED MONITOR**

9 A) Keith Rohman shall be appointed as a monitor to ensure compliance with
10 the Final Plan, to report to the Court on the County’s compliance, and to review and
11 analyze the various records the County is ordered to gather and maintain.

12 B) The monitor shall have full access to all records and data maintained by
13 the County in response to the Court’s order, including but not limited to:

14 a) all grievances and responses thereto as part of the new grievance
15 procedure to which the County has committed itself;

16 b) all requests for ADA accommodation, and responses thereto;

17 c) all communications to class members about their rights to
18 programming and services;

19 d) all records of contact between CPT or deputies and class members
20 regarding access to programs and services;

21 e) documentation regarding classes offered, refused, and taken by
22 class members;

23 f) documentation of recreation offered, refused, and taken by class
24 members;

25 g) documentation of transport of class members from MCJ, IRC, and
26 WCJ to other facilities for recreation;

27 h) documentation of transport of class members from MCJ, IRC, WCJ
28 and Theo Lacy for non-barrier visits; and

1 i) documentation of transport of class members from MCJ, IRC and
2 WCJ to other facilities for vocational and educational programming.

3 C) In the first year of the injunction, the monitor shall make four annual
4 inspections of all facilities affected by the Order, and two inspections during each
5 of the remaining years of the injunctions;¹

6 D) Upon request by the monitor and consent by the inmate, the monitor shall
7 have the ability to meet with and talk to class members about compliance issues

8 E) The monitor shall prepare quarterly reports for each of the two years of
9 the injunction in order to provide the Court and counsel with detailed findings of
10 compliance and noncompliance

11 F) The monitor shall review all related training materials;

12 G) The monitor shall review all related policy and procedure manual
13 amendments

14 H) The monitor shall receive reasonable compensation for these services, as
15 determined by the Court. In addition, the monitor may subcontract with experts or
16 consultants to assist in the monitoring process (for example, a specialist in
17 architectural modification) if such person is required. The monitor shall be
18 compensated for these additional consultants, as determined by the Court.

19 I) The County shall, in accordance with a professional services agreement:

20 a) compensate the monitor for professional services;

21 b) reimburse the monitor for all expenses incurred by the monitor in
22 performing the duties under this order; and

23 c) compensate and reimburse the expenses of any consultants, experts
24 or other personnel retained to assist the monitor.

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28 ¹ Pursuant to 18 U.S.C. § 3626(b), the injunction is terminable two years after
entry. Thereafter, Plaintiffs may seek an extension of the injunction.

1 **2. DEFINITIONS**

2 **Class Members**: The class is defined as inmates with mobility or dexterity
3 disabilities, including wheelchair bound inmates. As used herein, the term
4 “‘disability’ means a disability as defined by the Court’s Findings.” Rulings 6:23-
5 24. With regard to inmates with temporary or intermittent disabilities, the class
6 includes “pretrial detainees whose impairments substantially limit a major life
7 activity, regardless of duration.” See, Rulings 8:8-25.

8 **Short Term Modification Project (ST)**: A physical alteration, modification,
9 or improvement that is estimated to be completed within one month of entry of the
10 Final Judgment.

11 **Intermediate Term Modification Project (IT)**: A physical alteration,
12 modification, or improvement that is estimated to be completed within six months
13 of entry of the Final Judgment.

14 **Long Term Modification Project (LT)**: A large scale, complex physical
15 alteration, modification, and/or improvement that requires a redesign and
16 significant construction which is anticipated to take at least one year to complete.
17 Practices and project work in this category are governed by the County Contract
18 Policy Manual (CPM) and the California Public Contract Code, otherwise known
19 as the Uniform Public Construction Cost Accounting Act. An Architect/Engineer
20 (“A/E”) contract must be secured to complete all design and modification
21 specifications for these projects to ensure compliance with the Court’s Final
22 Judgment. See, Exhibit 1 for a chart/timeline providing further details regarding
23 this process.

24 **Central Women’s Jail (CWJ) vs. Intake Release Center (IRC) Module**
25 **K**: The CWJ is temporarily unoccupied by inmates, and the majority of assigned
26 staff members have been reallocated to other facilities. This action was taken as a
27 budgetary savings measure and as a consequence of the constraints imposed by the
28 current decrease in inmate population throughout the Orange County Jail system.

1 The CWJ will continue to be unoccupied until the demands of the inmate
2 population rise. The Sheriff's Department expects this to occur in the future due to
3 a number of reasons, primarily the securing of contracts to house federal prisoners.

4 The CWJ is the logical choice to house female class members and this Final
5 Plan outlines the steps, construction, and other actions necessary to make this
6 occur. However, as the re-occupation of the CWJ is uncertain, Defendant also
7 identifies a plan to utilize Module K in the IRC.

8 **Correctional Health Services (CHS)**: Medical and mental health services
9 are provided to all inmates by CHS, a division of the County's Health Care Agency
10 (HCA). CHS personnel will be responsible for working with security staff to
11 identify class members, coordinate appropriate housing, and determine medical
12 eligibility for programs.

13 **Classification**: The Sheriff's Department's Special Services Bureau
14 classifies each inmate to evaluate the security of all inmates and to take proactive
15 and reactive steps to address security challenges, such as inmate violence. The
16 classification team has the primary duty of determining proper housing locations
17 for all inmates.

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

19 The Sheriff's Department will house male class members in the Theo Lacy
20 Facility (TLF) and the Central Men's Jail (CMJ). Female class members will be
21 housed in Module K of the Intake Release Center (IRC) until such time as the
22 Central Women's Jail (CWJ) is re-occupied by inmates.

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

24 1. Module O at the TLF will house male class members. This housing
25 Module is made up of 5 Sectors containing 54 cells and a 12-bunk
26 open dormitory:

- 27 a. Sector 37: 12-bunk open dormitory, two four-bunk cells
28 b. Sector 38: 16 one-bunk cells

- 1 c. Sector 39: 8 four-bunk cells
- 2 d. Sector 40: 8 four-bunk cells
- 3 e. Sector 41: 16 one-bunk cells
- 4 f. Sector 42: 4 one-bunk cells
- 5 2. Male class members will be housed in the open dormitory (12 bunks),
- 6 Cell 4 (4 bunks) of Sector 37, and Cell 3 of Sector 42 (one bunk).
- 7 3. Class members are in the process of being transferred to the TLF and
- 8 are currently being housed on the lower floor of Module O Sector 37.
- 9 4. The following physical modifications to Sector 37 have been, or will
- 10 be completed within the designated time periods:
- 11 a. Lower one phone (ST)
- 12 b. Add one accessible table (IT)
- 13 c. Adjust fixture height and add dexterity fixture control (IT)
- 14 d. Add grab bars and bench seat for shower (completed)
- 15 e. Lower the book shelf (ST)
- 16 f. Lower (or add a second) mirror (ST)
- 17 g. Move the toilet flush button (ST)
- 18 h. Lower the intercom (ST)
- 19 i. Lower posting of jail rules (ST)
- 20 5. Cell 4 (four bunks) of Sector 37 will also house male class members.
- 21 This cell already complies with a number of the Court's Findings. The
- 22 following physical modifications are proposed:
- 23 a. Add an accessible combination toilet and sink unit (IT)
- 24 b. Add grab bars (ST)
- 25 c. Add an additional mirror (ST)
- 26 d. Lower the intercom (ST)
- 27 6. Class members housed in Cell 4 of Sector 37 shall have access to a
- 28 dayroom with an accessible shower, toilet and other features. The

1 upstairs dayroom of Module O Section 37 will be available to the class
2 members housed in Cell 4 of Sector 37 if those class members do not
3 have access to the dayroom available to the class members housed in
4 the 12-bunk open dormitory of Sector 37.

5 7. Male class members with classification restrictions or separation needs
6 will be housed in Cell 3 of Module O Sector 42. The following
7 physical modifications have been completed, or will be completed
8 shortly:

- 9 a. Adjust shower fixture height (ST)
- 10 b. Add grab bars and bench seat for shower (completed)
- 11 c. Lower the intercom (ST)

12 8. The upstairs dayroom of Module O Sector 37 will be utilized for class
13 members housed in Cell 3 of Sector 42. The following physical
14 modifications are proposed:

- 15 a. Add grab bars and bench seat for shower (ST)
- 16 b. Adjust placement of shower controls (ST)
- 17 c. Lower shower bracket (ST)
- 18 d. Install one accessible toilet/lavatory unit along with grab bars
19 (IT)
- 20 e. Modify table or replace table with swinging seats (IT)
- 21 f. Lower bookcase (ST)

22 9. Male class members in Module O will be provided with outdoor
23 recreation. They may choose the Green Sector at the TLF if their
24 classification status meets that of inmates housed in the Barracks and
25 their medical conditions permit. The following physical modifications
26 are proposed to the TLF Green Sector:

- 27 a. Modify or lower water fountain (IT)

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- 1 b. Redesign toilet area to meet accessibility standards (install
2 accessible toilet, adjust privacy walls, add grab bars) (LT)
- 3 10. Those male class members who do not fulfill the classification
4 requirements for outdoor recreation in the Green Sector at the TLF,
5 and those class members who specifically request to stay in their
6 housing area, will be provided with outdoor recreation in the Module.
7 The following physical modifications are proposed to the outdoor
8 recreation area within the Module:
- 9 a. Remove or shift the privacy wall (IT)
- 10 b. Add grab bars to toilet area (IT)
- 11 11. A visiting booth in Module O is already accessible. In addition, those
12 male class members whose classification meets that of inmates housed
13 at the James A. Musick Facility (JAMF) will be offered non-barrier
14 visits in the Barracks visiting area of the TLF.²
- 15 12. Male class members in Module O will be offered a full range of
16 inmate program opportunities. This will be accomplished by
17 providing programs in the Module and in the Inmate Programs
18 Building (IPB) or, if necessary, designated alternative locations in the
19 Barracks area of the TLF. Religious services will be provided in the
20 Module or in the chapel. Additionally, those male class members
21 whose classification meets that of inmates housed at the JAMF and
22 who have permitting medical conditions will be afforded the full range

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 four-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 of programs and services offered at the JAMF by transporting the
2 inmates to the JAMF when necessary.

3 13. The Sheriff's Department has a long term (LT) modification project to
4 install an ADA accessible modular structure(s) for programs, which
5 include(s) an ADA accessible bathroom in accordance with the Ruling.
6 A preliminary concept has been developed and is being further
7 researched.

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

19 15. The TLF will adjust its policies and procedures to accommodate the
20 above provisions. The policies will be in written form within one
21 month of the entry of the Final Judgment and provided to the monitor
22 and class counsel within 45 days of the entry of the Final Judgment.
23 Staffing resources will be adjusted to provide additional personnel to
24 escort and supervise male class members in Module O.

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

26 1. The Booking Loop will be utilized to receive, book, and process all
27 incoming class members. The Booking Loop contains the following
28 number of counters:

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A. Women’s Booking Area

Classification/Interview - 2

Fingerprint - 1

Adjustable Livescan Machine - 1

B. Men’s Booking Area

Classification/Interview - 3

Fingerprint - 2

Adjustable Livescan Machines - 3

Detention Release Interview - 2

ICE - 2 (not relevant to this proceeding)

C. Medical Interview/Triage Area - 3

2. Specially purchased lift-capable wheelchair(s) or lift(s) will be obtained to raise and lower class members to the height of current counter space to facilitate interaction with jail personnel and processes. Deputies will be trained to properly operate and maintain these chair(s) or lift(s). (IT)
3. All male class members will be processed and held in Cell 10 on the male side of the Booking Loop, which is accessible. All female class members will be processed and held in Cell 5 on the female side of the Booking Loop, which is accessible. Class members who have special or chronic medical needs will be specially accommodated or expedited through the booking process.
4. All class members will be prepared for court in their housing locations and transported directly to awaiting vehicles. They will not be required to remain in the Court Transfer area.
5. All class members being released from custody will be specially accommodated in their housing modules. All necessary release procedures will be conducted there, much the same as is done for

1 releases from the hospital. Released class members will be taken
2 directly to an exit location.

- 3 6. The Central Jail Complex (CJX) will adjust its policies and procedures
4 to accommodate the above provisions. The policies will be in written
5 form within one month of the entry of the Final Judgment and
6 provided to the monitor and class counsel within 45 days of the entry
7 of the Final Judgment.

8 **C. Intake Release Center (IRC) Module K.**

- 9 1. Module K at the IRC is made up of Sectors 9 through 14, containing
10 96 cells.
- 11 2. Female class members will be housed in Sector 13 of Module K until
12 such time as the CWJ is re-opened. Cells 3, 5, and 7 will be modified
13 initially (IT), and further plans are being developed to provide cells
14 and/or cell space for ten female class members. The redesign of
15 Sector 13 will include ADA compliant shower and toilet facilities in
16 the dayroom (LT).
- 17 a. These cells will serve as general population and special-needs
18 housing for those class members with classification or
19 separation orders.
- 20 b. The following physical modifications are proposed for the
21 Sector 13 dayroom:
- 22 i. Modification of one dayroom table (IT)
23 ii. Lower phones and intercoms in dayroom (ST)
24 iii. Lower posting of jail rules (ST)
- 25 c. The Sheriff's Department has developed a plan for accelerated
26 modifications to Module K, which can be accomplished by
27 February 28, 2012. See, Ruling 13:22-26. The modifications
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will include accessible toilet and shower facilities in the Module K dayroom.

3. Female class members in Module K will be provided with outdoor recreation. If their classification status meets that of inmates housed at the JAMF and their medical conditions permit, they will be offered the outdoor area of the South Compound at the JAMF and will be transported to and from that facility. Those who do not fulfill these requirements, and those who specifically request to stay in their housing area, will be provided with outdoor recreation in the Module. The following physical modifications are proposed for the outdoor recreation area inside the Module:
 - a. Redesign and construction of the toilet, sink area (IT)
 - b. Lower intercom (IT)
4. All female class members will be provided with their choice of non-barrier visits at the JAMF, or barrier visits in the Attorney Bonds area of the CWJ. In the long term, a special lift will be installed on the stairway leading to the visiting booths in Module K to accommodate female class members (LT).
5. Female class members in Module K will be offered a full range of inmate program opportunities. Programs currently offered at the IRC are proposed available to class members in the chapel/classroom at the IRC. Religious services will also be made available to class members in the chapel/classroom. Additionally, those female class members whose classification meets that of inmates housed at the JAMF and whose medical conditions permit will be transported to and afforded the full range of programs offered at the JAMF in accessible classrooms.

- 1 6. The CJX will adjust its policies and procedures to accommodate the
- 2 above provisions. The policies will be in written form within one
- 3 month of the entry of the Final Judgment and provided to the monitor
- 4 and class counsel within 45 days of the entry of the Final Judgment.
- 5 7. The CPT assigned to the Module K inmate housing location will
- 6 coordinate with the Deputies in Module K to facilitate programs and
- 7 services for class members. The CPT will provide information
- 8 regarding all available programs and services to class members in
- 9 Module K and document each contact with said inmates. The
- 10 documented information will include whether or not each class
- 11 member has requested a particular program or service. The CPT's
- 12 supervisor will keep these records on file for three years. The
- 13 Correctional Programs staff will make all programs and services
- 14 available to all class members with qualified classification and medical
- 15 status.

16 **D. Intake Release Center (IRC) Module L.**

- 17 1. Male class members with chronic or severe mental health illness will
- 18 be housed in Cell 7 of Sector 17 in Module L. The following physical
- 19 modifications to this cell are proposed:
 - 20 a. Install a grab bar adjacent to the ADA combination toilet-sink
 - 21 unit (ST)
 - 22 b. Lower the mirror (ST)
 - 23 c. Replace the floor mounted concrete and cinder block bunk with
 - 24 a free standing bunk or a wall hung bunk (LT)
- 25 2. The Sheriff's Department will initiate the following physical
- 26 modifications to the dayroom of Sector 17:
 - 27 a. Install an ADA-compliant sink and toilet (LT)
 - 28 b. Lower phones and intercoms (ST)

- 1 c. Modify table or replace table with swinging seats (IT)
- 2 d. Lower posting of jail rules (ST)
- 3 e. Modify existing shower for accessibility, or install accessible
- 4 shower (LT)
- 5 3. Male class members in Module K will be provided with outdoor
- 6 recreation. If their classification status meets that of inmates housed at
- 7 the JAMF and their medical and mental health conditions permit, they
- 8 will be offered the outdoor area of the West Compound at the JAMF
- 9 and will be transported to and from that facility. Those who do not
- 10 fulfill these requirements, and those who specifically request to stay in
- 11 their housing area, will be provided with outdoor recreation in the
- 12 Module. The following physical modifications are proposed for the
- 13 outdoor recreation area inside the Module:
- 14 a. Redesign and construction of the toilet, sink area (IT)
- 15 b. Lower intercom (IT)

16 **E. Central Women’s Jail (CWJ) (not currently occupied by inmates).**

- 17 1. The CWJ currently houses no inmates; however, rising inmate
- 18 population demands will inevitably require the Sheriff’s Department to
- 19 utilize this facility. When the need arises, the Sheriff’s Department
- 20 will ensure that female class members transferred to the CWJ will be
- 21 housed in areas with ADA accessible features equal to or greater than
- 22 their current housing locations at the IRC. Counsel and the monitor
- 23 will be permitted to inspect designated housing areas of the CWJ
- 24 before class members are transferred there. See, Rulings 16:27-17:2.
- 25 2. Female class members will be housed in Tank 13 on the first floor.
- 26 Tank 13 is open dormitory-style housing, and will be the primary
- 27 housing location for all general population female class members in
- 28 the future. The following physical modifications are proposed:

- 1 a. Redesign and construction of the bathroom and dayroom areas
- 2 for accessibility (LT)
- 3 b. Lower bookshelf (ST)
- 4 c. Lower intercom (ST)
- 5 d. Lower phones (ST)
- 6 e. Add heightened bunks to assist with inmate transfer (IT)
- 7 3. Female class members with classification restrictions or separation
- 8 needs will be housed in Sheltered Living Cells 1 and 2, and Isolation
- 9 Cell 3. These cells will receive the following modifications:
- 10 a. Lower intercom (ST)
- 11 b. Lower mirror (ST)
- 12 4. Female class members will be provided with showers in the first floor
- 13 shower area, which will receive the following modifications:
- 14 a. Widen doorway (LT)
- 15 b. Adjust shower fixture (IT)
- 16 c. Modify grab bars (IT)
- 17 5. Cell 10 of the Infirmary is an accessible cell and the nearby dayroom
- 18 can be utilized with the following modifications:³
- 19 a. Redesign and construction to enlarge the toilet/sink area to make
- 20 them “fully accessible” (LT); see, Rulings 17:11-12.
- 21 b. Lower phone (IT)
- 22 c. Lower intercom (IT)
- 23 d. Lower mirror (ST)
- 24 6. Female class members in the CWJ will be provided with outdoor
- 25 recreation. They may choose the outdoor area of the roof at the CWJ,
- 26

27 ³ The modifications to the sink and toilet will be completed before inmates are
28 transferred in order to ensure that the facilities are as accessible as those in the prior
housing. Rulings 17:13-16.

1 or the South Compound of the JAMF if their classification status
2 meets that of inmates housed at the JAMF and their medical conditions
3 permit. The following physical modifications are proposed for the
4 roof area of the CWJ:

- 5 a. Lower phone (IT)
 - 6 b. Lower bulletin board (ST)
 - 7 c. Modify water fountain (IT)
 - 8 d. Close the restroom on the roof of the CWJ to all inmates
- 9 7. Those female class members whose classification meets that of
10 inmates housed at the JAMF and whose medical conditions permit will
11 be afforded non-barrier visits at the JAMF or the non-barrier Attorney
12 Bonds area of the CWJ.
- 13 8. Female class members in the CWJ will be offered a full range of
14 inmate program opportunities. This will be accomplished by
15 providing some programs and religious services in the second floor
16 accessible classroom of the CWJ. Additionally, those female class
17 members whose classification meets that of inmates housed at the
18 JAMF and whose medical conditions permit will be offered the full
19 range of programs offered at the JAMF.
- 20 9. The CWJ will adjust its policies and procedures to accommodate the
21 above provisions when class members are moved to CWJ. See,
22 Rulings 18:2-5.
- 23 10. The CPT assigned to the class member housing location will
24 coordinate with the Deputies to facilitate programs and services for
25 class members. The CPT will provide information regarding all
26 available programs and services to class members in the CWJ and
27 document each contact with said inmates. The documented
28 information will include whether or not each class member has

1 requested a particular program or service. The CPT's supervisor will
2 keep these records on file for three years. The Correctional Programs
3 staff will make all programs and services available to all class
4 members with qualified classification and medical status.

5 **F. Central Men's Jail (CMJ).**

6 1. The CMJ will house male class members in Ward C, Ward D, and the
7 Sheltered Living cells on the second floor. These areas will receive
8 the following modifications:

9 a. Wards C & D

10 i. Redesign of bathroom and shower area (LT). The Ward
11 C renovation will be expedited by a Work Change Order
12 for an existing project. The work will be completed no
13 later than February 28, 2012. See, Rulings 18:14-17.

14 ii. Lower mirror (ST)

15 iii. Lower posting of jail rules (ST)

16 iv. Lower phone (IT)

17 v. For dayroom provide accessible cable (ST)

18 b. Sheltered Living Cells 1, 3, and 4 are largely accessible and the
19 dayroom/shower area will accommodate male class members.

20 These areas will receive the following proposed modifications:

21 i. Dayroom/shower area (to be completed within four
22 months of Final Judgment) Rulings 18:22-24.

23 a. Modify shower (IT)

24 b. Modify sink (IT)

25 c. Lower mirror (ST)

26 d. Adjust grab bars (IT)

27 ii. Cells 1, 3, and 4

28 a. Relocate the flush valve in all three cells (IT)

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- b. Add grab bar in Cell 3 (IT)
- 2. Male class members in the CMJ will be provided with outdoor recreation. They may choose the Green Sector at the TLF, or the JAMF, if their classification status and medical conditions permit. The roof recreation area at the CMJ will be used by class members whose classification level does not meet these criteria, and by class members who opt to have their recreation there. Class members who are transported to the TLF or the JAMF for outdoor recreation will be assisted by the CPT in coordinating that activity. The following modifications are proposed for the roof recreation area of the CMJ:
 - a. Install continuous hand rails above ramp (ST)
 - b. Install warning curb on outside of ramp (IT)
- 3. Documentation regarding the transport of class members housed in Wards C and D to and from the dayroom shower will be maintained and provided to the monitor consistent with the County's documentation proposal.
- 4. The CJX will adjust its training and its policies and procedures to accommodate the above provisions. The policies and procedures will be in written form within one month of the entry of the Final Judgment and provided to the monitor and class counsel within 45 days of the entry of the Final Judgment. See, Rulings 18:25-27.
- 5. The CPT assigned to the class member housing location will coordinate with the Deputies to facilitate programs and services for class members. The CPT will provide information regarding all available programs and services to class members in the CMJ and document each contact with said inmates. The documented information will include whether or not each class member has requested a particular program or service. The CPT's supervisor will

1 keep these records on file for three years. The Correctional Programs
2 staff will make all programs and services available to all class
3 members with qualified classification and medical status.

- 4 6. Those male class members whose classification meets that of inmates
5 housed at the JAMF and whose medical conditions permit will be
6 offered non-barrier visits in the Attorney Bonds area of the CMJ.

7 **G. James A. Musick Facility (JAMF).**

- 8 1. The JAMF will be utilized to provide outdoor recreation to those class
9 members whose classification level meets that of inmates housed at the
10 JAMF and whose medical conditions permit.
- 11 2. The JAMF will also be utilized to provide non-barrier visits to all
12 female class members while the CWJ is not occupied, and to those
13 male class members whose classification meets that of inmates housed
14 at that facility.
- 15 3. A full range of programs will be offered to all class members whose
16 classification level meets that of inmates housed at the JAMF and
17 whose medical conditions permit. Class members will be transported
18 to and from the JAMF for that purpose.
- 19 4. The following Vocational Programs and Classes are currently being
20 offered at the JAMF: cabinetry; sewing; stained glass; welding;
21 Mothers of Preschoolers (MOPS); job development; and “Sew Much
22 Comfort.”
- 23 5. The Sheriff’s Department is prohibited by contract and law from
24 allowing the ICE Detainees housed at the JAMF to participate in
25 Vocational Classes. For that reason, and due to the overall low inmate
26 population, there are no longer enough inmates to make it cost
27 effective to provide these Vocational Classes in the future.
28 Consequently, the Sheriff’s Department has begun the process of

1 eliminating these classes. In the interim, the CPT will provide
2 information regarding all JAMF vocational classes to class members in
3 TLF Module O, IRC Module K, and CMJ locations, and will
4 document each contact with said inmates. Those inmates who meet the
5 classification requirements and have permitting medical conditions
6 will be transported to JAMF for the respective classes.

- 7 6. The information documented by the CPT will include whether or not
8 each inmate has requested a particular vocational program or class.
9 The CPT's supervisor will keep these records on file for three years.

10 **H. System-wide Plans.**

11 1. Compliance

12 a. Facility Compliance

13 The Inmate Services Division and each Jail Division will
14 identify a facility compliance officer who will conduct meetings
15 with staff, ensure overall compliance with this Court's Final
16 Judgment, coordinate training, and review grievances. Janet
17 Hayes of the S.A.F.E. Division will serve as the Sheriff's
18 Department's Compliance Coordinator with regard to this
19 Court's Final Judgment.

20 b. Plaintiffs' Counsel's Access and Responsibilities

21 Plaintiffs' counsel will have an ongoing role to review the
22 reports of the monitor, make reasonable inspection of the jail
23 facilities, communicate with class members, and seek
24 enforcement of the injunctive relief order if non-compliance is
25 found. To facilitate this process, the County will cooperate with
26 the monitor and:

- 27 i) Grant Plaintiffs' counsel the ability to participate in two
28 on-site inspections conducted by the monitor within the

1 first year following entry of the Final Judgment and to
2 conduct one additional inspection in the second year.
3 After the expiration of two years, if Plaintiffs seek to
4 extend the injunction, they may conduct an additional
5 inspection in preparation for any motion to extend the
6 injunction;

- 7 ii) Provide Plaintiff's counsel with the ability to review,
8 upon reasonable request, all relevant compliance
9 documentation maintained by the County while the
10 injunction is in effect;
11 iii) Provide Plaintiff's counsel with copies of the relevant
12 training materials, and policies and procedures developed
13 pursuant to the Court's Final Judgment, while the
14 injunction is in effect; and
15 iv) Provide Plaintiffs' counsel with the opportunity to meet
16 with class members, upon reasonable notice to the
17 County.

18 c. CHS/Classification

19 CHS will be responsible for identifying potential class members
20 during the triage process. CHS will collaborate with
21 Classification to maintain a database for all class members to
22 ensure they are appropriately housed and receive all eligible
23 programs and services. Classification will provide ongoing and
24 continuous review of all class members.

25 2. Special Needs Class Members

26 Those class members with mental health conditions or disorders
27 will be accommodated in the above identified housing areas. Male
28 class members will be housed in Module L and female class

1 members in Module K. Those class members with severe mental
2 health disorders will be cared for at the hospital, consistent with the
3 treatment of non-class member inmates.

4 3. Training

5 Training will be given to all transportation personnel, programs
6 staff members, and security staff members assigned to housing
7 locations where class members are housed. Specific training will
8 be provided to ensure that staff members meet their obligations to:
9 explain transportation opportunities; coordinate with Inmate
10 Programs staff regarding class availability; coordinate
11 transportation; and document all class members who are offered
12 programs, or transported to other facilities for programs. The
13 training curriculum will include applicable law, this Court’s Final
14 Judgment, policies and procedures, and proper documentation.
15 See, Rulings 12:18-20. Training will be provided by an
16 individual(s) qualified to train personnel on ADA-related topics.

17 4. Policies & Procedures

18 The Sheriff’s Department will incorporate the Final Judgment into
19 its Jail Operations Manual (JOM).

20 5. Documentation

21 a. The Sheriff’s Department will create a process to document,
22 report, and monitor the visitation of all class members. See,
23 Rulings 19:5-7. This documentation will include all requests for
24 visits, when and where the visits were conducted, and whether
25 the visitation was denied due to the inability to accommodate
26 the class member’s disability. Qualifying class members will
27 also be “informed in writing that they are entitled to request
28

1 non-barrier visits at the JAMF and the CMJ/CWJ.” These
2 records will be maintained for three years. See, Rulings 15:2-8.

3 b. The Sheriff’s Department will document, report, and monitor
4 class member contacts, offers of programs, transportation for
5 programs (see, Rulings 19:8-10), program attendance, visitation,
6 shower access, dayroom use, and recreation. Documentation
7 will be maintained for three years and provided to the monitor
8 on a quarterly basis. See, Rulings 12:18-20.

9 c. Documentation of staff training will be maintained for three
10 years and provided to the monitor on a quarterly basis. *Id.*

11 **I. Notice Of Rights.**

- 12 1. The County will ensure that notices are posted at a level that is
13 readable by class members, including those in wheelchairs.
- 14 2. The County will provide an accessibility compliance officer for each
15 facility, with a minimum of six hours of training on accessibility
16 standards, their application in jail settings, and the compliance
17 officer’s responsibilities to process and respond to requests for
18 accommodation and/or complaints of denial of access to programs and
19 services. The compliance officer will meet with staff and the monitor
20 on a quarterly basis to ensure compliance with the Final Judgment.
- 21 3. The County has instituted a new grievance process which will take
22 effect within the short term, and is designed to maintain and track all
23 inmate grievances which raise claims under the ADA. The new
24 grievance process includes a database that will store and permit
25 tracking of ADA grievances, and incorporates the other aspects of the
26 grievance process that this Court has already approved.

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1 **4. ENFORCEMENT PROCEDURES**

- 2 1. The Court has appointed a monitor to gather information, assess the
- 3 County’s compliance with the Final Judgment and injunction, and
- 4 provide the parties and the Court with reports identifying non-
- 5 compliance and recommendations for further modifications. See,
- 6 Rulings 2:26-3:1.
- 7 3. Upon reasonable cause to allege non-compliance, Plaintiffs’ counsel
- 8 shall provide the Sheriff’s Department with notice and opportunity to
- 9 correct the non-compliance or to make modifications.
- 10 4. The parties shall endeavor in good faith to resolve reported disputes
- 11 informally. If an issue identified by Plaintiffs’ counsel is not
- 12 corrected or modified within 30 days of providing notice, either party
- 13 may apply to the Court for a hearing regarding the issue.
- 14 5. The injunctive relief is terminable two years after its entry in
- 15 accordance with 18 U.S.C. § 3626(b).

16 The Court will retain jurisdiction to ensure that the parties fulfill their
17 obligations under the injunction and to resolve disputes and/or fashion relief as
18 necessary to carry out the injunctive relief provisions.

19 **IT IS SO ORDERED**

20 Dated: June 28, 2011



 AUDREY B. COLLINS
 States District Court Judge

21 United

22 Respectfully submitted,

23 LAWRENCE BEACH ALLEN & CHOI, PC

24 By _____

25 /s/

26 DAVID D. LAWRENCE

27 CHRISTINA M. SPRENGER

28 Attorneys for Defendant

 COUNTY OF ORANGE

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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 June 28, 2011, I electronically filed the foregoing **DEFENDANT’S AMENDED FINAL PROPOSED PLAN SUBMITTED PURSUANT TO THE COURT’S JUNE 27, 2011 ORDER** 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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Wendy J Phillips wendy.phillips@coco.ocgov.com
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 June 28, 2011, at Santa Ana, California.

Signature of Declarant