



Agreement Between County of Orange and Disability Rights California

Expert Monitor's Report (Fifth Round)

Elimination of Harmful Restrictive Housing and Disciplinary Practices

On-Site Review: August 26-30, 2024

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I. Introduction

On March 22, 2018, Disability Rights California (DRC) notified the County of Orange of its intent to monitor Orange County Jail facilities, as consistent with its federal and state law authority to monitor facilities with respect to the rights and treatment of individuals in California who have disabilities.

DRC and its authorized agents conducted facility monitoring tours of the Jail on May 10-11, 2018, June 11, 2018, and January 30-31, 2019. DRC's monitoring included (1) interviews with leadership and Staff from the Orange County Sheriff's Department (OCSD) and Correctional Health Services (CHS), (2) interviews and other communications with a substantial number of people in custody at the Jail during and outside of the above-mentioned monitoring tours, and (3) review and substantive analysis of relevant records, data, and policies.

On March 8, 2019, DRC issued findings from its monitoring investigation of Orange County Jail facilities, including issues related to the rights of incarcerated people with disabilities, the treatment of incarcerated people with mental health care needs, the use of restrictive housing, and the treatment of incarcerated people who identify as LGBTQ.

Following the issuance of DRC's findings, the Parties engaged in discussions regarding a process to address the findings without the need for adversarial litigation.

On November 21, 2019, the Parties executed a Negotiations Agreement, which provided a procedural framework for resolving the disputed claims.

Consistent with the Parties' Negotiations Agreement, the Parties mutually agreed for Sabot Consulting to serve as a neutral expert (1) to conduct a comprehensive, independent review of policies, procedures, and practices related to the topics set forth in the Settlement Agreement (SA), and (2) to complete a report with findings and recommendations to address any identified deficiencies. The County retained Sabot Consulting to serve as the neutral expert pursuant to an agreement executed on January 25, 2020 (amended on February 22, 2020, and August 1, 2022).

Sabot Consulting's team of experts conducted site visits at the Jail during the months of March, May, and June 2020. The assessment included interviews with incarcerated persons, sworn Staff, and non-sworn Staff working at the Jail, as well as an extensive policy and data review.

On March 19, 2021, Sabot Consulting submitted to the Parties its Final Report, Orange County Sheriff's Department Custody Operations: Americans with Disabilities Act, Restrictive Housing, LGBTQI, and Healthcare Program Assessment.

Consistent with the Parties' Negotiations Agreement, the Parties then engaged in careful negotiations of a Remedial Plan (RP) to address the findings of Sabot Consulting's Assessment Report and to implement its recommendations, as appropriate. Negotiations

were substantially informed by DRC's ongoing review of relevant records, data, and other materials, information-sharing with the County, and communication with people incarcerated at the Jail.

While Sabot Consulting's assessment and the Parties' negotiations were necessarily slowed by the circumstances of the COVID pandemic, the Parties' negotiations have proceeded as expeditiously as possible towards a resolution and formal agreement. In consultation with DRC and its authorized agents, the County has already begun to implement several of Sabot Consulting's recommendations and related remedial actions during the period of negotiations.

The County agreed to implement the provisions of the RP, subject to monitoring by Sabot Consulting and by DRC with its authorized agents and further discussions between the Parties.

The County agreed to develop and implement appropriate and adequate plans, policies, and practices to ensure implementation of and compliance with the RP. During the period of monitoring pursuant to the Parties' Agreement, the County is required to submit plans or policies to DRC for review and comment.

DRC's March 2019 findings letter and Sabot Consulting's Assessment Report each identified concerns regarding the treatment of incarcerated people with mental health disabilities at the Jail.

- Subsequent to those findings, the County has taken and continues to take steps to enhance Jail mental health care programming.
- Certain mental health-related issues are addressed in the RP, including as related to disability-related accommodations and program access, reforms to restrictive housing/isolation practices, and reforms to disciplinary practices as they apply to people with mental health or other disabilities.
- The Parties agree that the Jail's mental health treatment programming requires further development to meet the needs of the population. The Parties further acknowledge that DRC and its authorized agents will continue to monitor the treatment of people with mental health disabilities at the Jail, including through monitoring processes.
- If DRC identifies concerns with respect to the care and treatment of people with mental health disabilities, it will raise those concerns with the County and confer in good faith as to necessary remedial action to address any such problems. If DRC finds that such concerns are not adequately addressed, it will so inform the County and may take any necessary action, including by any legal means, to protect the rights of people with mental health disabilities.

II. The Expert's Monitoring Role and Monitoring Activities

The Parties previously agreed to a process and framework for monitoring the implementation of the RP. The Parties also agreed in the Negotiations Agreement and continue to agree that Sabot Consulting will serve as the neutral Expert for purposes of monitoring the RP implementation.

The Expert is required to complete a comprehensive review (Compliance Review) of the County's implementation of the components of the RP within 180 days of the execution of the Agreement and conduct a Compliance Review every 180 days thereafter during the term of the Agreement. The Expert is required to review whether the County has adequately implemented each component of the RP and is required to identify which components, if any, are not yet adequately implemented.

As part of the Compliance Review, the Expert is required to issue a draft report (Compliance Report) that states their opinion as to whether the County has adequately implemented the components of the RP and which components, if any, are not yet adequately implemented. Within fifteen (15) days following the issuance of a draft Compliance Report, the Parties may provide written responses to the draft Compliance Report. If either Party submits a written response to the draft Compliance Report, the Expert will consider the response(s) and issue a final report within fifteen (15) days. The final report will address any written responses submitted by the Parties. If neither Party submits a written response to the draft report, the Expert's draft report will become the final report.

Within 15 days of the issuance of the Expert's final Compliance Report, the Parties will meet and confer to discuss the Expert's findings and recommendations. Within 30 days of the issuance of the final Compliance Report that includes a finding that the County has not adequately implemented one or more components of the RP, the County shall develop a proposed plan that identifies the actions it will take to address the Expert's findings (Action Plan). The Parties will then have 30 days to agree upon the County's proposed Action Plan or negotiate a revised Action Plan.

If the Expert issues two successive Compliance Reports, finding that the County has adequately implemented the same component of the RP, such a finding will result in a suspension of monitoring by the Expert of the corresponding component. The Expert may, however, continue to review whether the County has adequately implemented a component for which monitoring has been suspended pursuant to this provision if such review is necessary for determining whether the County has adequately implemented other components of the RP for which monitoring has not been suspended pursuant to this provision. If, during the term of the Agreement, DRC forms the good faith belief that the County is no longer adequately implementing a component of the RP for which the Expert had suspended monitoring pursuant to this provision, DRC shall promptly notify the County in writing and present a summary of the evidence upon which such a belief is based. Within 30 days thereafter, the County shall serve a written response stating whether it agrees or disagrees with DRC's position. In the event that the County agrees, monitoring by the Expert and DRC pursuant to this Agreement shall resume with respect to the RP component(s) at issue. In the event the County disagrees, the Parties shall present to the Expert in writing their positions. The Expert will, within 30 days, issue a written decision regarding whether to resume monitoring of the RP component(s) at issue.

B. Monitoring Process

In each Compliance Report, the Expert is required to identify whether the County has adequately implemented each RP provision. The Expert is required to make the findings utilizing the following definitions:

Adequately Implemented (AI): Implementation of all or most components of the relevant RP provision, and no significant work remains to accomplish the goal of that provision.

Partially Implemented (PI): Implementation of some components of the relevant RP provision and significant work remains to reach adequate implementation.

Not Implemented (NI): No implementation of most or all the components of the relevant RP provision, and significant work remains to reach partial implementation.

Un-ratable (UR): Used where the Expert has not been provided data or other relevant material necessary to assess implementation or factual circumstances during the monitoring period, making it impossible for a meaningful review to occur at the present time.

Not Assessed (NA): Used where the Expert has not assessed implementation with a particular provision during a monitoring period. This designation should be used only where circumstances make it infeasible for the Expert to complete the assessment during the monitoring period.

Monitoring Suspended Based on Previous Findings of Compliance (MS): Used where two previous successive Compliance Reports have found that the provision has been adequately implemented.

III. Executive Summary

This is the fifth Expert Monitor Review to measure Orange County's compliance with the SA, which addresses related mandates, including:

- I. Systemwide Increase of Minimum Out-of-Cell Time.
- II. Closure of Disciplinary Isolation (DI) Cells and Central Men's Living Cells to End Housing of People in Areas of Extreme Sensory Deprivation and Lack of Program Space.
- III. Creation of Special Management Unit (SMU) Status.
- IV. Prohibition on Discipline for Behaviors That Are Related to Mental Health or Disability, Prohibition on Sanctions That Pose Risk of Serious Harm.

The fifth round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail (CWJ), and the Intake Release Center & Transportation (IRC). The on-site Monitoring Review was conducted from August 26 thru August 30, 2024. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); on-site observations; interviews of sworn and non-sworn personnel (e.g., housing deputies, HCA CHS healthcare staff (medical and mental health) classification staff; and interviews of incarcerated persons housed at the OC jails.

A meeting was conducted with representatives from the County of Orange (Orange County Jail Administration and Staff from the County Counsel's Office). DRC Representatives were also present during the meeting and during portions of the monitoring tour. An exit meeting was conducted via Zoom on September 16, 2024, with representatives from the County of Orange (Jail Administration and Staff from the County Counsel's Office) and DRC Representatives.

The Orange County Sheriff's Department's (OCSD) professionalism, facilitation, and coordination ensured Expert access to all facilities, staff, and incarcerated persons for interviewing purposes and is greatly appreciated. The Expert found the Staff was open and transparent in their responses during the staff interviews.

The Expert finds that some of the provisions as set forth in the SA and RP (and local policies/procedures) have been implemented and continue to be found as "Adequately Implemented." However, the Expert finds that in some cases, more information and evidence are needed to make a determination of compliance for the required elements.

For areas that were found not "Adequately Implemented," a thorough assessment will continue to be made in future monitoring tours, including the review of proof of practice documentation. The Expert notes that with the implementation of related policies, procedures, and training, Staff are now better informed and have an understanding of the SA and RP requirements and how the SA correlates to their respective job duties.

As this was the fifth monitoring tour, all elements of the SA, except for the SMU processes, were evaluated for compliance. The parties agree that the SMU portion of the RP should not be monitored provision-by-provision, primarily because the County has chosen not to maintain an SMU housing designation in its system. The Expert is pointing out some specific areas the County must focus on in order to ensure the incarcerated persons are provided the required minimum

out-of-cell time (dayroom and exercise/ recreation), dayrooms and recreation yards are available for use from 0600-2300, documentation of the provision/refusals of dayroom and recreation yard for each incarcerated person, offering of additional dayroom and recreation yard opportunities when the availability of dayrooms and recreation yard exists, implementation of policies and procedures for Staff to make a meaningful consideration of the relationship of the disability (mental health, intellectual/developmental) and behaviors that may violate jail rules, as well as the efficacy/appropriateness of the disciplinary measures versus alternative interventions and the impact of the disciplinary measures on the health and well-being of the incarcerated persons with mental health and intellectual/developmental disabilities.

Incarcerated person interviews and the Expert's review of the Dayroom and Recreation Logs produced by the County revealed some improvement in the provision of out-of-cell time (dayroom). However, provision of recreation opportunities, and the accurate documentation of access to and/or refusal in both of those two areas continues to be a challenge for Staff. Furthermore, the continued challenge for Staff to document access to dayroom or recreation further convinces the Expert that sworn supervisory-level staff must audit the logs for completion as required by the RP, to ensure compliance and as of this tour it does not appear this is consistently occurring.

The Expert was apprised at the beginning of this tour that a standardized Dayroom and Recreation Log is being rolled out for use across all housing areas. The newly designed logs are being utilized in some of the housing areas at TLF. In most areas, the out-of-cell time (Recreation Yard Log) entries remain inconsistent and vary from facility to facility and Mod to Mod. It is the Expert's expectation that with the activation and rollout of Guardian RFID, coupled with the standardization of logging the dayroom and recreation activities using the newly designed log, will greatly assist OCSD in documenting the provision/offering of dayroom or recreation opportunities and will assist the Expert in measuring the County's compliance with the SA's requirement.

Staff assigned to Green Sector recreation continue to be frequently redirected, and this practice will prevent OCSD from providing adequate access to the required recreation time at TLF.

The Expert notes the County has adequately implemented the following RP requirements:

- Providing incarcerated person access to toilet facilities during their dayroom time.
- Rotating the dayroom opportunity daily.
- Documenting circumstances when an incarcerated person is at court or an off-site medical appointment during their scheduled dayroom/recreation yard time.
- Consistent with safety and security needs, maximizing opportunities for incarcerated persons in celled housing to interact with others during the out-of-cell time.
- Ensuring incarcerated persons are offered some opportunities for out-of-cell time during normal daylight hours each week.
- Closure of the DI cells in the CMJ, IRC, TLF, and CWJ.
- Designation of a supervisory-level Disciplinary Hearing Officer for each OC jail facility.

The Expert's report identifies areas deemed as Adequately Implemented, Partially Implemented, Not Implemented, Unratable, Not Assessed, and Monitoring Suspended Based on Previous Findings of Compliance. The areas deemed as Unratable are generally due to a lack of implementation and/or a lack of policy/procedures and/or other supporting documentation.

The following reflects the overall ratings given for the 25 areas rated:

- Adequately Implemented - Five (5)
- Partially Implemented - Eleven (11)
- Not Implemented - One (1)
- Un-ratable - Zero (0)
- Not Assessed - Two (2)
- Monitoring Suspended Based on Previous Findings of Compliance - Six (6)

It is the Expert's belief as the County continues to implement vital components of the SA, including those outlined in this report, the areas found other than Adequately Implemented will progress to an Adequately Implemented rating.

This report details the pre-monitoring tour document review, on-site monitoring, and Staff and incarcerated person interviews and also includes findings and recommendations/actions the County must make to move towards meeting the mandates of the SA and RP.

Based on the document review and on-site monitoring tour, the summary of ratings and recommendations are listed below:

PROVISION	REQUIREMENT	CURRENT RATING	PRIOR RATING
I.	SYSTEMWIDE INCREASE OF MINIMUM OUT-OF-CELL TIME		
I.B.1.	Out of cell time (21 hours of dayroom per week) Recommendations: Ensure consistent provision of the required three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week. Ensure supervisors audit the Dayroom Logs for staff compliance. Ensure all Mods utilize the standardized Dayroom Logs. Continue decreasing the number of groups and increasing the sizes of the groups for all Mods if classification factors allow. Ensure the Dayrooms are consistently operating during the hours of 0600 through 2300. Implementation of the Guardian RFID.	PI	PI
I.B.1.a	Additional dayroom beyond three (3) hours per day	PI	PI

	Recommendations: Ensure additional dayroom time beyond the three (3) hours per day is offered when the dayrooms are available. Ensure supervisors audit the Dayroom Logs for staff compliance.		
I.B.1.b.	Access to toilet facilities during dayroom	MS	MS
I.B.1.c.	Documentation of exigent circumstances precluding minimum dayroom time	MS	MS
I.B.d.	Scheduled programming in dayroom included in the three hours per day of dayroom time.	NA	NA
I.B.2.	Three (3) hours per week of outdoors for exercise. Recommendations: Ensure Staff consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. Ensure supervisors audit the Recreation Logs for staff compliance. Continue decreasing the number of groups and increasing the sizes of the groups for all Mods if classification factors allow. Ensure the recreation yards are consistently operating during the hours of 0600 through 2300. Implementation of the Guardian RFID.	PI	PI
I.B.2.a.	Additional Opportunities for recreation or outdoor exercise Recommendations: Ensure that additional outdoor exercise and/or recreation time beyond the three (3) hours per week are offered and provided as scheduling and classification needs allow. Ensure supervisors audit the Recreation Logs for staff compliance.	PI	PI
I.B.2.b.	Documentation of exigent circumstances precluding minimum outdoor recreation time Recommendations: Ensure the Recreation Logs include documentation of the reasons that precluded the provision of the minimum outdoor time in the given week. Implementation of the Guardian RFID	PI	PI
I.B.3.	Additional programming including use of electronic tablet.	AI	PI
I.C.	Steps to maximize opportunities for interaction with others during dayroom.	MS	MS
I.D.	Accommodations for individual needs regarding time of day for out of cell time	AI	PI
I.E.	Out of cell time during normal daylight hours	MS	MS
I.F.	Utilization of an effective electronic system for documenting and tracking the amount of out-of-cell time Recommendations: Ensure the electronic system, when implemented, documents and tracks the amount of out-of-cell time that each person in custody is offered and receives. The tracking system must have the capability/functionality to track the following:	PI	PI

	<ul style="list-style-type: none"> Dayroom offered for every incarcerated person (date and time including weekly totals). Dayroom provided for every incarcerated person (date and time including weekly totals). Dayroom refusals for every incarcerated person (date and time, including weekly totals). Cases of emergency or security-related events (count, searches, and lockdowns) where the Dayrooms were not open. Cases where the incarcerated person is at court or an off-site medical appointment. Scheduled program participation in the dayroom. Recreation yard offered for every incarcerated person (date and time including weekly totals). Recreation yard provided for every incarcerated person (date and time including weekly totals). Recreation yard refusals for every incarcerated person (date and time, including weekly totals). Cases related to exigent circumstances or inclement weather that preclude the provision of the minimum outdoor time in a given week. Restriction of dayroom and recreation yard access related to infectious disease control. 		
I.G.	<p>Electronic audits to ensure that OCSD is offering the required out-of-cell time</p> <p>Recommendations:</p> <p>Ensure supervisory staff conduct and document electronic audits at least weekly to ensure that OCSD is offering the required out-of-cell time consistent with the RP provisions.</p>	NI	NI
I.H.	Temporary restriction of dayroom and outdoor recreation	NA	NA
I.J.	<p>Referral to CHS when person refuses out-of-cell time repeatedly (e.g., more than 3 times in one week) and the reason for refusals may be related to mental health, medical, or disability status</p> <p>Recommendations:</p> <p>Ensure Staff makes a referral to CHS (urgent or higher) for assessment and appropriate clinical follow-up for cases where an incarcerated person refuses out-of-cell time repeatedly (e.g., more than three times in one week) and the reason for such refusals may be related to their mental health, medical, or disability status.</p>	PI	PI
II.	CLOSURE OF DISCIPLINARY ISOLATION (DI) CELLS AND CENTRAL MEN'S SHELTERED LIVING CELLS TO END HOUSING OF PEOPLE IN AREAS OF EXTREME SENSORY DEPRIVATION AND LACK OF PROGRAM SPACE		
II.A-D	Closure of Disciplinary Isolation Cells	MS	MS

III.	CREATION OF SPECIAL MANAGEMENT UNIT (SMU) STATUS		
III.A-O	Special Management Unit and Status	NR	NR
IV.	PROHIBITION ON DISCIPLINE FOR BEHAVIORS THAT ARE RELATED MENTAL HEALTH OR DISABILITY, PROHIBITION ON SANCTIONS THAT POSE RISK OF SERIOUS HAR		
IV.A.	<p>Policies and procedures requiring meaningful consideration of disability in the disciplinary process</p> <p>Recommendations: Ensure the OCSD policies and procedures are finalized, implemented, and/or revised to include the requirement for Staff to conduct a meaningful consideration of the relationship of each person's behavior to any mental health disability or Intellectual/Developmental Disability, the efficacy of disciplinary measures versus alternative interventions, and the impact of disciplinary measures on the health and well-being of incarcerated people with disabilities.</p>	PI	PI
IV.B.	<p>Mental Health review for rules violations</p> <p>Recommendations: Ensure the OCSD policies and procedures are finalized, implemented, and/or revised to include the requirement for Staff to conduct a meaningful consideration of the relationship of each person's behavior to any mental health disability or Intellectual/Developmental Disability, the efficacy of disciplinary measures versus alternative interventions, and the impact of disciplinary measures on the health and well-being of incarcerated people with disabilities.</p>	PI	PI
IV.C.	<p>Consideration of mental health input in disciplinary process</p> <p>Recommendations: Fully implement the MH Disciplinary referral process, so the Disciplinary Hearing Official has the ability to use the CHS MH evaluation as evidence when making the determination of guilt or innocence during the hearing, or in deciding whether to cancel the disciplinary action.</p>	PI	NI
IV.D.	<p>Disability accommodations during disciplinary process</p> <p>Recommendations: Ensure the Disciplinary Hearing Officer checks the ADA Tracking System and ensures the provision of reasonable accommodations and effective communication during the disciplinary process.</p>	PI	PI
IV.E.1.	Designation of Disciplinary Hearing Officer	MS	MS
IV. E. 2.	Designation of supervisory-level clinician	AI	PI

IV. Findings

A. Systemwide Increase Of Minimum Out-Of-Cell Time

- A. *It is the intent of OCSD and CHS to provide as much out-of-cell time and programming to the incarcerated population as possible, consistent with security, classification, and operational needs.*
- B. *Absent exigent circumstances or exigent security concerns that are documented, the County shall offer each person in custody who is not housed in the Special Management Unit a minimum of twenty-four (24) hours out of their cell each week, as follows:*
 - 1. *At least (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week.*

The County reported, OCSD initiated a pilot in Module Q at Theo Lacy Jail to increase dayroom time by decreasing the number of dayroom groups and increasing the sizes of the groups. This has been successful and has been rolled out to other modules. OCSD continues to reinforce that dayroom be open from 0600-2300 (unless there is a documented security reason for closure) and that staff consistently and completely log dayroom time. OCSD has finalized the contract with Guardian RFID. The first phase of Guardian RFID will be to track safety and security checks by deputies. Following that roll out, out of cell time will be the next phase. The date is to be determined.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Under normal circumstances, inmates will be afforded the opportunity to use the dayroom for a minimum of three hours per day, unless specific and articulable reasons exist for a shorter time period (i.e., court, off-compound medical appointment, unforeseen security events, facility maintenance, medical emergency). In such cases, the reasons will be thoroughly documented in the Guard Station Daily log by the respective Deputy or Correctional Services Assistant. It is expected that dayrooms will generally be available for use by inmates from 0600 through 2300 hours daily, for a total of at least twenty-one (21) hours per week.”

The policy also states, “Documented security concerns may necessitate the reduction or cancellation of scheduled dayroom time. A Sergeant or the Watch Commander must approve any changes prior to implementation. If an exigency prevents prior approval, staff will notify a supervisor as soon as practical for approval. The reduction or cancellation will be documented in the Guard Station Daily Log along with the name of the approving supervisor. If an inmate has an Individual Inmate Activity Log, the cancellation or reduction will also be documented there.”

The Expert cannot emphasize enough that it is critical for this population to be provided out-of-cell opportunities for dayroom and recreation, and likewise, it is equally important the County provide adequate treatment and mental health care, including as required by the RP.

The Expert finds outside program providers are at times unable to deliver programs due to OCSD’s group size limitations (8 incarcerated persons per group) in celled housing units. The Expert believes the current Classification system is contributing to this programming limitation.

It is the Expert's position that with the roll out of the pilot the County conducted in Module Q at Theo Lacy Jail to increase dayroom time by decreasing the number of dayroom groups and increasing the sizes of the groups this will assist the County in providing educational and self-help programming to incarcerated persons housed in the celled housing modules. . This has been successful and has been rolled out to other modules. Programs leadership has also indicated that if the group size limit is increased to 12 incarcerated persons per group for these programs, the County and outside program providers would likely be able to increase in-person program offerings. This change to the current practice should be taken under consideration.

In addition, the Expert believes that a bi-annual classification review consisting of a custody manager or experienced supervisor, PMU/Classification staff, Programs staff, and CHS staff, if necessary, could conduct a classification/security review for consideration of a classification decrease. This can be based on a review of jail disciplinary history inclusive of all in custody behavior/misconducts, violent offences inclusive of when the offence occurred, gang history education, self-help and or MH needs.

This classification process would provide an avenue for incarcerated persons to work themselves to lower classification levels and provide increased self-help, education and programming opportunities, inclusive of access to dayroom and recreation.

The County produced the following OCSD Daily Activity Logs, which include the dayroom opportunities offered and provided for the following weeks:

- January 8-14, 2024
- February 8-14, 2024
- March 08-14, 2024
- April 8-14, 2024
- May 8-14, 2024
- June 8-14, 2024

The Daily Activity Logs included the following:

- CMJ (Mods A, B, C, D, E, F, and O),
- CWJ (Mod P and Second Floor)
- IRC (Mods J, K, M, and N)
- TLF (AE Barracks, F Barracks, G Barracks, Mods I, J, K, L, M, O, P, Q, and R)

The following logs were not provided as part of the document production.

- TLF All Mods June 2024

The County also produced the OCJ Housing Tables for the TLF, CMJ, CWJ, and IRC. In some of the housing locations, which are open dorms/tanks, the incarcerated persons have access to dayroom /out-of-cell activities unless they are confined to their bunks. These housing locations include:

TLF

- Mod J Sectors 10-12
- Mod O Sector 37 – GP Dorm
- A/E Barracks
- F Barracks
- G Barracks
- H Barracks

CMJ

- Module A Tanks 1, 2, 5, and 6
- Module B Tanks 7-10 (all Tanks)
- During the previous monitoring tour, the County Reported, "Incarcerated persons in Mod B and E do not have open access to dayroom. There is one dayroom per tank, shared by all cells in that tank (on a rotating schedule), and Staff must open each cell door to provide access to the dayroom."
- Module C Tanks 11, 12, 15, and 16
- Module D Tanks 17, 18, 21, and 22
- Module E Tanks 23-26 (all Tanks)
- Module F Tanks 27, 28, 31, and 32
- Module O Ward C and D
- Module R Tanks 4 and 5

CWJ

- Module G Tanks 1-4 (all Tanks)
- Module H Tanks 5-8 (all Tanks)

IRC

- Module J Sector 3

During the on-site review, the Expert interviewed 68 incarcerated persons housed in celled living.

- Sixty reported they are provided three (3) hours of (out-of-cell time) dayroom per day.
- Two (2) reported they are not provided the required three (3) hours of (out-of-cell time) dayroom per day.
- Six (6) were housed in a dorm/tank with access to out-of-cell activities during their programming time.

All 68 incarcerated persons reported they have access to the Dayrooms at different times throughout the week.

Summarized below is what was reported by the incarcerated persons related to not being provided the required three (3) hours of dayroom per day.

IRC

- IRC Mod K, arrived 10/23, dayroom one (1) hour. (Chronic Mental Health Unit)

- IRC Mod K, arrived 7/24, dayroom one (1) hour. (Chronic Mental Health Unit)

The Expert reviewed a sampling of the Dayroom Logs. The findings are summarized below:

CMJ

- CMJ Mod A Dayroom Log dated 01/08/2024, population – 168. Only Tanks 3 and 4 are celled housing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod A Dayroom Log dated 02/08/2024 Population – 167. Only Tanks 3 and 4 are celled housing.
 - The Dayroom Log is not completed by the night shift.
 - Dayroom hours, 0600 no closure time.
 - Unclear by log if dayroom hours are being rotated.
 - Log not complete, some incarcerated persons did receive or were offered additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod A Dayroom Log dated 03/08/2024 population - 131 Only Tanks 3 and 4 are celled housing.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2320 hours.
 - The dayroom hours are being rotated.
 - Log indicates numerous incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod A Dayroom Log dated 04/08/2024 population – 138. Only Tanks 3 and 4 are celled housing.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2308 hours.
 - The dayroom hours are being rotated.
 - Unclear if log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. No incarcerated persons noted on log, very poor log.
- CMJ Mod A Dayroom Log dated 05/08/2024 population – 138. Only Tanks 3 and 4 are celled housing.
 - The Dayroom Log is incomplete. There are only four (4) incarcerated person names documented on log.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are possibly being rotated; log is unclear.
 - The log indicates that the incarcerated persons on the log were offered additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod A Dayroom Log dated 06/08/2024 population – 71. Only Tanks 3 and 4 are celled housing. Tank 3 appears to be empty.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons were all offered additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom Log dated 01/09/2024, population - 104.
 - All received at least three (3) hours of dayroom access.
 - The Dayroom Log appears complete.
 - Dayroom hours, 0600 to 2310 hours.
 - No incarcerated persons received additional dayroom.
- CMJ Mod B Dayroom Log dated 02/09/2024 population - 105. Log Incomplete
 - All received at least three hours of dayroom access.
 - Dayroom hours, 0600 to 2307 hours.
 - The dayroom hours are being rotated.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom Log dated 03/09/2024 population - 145.
 - Log fails to annotate any incarcerated persons receiving dayroom. Only uses cell identifiers, fails to provide Expert the ability to know who did and who did not receive dayroom.
 - Dayroom hours, 0600 to 2325 hours.
 - The Dayroom hours are being rotated.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom Log dated 04/09/2024 population - 132.
 - Log fails to annotate any incarcerated persons receiving dayroom. Only uses cell # identifiers, fails to provide the Expert the ability to know who did and who did not receive dayroom.
 - Dayroom hours, 0600 to 2345 hours.
 - The dayroom hours are being rotated.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom Log dated 05/09/2024 population - 156.
 - Log fails to annotate any incarcerated persons receiving dayroom. Only uses cell number identifiers, fails to provide the Expert the ability to know who did and who did not receive dayroom.
 - Dayroom hours, 0600 to 2315 hours.
 - The dayroom hours are being rotated.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod B Dayroom Log dated 06/09/2024 population - 128.
 - Log fails to annotate any incarcerated persons receiving dayroom. Only uses cell # identifiers, fails to provide the Expert the ability to know who did and who did not receive dayroom.
 - Dayroom hours, 0600 to 2315 hours.
 - The dayroom hours are being rotated.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom Log dated 01/10/2024, Population – 158, Only Tanks 13 and 14 have celled housing.
 - The Dayroom Log is incomplete. However, if calculating start and stop time it appears the incarcerated persons housed in Tanks 13 and 14 received three (3) hours of dayroom.
 - Dayroom hours, 0600 to 2330 hours.
 - The dayroom hours are being rotated.

Additionally, there is no way to decipher on this log if all the cells in either Tanks 13 or 14 were occupied or not. All the cells should be listed on the log in sequential order.
- CMJ Mod C Dayroom Log dated 02/10/2024 population – 165. Only Tanks 13 and 14 have celled housing.
 - The Dayroom Log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom Log dated 03/10/2024 population – 129. Only Tanks 13 and 14 have celled housing.
 - The Dayroom Log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom Log dated 04/10/2024 population – 128. Only Tanks 13 and 14 have celled housing.
 - The Dayroom log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom Log dated 05/10/2024 population - 165.

- The Dayroom log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom Log dated 06/10/2024 population - 174.
 - The Dayroom Log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log does indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom Log dated 01/11/2024 population – 154. Only Tanks 19 and 20 have celled housing.
 - The Dayroom Log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 2300.
 - The dayroom hours are being rotated.
 - It Is unknown if anyone in Tanks 19 or 20 received any dayroom.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom Log dated 02/11/2024 population – 145. Only Tanks 19 and 20 have celled housing.
 - The Dayroom Log is incomplete. Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 2300.
 - The dayroom hours are being rotated.
 - It Is unknown if anyone in tanks 19 or 20 received any Dayroom.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom Log dated 03/11/2024 population – 154. Only Tanks 19 and 20 have celled housing.
 - Log Incomplete
- CMJ Mod D Dayroom Log dated 04/11/2024 population – 149. Only Tanks 19 and 20 have celled housing.
 - The Dayroom Log is incomplete. It does state dayroom offered to all cells. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 2300.
 - The dayroom hours are being rotated.
 - It Is unknown if anyone in Tanks 19 or 20 received any dayroom.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod D Dayroom Log dated 05/11/2023 population - 130. Tank 20 only.
 - The Dayroom Log is incomplete, there are no incarcerated person names from Tank 20.
 - Dayroom hours, 0600 to 2235 hours.
 - The dayroom hours are being rotated.
 - Appears some incarcerated persons in Tank 20 received additional hours, however they are not identified.
- CMJ Mod D Dayroom Log dated 06/11/2023 population - 179. Only Tanks 19 and 20 have celled housing.
 - The Dayroom Log is incomplete. The Expert cannot tell who is attending and who is refusing.
 - Dayroom hours, 0600 2300.
 - The dayroom hours are being rotated.
 - Log fails to indicate which if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 01/12/2024, population - 109.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 02/12/2024 population - 118.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2315 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 03/12/2024 population - 133.
 - The Dayroom Log is complete.
 - Dayroom hours, 0605 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 04/12/2024, population - 144.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2313 hours.
 - The dayroom hours are being rotated.

- Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 05/12/2024, population - 021.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 1702 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom Log dated 06/12/2024, population - 160.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom Log dated 01/13/2024, Population – 140, Tanks 29 and 30 are celled living, and all other tanks are dorm living.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2325 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom Log dated 02/13/2024 population – 156. Tanks 29 and 30 are celled living, all other tanks are dorm living.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom Log dated 03/13/2024 population – 160. Tanks 29 and 30 are celled living, all other tanks are dorm living.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom Log dated 04/13/2024 population – 132. Tanks 29 and 30 are celled living, all other tanks are dorm living.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom Log dated 05/13/2024 population – 73. Tanks 29 and 30 are celled living, all other tanks are dorm living.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2302 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom Log dated 06/13/2024 population – 154. Tanks 29 and 30 are celled living, all other tanks are dorm living.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 00600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log fails to indicate any incarcerated persons, only cell numbers, unknown if any incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod O Dayroom Log dated 01/14/2024 population - 32.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod O Dayroom Log dated 02/14/2024 population - 33.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod O Dayroom Log dated 03/14/2024 population - 27.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod O Dayroom Log dated 04/14/2024 population - 33.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod O Dayroom Log dated 05/14/2024 population - 40.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod O Dayroom Log dated 06/14/2024 population - 37.
 - The Dayroom Log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

IRC

- IRC Mod J Dayroom Log dated 01/08/2024, population - 48.
 - 1 out of 87 persons received three (3) hours of dayroom, numerous classification groups in Sector.
 - The Dayroom Log was incomplete.
 - Dayroom hours 0615 to 1602 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod J Dayroom Log dated 02/09/2024 population - 59.
 - Unknown how many incarcerated persons received less than three (3) hours of dayroom.
 - The Dayroom Log is incomplete.
 - Dayroom hours 0600 to 1935 hours.
 - Dayroom hours are being rotated is unknown.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod J Dayroom Log dated 03/10/2024 population - 54.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The Dayroom Log is incomplete.
 - Dayroom hours 0600 to 2300 hours.
 - The dayroom hours are being rotated.

- The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod J Dayroom Log dated 04/11/2024 population - 50.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector, Medical ISO.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod J Dayroom Log dated 05/13/2024 population - 54.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector, numerous classification groups in Sector, Medical ISO.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod J Dayroom Log dated 06/14/2024 population - 77.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector, numerous classification groups in Sector, Medical ISO.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day with exception of workers in Sector 2 who all received 17 hours.
- IRC Mod K Dayroom Log dated 01/08/2024, Population – 59, Mod K houses Med in Sector 11 and incarcerated persons identified as either Acute in Sectors 12 and 13 or Chronic in Sectors 9, 10 and 14.
 - Appears most incarcerated persons, who are approved for dayroom, received three (3) hours of dayroom, numerous classification groups in Sectors.
 - Incarcerated persons received less than three (3) hours; the log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod K Dayroom Log dated 02/08/2024 population – Log is incomplete.

- IRC Mod K Dayroom Log dated 03/10/2024 Population - 61, Mod K houses Med ISO in Sector 11 and incarcerated persons identified as either Acute in Sectors 12 and 13 or Chronic in Sectors 9, 10 and 14.
 - Appears most incarcerated persons, who are approved for dayroom, received three (3) hours of dayroom, numerous classification groups in Sectors.
 - The Dayroom Log appears complete.
 - Dayroom hours, 0600 to 2055 hours.
 - The Dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod K Dayroom Log dated 04/11/2024 Population – 66, Mod K houses Medical ISO in Sector 11 and incarcerated persons identified as either Acute in Sectors 12 and 13 or Chronic in Sectors 9, 10 and 14.
 - Appears most incarcerated persons, who are approved for dayroom, received three (3) hours of dayroom, numerous classification groups in Sectors.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2203 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod K Dayroom Log dated 05/12/2024 Population – 66, Mod K houses Med ISO in Sector 11 and incarcerated persons identified as either Acute in Sectors 12 and 13 and Chronic in Sectors 9, 10 and 14.
 - Appears most incarcerated persons, who are approved for dayroom, received three (3) hours of dayroom, numerous classification groups in Sectors.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod K Dayroom Log dated 06/13/2024 Population – 69, Mod K houses Medical ISO in Sector 11 and incarcerated persons identified as either Acute in Sectors 12 and 13 or Chronic in Sectors 9, 10 and 14.
 - Appears most incarcerated persons, who are approved for dayroom, received three (3) hours of dayroom, numerous classification groups in Sectors.
 - The Dayroom Log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 01/08/2024 population – 83, M Mod houses incarcerated persons identified as acute and chronic/mental health.

- All Mod M incarcerated persons received no, or less than three (3) hours of dayroom, numerous classification groups in Sector.
 - The dayroom opened at 0600 hours and closed at 2330 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 02/09/2024 population – 79, M Mod houses incarcerated persons identified as acute and chronic/mental health.
 - All 79 incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 03/12/2024 population – 86, M Mod houses incarcerated persons identified as acute and chronic/mental health.
 - Numerous incarcerated persons received no, or less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 04/13/2024 population – 89, M Mod houses incarcerated persons identified as acute and chronic/mental health.
 - Numerous incarcerated persons received no, or less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 5/12/2024 population – 90, M Mod houses incarcerated persons identified as acute and chronic/mental health.
 - Numerous incarcerated persons received no, or less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom Log dated 06/13/2024 population – 89, M Mod houses incarcerated persons identified as acute and chronic/mental health.
 - Numerous incarcerated persons received no, or less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The dayroom opened at 0600 hours and closed at 2300 hours.

- The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 01/08/2024, population - 93.
 - 5 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 02/08/2024 population - 107.
 - All incarcerated persons received three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 03/10/2024 population - 112.
 - All incarcerated persons received three (3) hours of dayroom.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 04/11/2024 population - 105.
 - 28 incarcerated persons did not receive three (3) hours of dayroom.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates only incarcerated persons housed in Phoenix program received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 05/13/2024 population – 109.
 - 6 incarcerated persons did not receive three (3) hours of dayroom.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates some incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom Log dated 06/14/2024 population - 107.
 - 14 incarcerated persons received less than three (3) hours of dayroom.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates some incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
 - Log Indicates four (4) incarcerated persons returned to their cell because of bad behavior.

TLF

- TLF Mod I Dayroom Log dated 01/09/2024 population - 83.
 - No incarcerated persons received less than three (3) hours of dayroom.
 - This log appeared complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod I Dayroom Log dated 2/9/2024 population – 80.
 - No incarcerated persons received less than three (3) hours of dayroom.
 - This log was complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. Sectors 1 and 2 received no additional dayroom hours.
- TLF Mod I Dayroom Log dated 03/11/2024 population - 90.
 - No incarcerated persons received less than three (3) hours of dayroom.
 - The log is complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. Sectors 1 and 2 received no additional dayroom hours.
- TLF Mod I Dayroom Log dated 04/12/2024 population - 94.
 - No incarcerated persons received less than three (3) hours of dayroom.
 - The log is complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. Sectors 1 and 2 received no additional dayroom hours.
- TLF Mod I Dayroom Log dated 05/13/2024, population - 93.
 - No incarcerated persons received less than three (3) hours of dayroom.
 - The log is complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. Sectors 1 and 2 received no additional dayroom hours.
- TLF Mod I Dayroom Log dated 06/14/2024, population - 93.

- No incarcerated persons received less than three (3) hours of dayroom.
 - The log is complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Sectors 3, 4, 5, 6 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day. Sectors 1 and 2 received no additional dayroom hours.
- TLF Mod R Dayroom Log, dated 01/08/24 Population - 188.
 - Appears all incarcerated persons may have received three (3) hours access to dayroom.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom.
- TLF Mod R Dayroom Log, dated 02/09/2024, population - 187.
 - Log Incomplete
 - All incarcerated persons did not have received 3 hours access to dayroom.
 - No incarcerated persons received additional hours of dayroom.
- TLF Mod R Dayroom Log, dated 03/11/2024 Population - 187
 - 12 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0604 hours and closed at 2348 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom.
 - Log Complete.
- TLF Mod R Dayroom Log, dated 04/10/2024, population - 189.
 - 96 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0608 hours and closed at 2300 hours.
 - Dayroom access hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod R Dayroom Log, dated 05/11/2024 Population - 189.
 - The log is partially incomplete; however, it appears all incarcerated persons received at least three (3) hours of dayroom.
 - Dayroom opened at 0602 hours and closed at 2300 hours.
 - Dayroom access hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
 - The log is partially incomplete.
- TLF Mod K Dayroom Log dated 01/08/2024, population - 98.
 - 10 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2211 hours.
 - Dayroom access hours are being rotated.

- No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod K Dayroom Log dated 02/09/2024 population - 109.
 - All incarcerated persons received three (3) hours of dayroom.
 - This log was complete.
 - Dayroom opened at 0600 hours and closed at 2212 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod K Dayroom Log dated 03/11/2024 population - 102.
 - 2 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0635 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod K Dayroom Log dated 04/13/2024 population - 103.
 - 14 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is incomplete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod K Dayroom Log dated 05/14/2024 population - 119.
 - 22 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is incomplete.
 - Dayroom opened at 0605 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom Log dated 01/08/2024, population - 103.
 - 53 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is complete.
 - Dayroom opened at 0615 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom Log dated 02/09/2024 Population - 107.
 - 88 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is complete.
 - Dayroom opened at 0605 hours and closed at 2230 hours.
 - The dayroom hours are being rotated.

- The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom Log dated 03/10/2024 Population - 117.
 - 84 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is complete.
 - Dayroom opened at 0605 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom Log dated 04/12/2024 Population - 103.
 - 60 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is incomplete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom Log dated 05/08/2024 Population - 112.
 - 55 incarcerated persons did not receive three (3) hours of dayroom.
 - The Dayroom Log is incomplete.
 - Dayroom opened at 0810 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod M Dayroom Log dated 01/08/2024 population - 138.
 - Appears all incarcerated persons received three (3) hours access to dayroom.
 - Dayroom opened at 0620 hours and closed at 2256 hours.
 - The dayroom hours are being rotated.
 - 27 incarcerated persons received additional one hour of dayroom.
- TLF Mod M Dayroom Log dated 02/09/2024 population - 142.
 - Appears all incarcerated persons received three (3) hours access to dayroom.
 - Dayroom opened at 0625 hours and closed at 2210 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod M Dayroom Log dated 03/11/2024 population - 139.
 - 30 incarcerated persons did not receive three hours of dayroom.
 - Dayroom opened at 0622 hours and closed at 2242 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom Log dated 04/12/2024 population - 147.
 - The night shift log is incomplete.
 - All incarcerated persons appear to have received access to three (3) hours of dayroom.
 - Dayroom opened at 0623 hours and closed at 2240 hours.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod M Dayroom Log dated 05/14/2024 population - 157.
 - The Dayroom Log is complete,
 - All incarcerated persons did received access to three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed 2300 hours.
 - The Dayroom hours are being rotated.
 - The log indicates all incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod N Closed Power issue.
- TLF Mod O Dayroom Log dated 01/08/2024 Population - 67.
 - Log appears complete, reveals incarcerated persons received three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod O Dayroom Log dated 02/09/2024 population - 76.
 - Log appears complete, reveals incarcerated persons received three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod O Dayroom Log dated 03/12/2024 population - 69.
 - Log appears complete, reveals incarcerated persons received or were offered three (3) hours of dayroom.
 - The dayroom opens and closes at various times in various sectors at various hours.
 - Dayroom hours are being rotated.
 - 16 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod O Dayroom Log dated 04/13/2024 population - 68.
 - Log appears incomplete, reveals incarcerated persons received three (3) hours of dayroom.

- Dayroom hours, each Sector is opened and closed at different times.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod O Dayroom Log dated 05/14/2024 population - 63.
 - Log appears incomplete, reveals incarcerated persons received three (3) hours of dayroom.
 - Dayroom hours, each Sector is opened and closed at different times.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod O June 2024 Dayroom Logs are missing.
- TLF Mod P Dayroom Log dated 01/08/2024, population - 116.
 - The log is complete.
 - It appears all incarcerated persons received at least three hours of dayroom.
 - The dayroom opened at 0645 hours and closed at 2202 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod P Dayroom Log dated 02/09/2024 population - 114.
 - Dayroom opened at 0646 hours and closed at 2118 hours.
 - Appears all incarcerated persons received at least three (3) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod P Dayroom Log dated 03/10/2024 population - 122.
 - Dayroom opened at 0647 hours and closed at 2045 hours.
 - It appears all incarcerated persons received at least three (3) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod P Dayroom Log dated 04/12/2024 population - 128.
 - It appears all incarcerated persons received at least three (3) hours of dayroom.
 - Dayroom opened at 0643 hours and closed at 2133 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod P Dayroom Log dated 05/14/2024 population - 123.

- It appears all incarcerated persons received at least three (3) hours of dayroom.
 - Dayroom opened at 0644 hours and closed at 2033 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom Log dated 01/08/2024, population - 173.
 - Dayroom opened at 0600 hours and closed at 2303 hours.
 - Mod Q has at least five (5) groups per Sector in several Sectors.
 - The log revealed all 136 incarcerated persons did not receive access to three hours of dayroom. The 136 incarcerated person did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom Log dated 02/09/2024 population - 169.
 - Dayroom opened at 0600 hours and closed at 2303 hours.
 - Mod Q has at least five groups per Sector in several Sectors.
 - The log revealed all 58 incarcerated persons did not receive access to three hours of dayroom. The 58 incarcerated persons did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom Log dated 03/10/2024 population - 182.
 - Dayroom opened at 0634 hours and closed at 2302 hours.
 - Mod Q has at least five (5) groups per Sector in several sectors.
 - The log revealed all 58 incarcerated persons did not receive access to three hours of dayroom. The 58 incarcerated persons did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom Log dated 04/11/2024 population - 160.
 - Dayroom opened at 0619 hours and closed at 2300 hours.
 - Mod Q has at least five (5) groups per Sector in several Sectors.
 - The log revealed all 47 incarcerated persons did not receive access to three hours of dayroom. The 47 incarcerated persons did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom Log dated 05/14/2024 population - 182.

- Dayroom opened at 0600 hours and closed at 2300 hours.
 - Mod Q has at least five (5) groups per Sector in several Sectors.
 - The log revealed all 34 incarcerated persons did not receive access to three hours of dayroom. The 34 incarcerated persons did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod R Dayroom Log dated 01/08/2024 population - 188.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - It appears all incarcerated persons received at least three (3) hours of dayroom.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod R Dayroom Log dated 02/09/2024 population - 191.
 - No incarcerated persons received access to dayroom.
 - Log is blank.
 - Post tour the County reported that there was a technical error with saving this log. Supervisory staff reviewed the video recording of Mod R for this date and noted that incarcerated persons were using the dayroom.
- TLF Mod R Dayroom Log dated 03/10/2024 population - 182.
 - Log Incomplete.
 - The dayroom opened at 0611 hours and closed at 2323 hours.
 - It appears all incarcerated persons received at least three (3) hours of dayroom.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod R Dayroom Log dated 04/11/2024 population - 160.
 - The dayroom opened at 0619 hours and closed at 2300 hours.
 - The log revealed all 48 incarcerated persons did not receive access to three (3) hours of dayroom. The 48 incarcerated persons did receive at least two (2) hours of dayroom.
 - The dayroom hours are being rotated.
 - The log indicates no incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod R Dayroom Log dated 05/14/2024 population - 182.
 - The dayroom opened at 0600 hours and closed at 2300 hours.
 - The log revealed all 36 incarcerated persons did not receive access to three (3) hours of dayroom. The 36 incarcerated persons did receive at least two (2) hours of dayroom.

- The dayroom hours are being rotated.
- The log indicates 38 incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- New Dayroom Log in use.

Based on the review of 120 provided CMJ, CWJ, IRC and TLF Dayroom Logs and 68 incarcerated person interviews, the Expert finds there was continued improvement by OCSD in ensuring the access to or the offering of three (3) hours of out-of-cell (dayroom) time. However, the Expert finds the County does not consistently provide the required three (3) hours per day out-of-cell or in the dayroom area, for a total of at least twenty-one (21) hours per week. This is partially due to programming numerous classification groups in a Mod or Sector. For example, Sector 21 may have five separate groups, each of those groups consist of different classification identifier, preventing them from programming together. OCSD has in most cases shown the ability, given numerous daily operational delays during daytime programming, to successfully provide access to three (3) hours of dayroom when there are only four (4) separate groups or less per Sector. The larger-group pilot conducted by the County suggested that a goal three (3) groups or less per sector best aligns with meeting the applicable out-of-cell minimum requirements.

Based on the Mental Health Sectors and Complex Housing Sectors - including those with numerous classification groups and sectors that reportedly have been used as overflow for incarcerated persons with AH-1 or AH-2 classification and this has created a challenge for the OCSD to provide the required out-of-cell time and to show proof of practice, the Expert recommends that the County taking classification case factors into consideration designate no more than four (4) separate groups in a sector (with a general target of no more than three (3) groups per sector). The Expert further recommends that OCSD continue its work to safely increase maximum group sizes in order to further its efforts to increase out-of-cell time for incarcerated persons. Additionally, the Expert recommends the County consider development of a Chronic Mental Health programming (supported by MH staff) to facilitate and track out-of-cell activities for the MH population.

The Expert finds although some improvement has occurred, some dayroom logs still do not reflect the incarcerated person identifiers (name and booking number) in cases where there are multiple incarcerated persons in a dorm/tank. In addition, the logs do not reflect whether the incarcerated persons are offered, accepted and/or refused the required three (3) hours of daily dayroom or other common area, for a total of at least twenty-one (21) hours per week. Some staff are using the newly designed Dayroom Logs which the County reports were implemented in March 2024. However, as of June 2024, the logs are not being used in several areas.

- At CMJ as of June 2024 the new logs were not being used in Mods A, D, E, F and O.
- At CWJ, as of June 2024 the new logs were not being used in Mod P.
- At TLF, as of May 2024, Mods I, K, O, and P were not utilizing the new Dayroom Log.
- The TLF June 2024 Dayroom Logs were not provided as requested therefore could not be reviewed.

At IRC, as of June 2024, all Mods were utilizing the new Dayroom log and were, with a couple of exceptions, documenting required information, including incarcerated person name, booking number, acceptance, refusal, self-lockdown, and dayroom time provided.

Overall Start/End	BREAK 1 Start/End	BREAK 2 Start/End	BREAK 3 Start/End	BREAK 4 Start/End	Overall RECYCLE Start/End	RECYCLE Break Start/End	Sector, Cell, Inmate Name, Bkg	Notes	Entered By	Total DR Time
							*** SECTOR 09*** CHRONICS	*** SECTOR 9*** CHRONICS		
							GROUP A** GROUP 4/5	2ND		
0757	2300	0757	2136				CELL 7:***	OK DAYROOM/OK GROUP/REF	ANTUCHE/VARGAS	1:24
0757	2300	0757	2136				CELL 16-1:***	OK DAYROOM/OK GROUP/REF	ANTUCHE/VARGAS	1:24
0757	2300	0757	2136				CELL 16-2:***	OK DAYROOM/OK GROUP/REF	ANTUCHE/VARGAS	1:24
							GROUP B** GP-3	3RD		
0808	1323	1039	1232				CELL 2:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:22
0808	1323	1039	1232				CELL 6:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:22
							GROUP C** AH-1	4TH		
1145	1740	1155	1325	1442	1607		CELL 12:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:00
1145	1740	1155	1325	1442	1607		CELL 13:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:00
1145	1740	1155	1325	1442	1607		CELL 14:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:00
							GROUP D** GP 6/7	5TH		
1742	2130	2000	2102				CELL 8:***	OK DAYROOM/OK GROUP/ SLD	ANTUCHE/VARGAS	2:46
1742	2130	2000	2102				CELL 9:***	OK DAYROOM/OK GROUP/ SLD	ANTUCHE/VARGAS	2:46
1742	2130	2000	2102				CELL 15:***	OK DAYROOM/OK GROUP/ SLD	ANTUCHE/VARGAS	2:46
							GROUP E** PC 2	1ST		
0600	0600						CELL 5:***	OK DAYROOM/OK GROUP/REF	VARGAS	0:00
0600	0755	0657	0754				CELL 10-1:***	OK DAYROOM/OK GROUP/SLD	VARGAS	0:58
0600	0755	0657	0754				CELL 10-2:***	OK DAYROOM/OK GROUP/SLD	VARGAS	0:58
							*** SECTOR 10*** CHRONICS	*** SECTOR 10*** CHRONICS		
							GROUP E** PC-AH	1ST		
0600	1442	0657	0809	0809	1332		CELL 1:***	OK DAYROOM/OK GROUP/SLD, 2ND 1332-	VARGAS	2:07
							GROUP A** GP 6/7	2ND		
1241	1324						CELL 3:***	OK DAYROOM/OK GROUP/ SLD	ANTUCHE	0:43
0819	1324	1039	1241				CELL 4:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 5:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 6:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 7:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 10-1:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 10-2:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
0819	1324	1039	1241				CELL 11:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:03
							GROUP D** GP-5	3RD		
1148	1148						CELL 9:***	OK DAYROOM/OK GROUP/ REF @1148 & 1327	ANTUCHE	0:00
							***SECTOR 11** MEDICAL	***SECTOR 11** MEDICAL		
							GROUP A GP 6/7	1ST		
1330	1646	1442	1330	1442	1610		CELL 5:***	OK DAYROOM/OK GROUP/	ANTUCHE	3:00
							CELL 7:***	@HOSPITAL	VARGAS	
0600	1758	0600	1330	1442	1610		CELL 11:***	OK DAYROOM/OK GROUP/ REF	VARGAS	3:00
0600	1758	0600	1330	1442	1610		CELL 15:***	OK DAYROOM/OK GROUP/ REF	VARGAS	3:00
0600	1758	0600	1330	1442	1610		CELL 13:***	OK DAYROOM/OK GROUP/ REF	VARGAS	3:00
							GROUP C: AH-1	2ND		

The screen shot above is the newly designed Dayroom Log, for IRC, Mod K, June 11, 2024. Sector 9 has 5 separate classification groups; Sector 10 has 3 classification groups. Sector 9 was unable to provide the 3 hours of dayroom. Whereas, Sector 10 has 3 classification groups yet failed to provide the 3 hours of dayroom and the dayroom was only open from 0600 to 1332 hours. The Activity Log dated June 11, 2024, provides no explanation for the early closure of Sector 10 dayroom. The Activity Log reflects the dayrooms were opened at 0600 hours, locked down at 0657 hours for meds/treatment, locked down at 1039 hours for movement and count, locked down at 1155 hours for commissary, locked down at 1442 hours for count and chow, opened at 1607 hours for Sectors 9, 10 and 11 (this does not match the Dayroom Log for Sector 10), which reflects locked down for meds / treatment, FAST search, dayroom resumed at 2102 hours and closed at 2300 hours.

TLF Mod P has a set schedule, offering four (4) separate three (3) hour opportunities to program in the dayroom during any given 17-hour period (between 0600 and 2300 hours). The Expert found Mod P dayroom never opens before 0645 hours and never remains open until 2300 hours. Incarcerated persons in Mod P do not receive any additional dayroom. OCSD operates Mod P as a high security housing unit, which houses AH1, GP1, GP2 and GP3 inmates. Many of these three (3) hour periods are broken up into several segments, barring incarcerated persons from continuing telephone calls with attorneys or loved ones.

These interruptions include med call, count, commissary, feeding and staff conducting safety checks.

The many daily operational activities continually cause dayroom programming to be closed; two (2) counts during the daytime hours, medication call, commissary, and meal delivery. Each dayroom log depicts these activities and the closing and reopening of the dayroom. The Expert continues to believe re-scheduling the two (2) daytime counts, which occur at about 1000 and 1400 hours, would further enhance programming opportunities.

The County reported that in June 2024, OCSD revised the manner in which they conduct out-of-cell or dayroom opportunities for incarcerated persons, specifically they now allow 6 two-man cells or up to 12 persons to program together in the dayroom. The Expert is hopeful as this process moves forward that further effective programming of three (3) hours of access to dayroom and additional dayroom will be fully realized.

The Expert believes further Mod Programming standardization and accurate documenting of the new Dayroom Log and the eventual use of RFID tracking, OCSD will increase compliance with out of cell or dayroom programming requirements.

It is the Expert's position that the implementation of the Guardian RFID will assist the County in providing the Expert with cumulative data of the out-of-cell time for the Expert to measure the County's compliance with the RP requirements. Per OCSD Action Plan the Guardian RFID program is currently estimated to begin January 2025.

Based on the above. The Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- a. *OCSD will offer additional dayroom time beyond three (3) hours per day as scheduling and classification needs allow. To do so, OCSD will ensure that dayrooms in celled housing units will be available and occupied for use by incarcerated people from 0600 through 2300 hours daily, except in cases of emergency and as necessary for particular events related to the safety and security of the institution (e.g., counts, searches). Once every incarcerated person in a celled housing unit has been offered use of the dayroom and, if they choose, used the dayroom for three hours in a day, OCSD shall offer another opportunity to use the dayroom to incarcerated people who already used the dayroom or were already offered but declined the opportunity to use the dayroom. OCSD shall make efforts to rotate these opportunities for additional dayroom among the incarcerated people in a housing unit or Sector so that everyone in the unit or Sector can have approximately equal additional dayroom time. If everyone in the unit or Sector has had an opportunity for dayroom time and everyone refuses any subsequent offer of additional dayroom time, dayroom will be closed for two hours. Incarcerated persons will then be offered dayroom on a recurring two-hour cycle for the remainder of the day. If a pattern develops that an incarcerated person is refusing an offer of dayroom time in an apparent attempt to obtain a specific dayroom time, the incarcerated person will be informed that the specific dayroom time will not be offered and will be given the opportunity to accept the offered time.*

The County reported, "OCSD initiated in Module Q at Theo Lacy Jail to increase dayroom time by decreasing the number of dayroom groups and increasing the sizes of the groups. This has been successful and has been rolled out to other modules. OCSD continues to reinforce that dayroom be open from 0600-2300 (unless there is a documented security reason for closure) and that staff consistently and completely log dayroom time.

OCSD has finalized the contract with Guardian RFID. The first phase of Guardian RFID will be to track safety and security checks by deputies. Following that roll out, out of cell time will be the next phase. The date is to be determined."

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "Once every inmate or group has been offered or used the dayroom, staff shall offer all inmates or groups additional opportunities for dayroom use between the hours of 0600-2300 hours, even if an inmate or group previously refused. Staff shall make efforts to rotate the opportunities for additional dayroom so inmates in a Sector or unit can have approximately equal additional dayroom time. If every inmate in a Sector or unit refuses additional dayroom time, dayrooms will be closed for two (2) hours. Inmates will then be offered additional dayroom on a recurring two (2) hour cycle for the remainder of the day. If a pattern develops that an inmate or group is refusing an offer of dayroom time in an apparent attempt to obtain a specific time, the inmate or group will be informed that the specific dayroom time they are attempting to obtain will not be offered, and instead will be given the opportunity to accept the offered time."

In the review of a sampling of the Dayroom Logs provided and listed in Section A.B.1. above, the Expert found that the Dayrooms were not available from 0600 to 2300 on the following days.

TLF

- TLF Mod R Dayroom dated 03/11/2024 opened at 0613 hours and closed at 2300 hours.
- TLF Mod R Dayroom dated 04/11/2024 opened at 0614 hours and closed at 2300 hours.
- TLF Mod K Dayroom dated 01/08/2024 opened at 0600 hours and closed at 2211 hours.
- TLF Mod K Dayroom dated 02/09/2024 opened at 0600 hours and closed at 2212 hours.
- TLF Mod K Dayroom dated 03/11/2024 opened at 0635 hours and closed at 2300 hours.
- TLF Mod K Dayroom dated 05/14/2024 opened at 0605 hours and closed at 2300 hours.
- TLF Mod L Dayroom dated 01/08/2024 opened at 0615 hours and closed at 2300 hours.
- TLF Mod L Dayroom dated 02/09/2024 opened at 0605 hours and closed at 2300 hours.
- TLF Mod L Dayroom dated 01/08/2024 opened at 0605 hours and closed at 2300 hours.

- TLF Mod L Dayroom dated 01/08/2024 opened at 0810 hours and closed at 2300 hours.
- TLF Mod M Dayroom dated 01/08/2024 opened at 0620 hours and closed at 2300 hours.
- TLF Mod M Dayroom dated 02/09/2024 opened at 0625 hours and closed at 2210 hours.
- TLF Mod M Dayroom dated 03/11/2024 opened at 0622 hours and closed at 2242 hours.
- TLF Mod M Dayroom dated 04/12/2024 opened at 0623 hours and closed at 2240 hours.
- TLF Mod O Dayroom dated all day's dayrooms are opened and closed at various hours.
- TLF Mod P Dayroom dated 01/08/2024 opened at 0645 hours and closed at 2202 hours.
- TLF Mod P Dayroom dated 02/09/2024 opened at 0646 hours and closed at 2118 hours.
- TLF Mod P Dayroom dated 03/10/2024 opened at 0647 hours and closed at 2045 hours.
- TLF Mod P Dayroom dated 04/12/2024 opened at 0643 hours and closed at 2133 hours.
- TLF Mod P Dayroom dated 05/11/2024 opened at 0623 hours and closed at 2033 hours.
- TLF Mod Q Dayroom dated 03/10/2024 opened at 0634 hours and closed at 2300 hours.
- TLF Mod Q Dayroom dated 04/11/2024 opened at 0619 hours and closed at 2300 hours.
- TLF Mod R Dayroom dated 02/09/2024 No Dayroom
 - Post tour the County reported that there was a technical error with saving this log. Supervisory staff reviewed the video recording of Mod R for this date and noted that incarcerated persons were using the dayroom.
- TLF Mod R Dayroom dated 03/10/2024 opened at 0611 hours and closed at 2300 hours.
- TLF Mod R Dayroom dated 04/11/2024 opened at 0611 hours and closed at 2300 hours.

IRC

- IRC Mod J Dayroom dated 01/08/2024 opened at 0615 hours and closed at 1634 hours.
- IRC Mod K Dayroom dated 03/10/2024 opened at 0600 hours and closed at 2035 hours.
- IRC Mod K Dayroom dated 04/11/2024 opened at 0600 hours and closed at 2203 hours.

CMJ

- CMJ Mod A Dayroom dated 02/08/2024 opened at 0600 hours and closed at 1830 hours.

- CMJ Mod B Dayroom dated 01/11/2024 opened at 0605 hours and closed at 2306 hours.

The Expert interviewed 68 incarcerated persons during the monitoring tour. Six (6) of those interviewed were housed in dormitory housing, and 62 were housed in a celled environment. Of those 62 housed in celled settings:

- Eleven (11) IRC incarcerated persons interviewed said they are not offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).
- Two (2) CMJ incarcerated persons interviewed said they are not offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).
- Three (3) TLF incarcerated persons interviewed said they are not offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).
- Four (4) IRC incarcerated persons interviewed said they are offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).
- Six (6) CMJ incarcerated persons interviewed said they are offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).
- Thirty-six (36) TLF incarcerated persons interviewed said they are offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session).

As reflected in the review of the Dayroom Logs in Section A.B.1. above, the County is not fully providing additional dayroom opportunities (more at TLF and CMJ than at IRC). This was confirmed during the incarcerated person interviews process, two (2) months following OCSDs change allowing up to 12 persons access to dayroom programming at a time. However, based on the incarcerated interviews and the review of the Dayroom Logs, additional focus is needed to ensure dayroom programs begin at 0600 hours and end at 2300 hours and incarcerated persons are offered and/or receive additional access to dayroom programs.

The Expert finds OCSD is continuing to improve, but there remains a lack of standardized programming in all Facilities and Mods, and a need for more supervisory oversight regarding the opening and closing of dayrooms and the provision of additional out of cell or dayroom opportunities.

Based on this, the Expert finds that the County has Partially Implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- b. When people are provided dayroom time, OCSD staff will ensure they have ready access to toilet facilities. This may be accomplished by Staff opening their cell door*

promptly upon request (and allow them to return to dayroom after using the toilet/sink), or other appropriate procedure.

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- c. OCSD shall document if there are exigent circumstances, if a person is at court, or if the person is at an off-site medical appointment, so as to preclude the provision of minimum dayroom time on a given day.*

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- d. Scheduled programming in the dayroom may be included in the three hours per day of dayroom time.*

The County reports OCSD currently has programming in the Dayrooms for PRIDE (TL Mod I, Sector 3), Phoenix House (men at TL Mod I, Sector 4 and women at IRC Mod N, Sector 30), Transitional Age Youth (TL Mod I, Sector 5) and HUMV (TL Mod I, Sector 6). However, the Daily Activity Logs do not document the scheduled programming provided for specific incarcerated persons.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “8. Scheduled programs that take place in the dayroom may be included as part of the minimum required dayroom time.”

Note: This section offers clarifications as to the scope of other requirements in the SA and informs the analysis of the dayroom -related SA requirements. The narrative is provided only as contextual considerations in assessing implementation of those requirements. Based on this, a Compliance rating is not warranted.

- 2. At least three (3) hours per week outdoors for exercise and/or recreation.*

The County reported, OCSD has reminded staff that outdoor recreation is to be open from 0600 to 2300 and during daylight hours for Theo Lacy’s Green Sector (unless outdoor recreation is closed for an emergency and as necessary for events related to safety and security (e.g., counts, searches)). Guardian RFID will assist with tracking of outdoor recreation time.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Staff shall afford each inmate the opportunity to participate in a minimum of three (3) hours of outdoor recreation per week, distributed over at least two separate days.”

The County produced the following OCSD Daily Activity Logs, which include the Recreation Logs for the following Months:

- January 2024
- February 2024
- March 2024
- April 2024
- May 2024
- June 2024

The Daily Activity Logs included the following:

- CMJ (Mods A, B, C, D, E, F, and O),
- CWJ (Mod P and Second Floor)
- IRC (Mods J only)
- TLF (Mods AE Barracks, F Barracks, G Barracks, H Barracks, Mods I, K, L, M, N, O, P, Q, and R)

The Expert reviewed three (3) separate access to recreation RP requirements in this section. Specifically, that incarcerated persons receive three (3) hours of outdoor recreation per week, that the outdoor recreation hours begin no later than 0600 hours and end at 2300 hours (except Green Zone areas), and that incarcerated person receive additional Recreation opportunities.

The Expert interviewed 62 incarcerated persons. Of the 62 incarcerated persons, 38 reported they are provided three (3) hours of outdoor recreation per week, and 24 reported they were not offered and/or did not receive at least three (3) hours of access to outdoor recreation. Summarized below are the incarcerated persons who reported they were not provided the required three (3) hours of yard per week:

- IRC
 - Mod J – no recreation offered.
 - CMJ
 - Mod O – One (1) time every two weeks.
 - Mod F – One (1) time a week
- TLF
 - Mod I - One (1) time a week.
 - Mod J - One (1) time a week.
 - Mod J - One (1) time a week.
 - Mod L - One (1) every two weeks.
 - Mod L - One (1) time a week.
 - Mod L - One (1) time a week.
 - Mod L - One (1) time a week.
 - Mod L - One (1) time a week.
 - Mod L - One (1) time a week.
 - Mod M - One (1) time a week.

- Mod O - One (1) time a Month.
- Mod O – No opportunity for recreation.
- Mod Q – One (1) time a week.
- Mod Q – One (1) time a week.
- Mod Q – One (1) time a week.
- Mod Q – One (1) time a week.
- Mod Q – One (1) time a week.
- Mod R – One (1) time a week
- Mod R – Two (2) time a week.
- Mod R – One (1) time I hours each.
- Mod R – One (1) time in two weeks.
- Mod R – No access to recreation.

The Expert reviewed CWJ, CMJ, IRC, and TLF Activity and Mod Recreation Logs. This review specifically gathered information regarding RP Requirements of; access to three hours of recreation per week, additional recreation opportunities and recreation yard opening and closing times. This review period spanned from January 2024 thru June 2024.

CWJ Recreation Yard Hours

Date	Recreation. Open	Recreation Closed	Pm Recreation Open	PM Recreation Closed
01/01/2024	1110	1650	1900.	2230
01/06/2024	0615	1548	1934	2300
01/13/2024	0817	1330	1930	2308
01/20/2024	0751	0950	Rain closure	
01/28/2024	0641	1748	1925	2300
02/01/2024	Rain closure			
02/02/2024	0632	1135	No takers	
02/04/2024	0720	1500	Rain closure	
02/07/2024	0655	1445	1915	1950
02/11/2024	0645	1450	1900	2030
02/12/2024	0645	1407	1940	2110
03/01/2024	0700	1300	1849	2130
03/04/2024	0700	1750	2008	2232
03/09/2024	0750	1400	No yard	
03/14/2024	0633	1145	No yard	
03/20/2024	0637	1730	No yard	
03/24/2024	0927	1420	1910	2210
04/7/2024	0830	1430	2100	2300
04/17/2024	0635	1950	No yard	
04/22/2024	0655	1750	2130	2300
04/30/2024	0815	2220		
05/02/2024	1310	Log incomplete	1851	2206

05/07/2024	0730	2000	No yard	
05/12/2024	1245	1745	1830	2300
05/18/2024	0830	1745	No yard	
05/24/2024	0657	1350	1947	2115
06/01/2024	No yard		2000	2130
06/07/2024	0700	1400	No yard	
06/12/2024	1736	1906	No yard	
06/19/2024	0835	1005	2005	2300
06/25/2024	1000	1130	1900	2300

Gaps in the above CWJ recreation data are a result of incomplete Recreation Logs.

- CWJ Recreation Logs week of 01/01-01/07/2024,
 - All Tanks received numerous, 4 to 5 recreation opportunities.
 - The recreation hours were rotated.
- CWJ Recreation Logs week of 02/01-02/07/2024,
 - All Tanks received two opportunities for recreation.
 - Tanks 1, 3, 4, 5, 6, 7 and 8 received additional recreational opportunities.
 - The recreation hours were rotated.
- CWJ Recreation Logs week of 03/11-03/17/2024,
 - All Tanks received two opportunities for recreation.
 - Tanks 1, 3, 4, 5, 6, 7, 8, 9, 10, P13 and P14 received additional recreational opportunities.
 - The recreation hours were rotated.
- CWJ Recreation Logs week of 04/08-04/14/2024
 - All Tanks received at least two recreation opportunities.
 - Tanks 1, 3, 5, 6, 7, and 8 received additional opportunities for recreation.
 - The recreation hours were rotated.
- CWJ Recreation Logs week of 05/04-05/10/2024
 - All Tanks received numerous opportunities for recreation.
 - The recreation hours were rotated.

To ensure recreation opportunities are afforded them CWJ staff are tasked with tracking numerous incarcerated persons, with numerous classification levels in various Tanks and Wards. The Expert finds that CWJ provides the RP requirement of access to three (3) hours of recreation to incarcerated persons, CWJ provides the RP requirement of additional recreation opportunities, when possible, for incarcerated persons.

CMJ Recreation Yard Hours

Date	Recreation. Open	Recreation Closed	PM Recreation Open	PM Recreation Closed
01/01/2024	0710	1330	1930	2240
01/02/2024	0710	1500	1930	2235
01/03/2024	1415		1911	2245
01/04/2024	0800	1544	1910	2230
01/05/2024	0611	1510	1912	2256
01/06/2024	0609	1545	1903	2256
01/07/2024	0715	1330	1925	2243
02/01/2024	0807	1510	1910	2300
02/02/2024	0716	1515	1916	2230
02/03/2024	0623	1515	1903	2103
02/04/2024	0605	1525	1925	2110
02/05/2024	0745	Rain Closure		
02/06/2024	Rain Closure			
02/07/2024	0710	1535	1910	2020
03/20/2024	0700	1515	1930	2315
03/21/2024	0705	1410	Inadequate lighting	No yard
03/22/2024	0710	1545	1930	2300
03/23/2024	0735	1330	1910	2245
03/24/2024	0804	1430	1855	2310
03/25/2024	0705	1500	1930	2245
03/26/2024	0721	1415	1930	2320
04/01/2024	0710	1300	1900	2255
04/02/2024	0745	1435	1920	2305
04/03/2024	0705	1514	1930	2315
04/04/2024	0710	1505	1930	2300
04/05/2024	0705	1515	1910	2110
04/06/2024	0715	1510	1915	2230
04/07/2024	0700	1530	1905	2320
05/01/2024	0702	1550	1930	2335
05/02/2024	Log blank		1930	2215
05/03/2024	0738	1410	1905	2330
05/04/2024	0705	1405	1915	1545
05/05/2024	0736	1545	1925	2250
05/06/2024	0728	1515	1920	2230
05/07/2024	0657	1540	1925	2305

Gaps in the above CMJ Recreation Log data are a result of incomplete Recreation Logs.

- CMJ Recreation Logs for dates 01/01-01/07/2024
 - Six (6) Tanks received only one (1) recreation opportunity; a possible 280 incarcerated persons did not receive a second recreation opportunity.
 - All other tanks received at least two recreation opportunities.
 - Eight (8) Tanks received three (3) or more opportunities for additional recreation opportunity.
 - The recreation hours were rotated.
- CMJ Recreation Logs for dates 02/01-07/2024
 - Four (4) Tanks received only one (1) recreation opportunity; a possible 160 incarcerated persons did not receive a second recreation opportunity.
 - All other Tanks received at least two (2) recreation opportunities.
 - Tanks 17, 18, 31 and 32 received additional recreation opportunities.
 - The recreation hours were rotated.
 - The Expert notes many recreation opportunities were on back-to-back days.
- CMJ Recreation Logs for dates 03/01-03/07/2024.
 - Three (3) Tanks received only one recreation opportunity; possible 62 incarcerated persons did not receive a second recreation opportunity.
 - All other Tanks received at least two (2) recreation opportunities.
 - Mod F Tank 30 received one (1) additional recreation opportunities.
 - The recreation hours were rotated.
- CMJ Recreation Logs for dates 04/01-04/7/2024.
 - All Tanks received at least two recreation opportunities.
 - Twenty (22) Tanks, all received an additional recreation opportunity.
 - The recreation hours were rotated.
- CMJ Recreation Logs for dates 05/01-05/07/2024.
 - Six (6) Tanks received only one (1) recreation opportunity; a possible 136 incarcerated persons did not receive a second recreation opportunity.
 - Seventeen (17) Tanks received two (2) recreation opportunities.
 - Seven (7) Tanks received one (1) additional recreation opportunities.
 - Six (6) Tanks' recreation was on back-to-back days.
 - The recreation hours were rotated.
- CMJ Recreation Logs for dates 06/20-06/27/2024
 - Two (2) Tanks received only one (1) recreation opportunity; a possible 28 incarcerated persons did not receive a second recreation opportunity.
 - Fifteen (15) Tanks received two (2) recreation opportunities.
 - Thirteen (13) Tanks received one (1) additional recreation opportunities.
 - Six (6) Tanks recreation was on back-to-back days.
 - The recreation hours were rotated.

The Expert reviewed 42 of approximately 168 CMJ Recreation Logs. The Expert found CMJ provides incarcerated persons at least one (1) recreation opportunity, the Expert's review of 42 logs revealed approximately 650 incarcerated persons were not provided a

second recreation opportunity, or over a six-month period 2600 incarcerated persons did not receive a second recreation opportunity. The Expert's review revealed some incarcerated persons are afforded additional recreation opportunities. The Expert's review revealed the Recreation areas do not open at 0600 hours and the recreation yard is routinely closed at approximately 1530 hours, only to reopen at about 1930 hours and is closed at 2300 hours. The Expert found the Recreation Logs do not explain or identify why the yard opens as an example on a Monday at 0630 and at 0810 on a Wednesday or closes at 1300 hours and at 1550 hours the following day. The afternoon closures average about 4.0 hours each day. The afternoon closure is reportedly for staff coverage of the evening meal.

For the week of 04/01-04/7/2024, the CMJ recreation logs reflected that staff provided recreational opportunities to all Mods.

The Expert finds that CMJ does not provide the RP Requirement of access to three (3) hours of recreation to all incarcerated persons housed at CMJ and does not provide the RP requirement of additional recreation opportunities, when possible, for all incarcerated persons. The Expert finds CMJ does not comply with the RP requirements of the recreation yard opening at 0600 hours and closing at 2300 hours. The Expert believes the CMJ can be successful in meeting the RP requirements if Deputies work cohesively, and there is supervision and managerial oversight.

IRC

Mod J Recreation logs for dates 1/08-1/14/2024

- Mod J Sectors 1-8. Mod R recreation opportunities for the seven (7) day period.
- Sectors 1, 2 and 4 all had two (2) or more recreation opportunities.
- Sector 3 Med ISO.
- Sector 5 Empty
- Sector 7 and 8 Empty
- Recreation was rotated.

Mod J recreation yard Hours 01/08 to 01/14/2024 and participation in recreation

Date	Recreation Open	Recreation Closed	Refusals	Participants
01/08	0704	1043	Log is not clear	
01/09			Log Mirrors 01/08	
01/10			Log Mirrors 01/09	
01/11	0704	2140	20	0
01/12	1326	1500		4
01/13		Log Blank	17	0
01/14	1420	1945	8	0

Mod K Recreation Logs for dates 1/08-1/14/2024

- Mod K consists of Sectors 9-14. Acute, Chronic and Medical housed in Mod K. Mod K recreation opportunities for the Seven (7) day period.
- Sectors 9, 10, 11 and 14 received two (2) recreation opportunities.
- Sector 12 and 13 house acute persons received no recreation.
- Recreation opportunities are rotated.
- Additional recreation appears to have been offered.
- Difficult Recreation Log to decipher.

Mod K recreation yard hours 01/08 to 01/14/2024 and participation in recreation

Date	Recreation Open	Recreation Closed	Refusals	Participants
01/08	0747	1434	2	6
01/09	0706	No times	14	0
01/10	1112	1250	31	2
01/11	1440	1600	8	2
01/12	1325	1500	6	2
01/13	1235	1800	0	2
01/14	1415	1533	27	1

IRC

- Mod L Closed for renovation.

IRC

- Mod M Recreation Logs for dates 05/08/2024
- Mod M consists of Sectors 21-26. Acute, Chronic and Medical housed in Mod K. Mod M recreation opportunities for the seven (7) day period.
- Sectors 21, 24 and 26 received three (3) recreation opportunities every day for seven days.
- Sector 22, 23 and 25 house acute persons and received one (1) recreation opportunity on a case-by-case basis.
- Recreation opportunities are rotated.
- Numerous recreation opportunities were offered to Sectors 21 and 26.

Mod M Recreation Yard Hours 05/08 to 05/14/2024 and participation in recreation

Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	0600	2234	36	0
05/09	0700	2300	31	0
05/10	0700	2300	31	2
05/11	0700	2300	30	2
05/12	0945	2100	45	0
05/13	0600	2100	30	3

05/14	0600	1623	27	1
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IRC

- Mod N Recreation Logs for dates 05/08 thru 05/14/2024
 - Mod N consists of Sectors 27-32. Mod N recreation opportunities for the seven (7) day period.
 - Sectors 28, 29, 30 and 31 received two (2) or more recreation opportunities.
 - Sector 27 and 32 received one (1) recreation opportunity.
 - Recreation opportunities are rotated.
- Mod N recreation yard hours
 - 05/08 0657 to 2046
 - 05/09 1256 to 2300
 - 05/10 0828 to 2300
 - 05/11 1019 to 1442
 - 05/12 1522 to 1755
 - 05/13 0903 to 2101
 - 05/14 0750 to 1709

Mod N recreation yard Hours 05/08 to 05/14/2024 and participation in recreation

Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	0657	2046	34	7
05/09	1256	2300	40	11
05/10	1256	2300	16	8
05/11	1019	1442	9	2
05/12	0646	1755	58	3
05/13	0903	2101	14	13
05/14	0750	1709	9	6

The Expert finds that IRC does not provide the RP Requirement of access to three (3) hours of recreation to all incarcerated persons housed at IRC and does not provide the RP requirement of additional recreation opportunities, when possible, for all incarcerated persons. The Expert finds IRC does not comply with the RP requirements of recreation opening at 0600 hours and closing at 2300 hours. The Expert believes the IRC can be successful in meeting RP requirements regarding recreation if Deputies work cohesively, and there is supervision and managerial oversight.

The Recreation Logs portrayed numerous incarcerated persons at the acute level of care, or for medical reasons have not received recreation and/or may not be cleared for recreation.

The Expert found four (4) slightly different designed logs between Mods J thru N. The Expert believes Recreation Logs with clearly defined groups are easier to identify and track access to recreation. The two (2) Recreation Logs below are both from January 9, 2024. However, the logging in Mod K could be clearer, if staff offer incarcerated person A recreation at 0600 hours

and he refuses that is the start time of yard, therefore 0600 should be entered on the far-left side of the Recreation Log under Start then another 0600 under End signifies a refusal. Otherwise, there is no clear start time for each day.

Two (2) different logs, the Mod M log reveals no Classification Groups, this may be due to the mission of M Mod.

ORANGE COUNTY SHERIFF'S DEPARTMENT
RECREATION LOG
Intake Release Center - Module M - Tuesday, Jan 09, 2024

Start	End	Groups/Cells	Notes	Entered By	Total
		SECTOR 21			
		21-1 ADA SHOWER			
		21-2	REF 1/08	KENNY	
		21-3	REF 1/08	KENNY	
		21-4	COURT 1/08	KENNY	
		21-5 EMPTY	XXXXX	KENNY	
		21-6	REF 1/08	KENNY	
		21-7	REF 1/08	KENNY	
		21-8	REF 1/07 REF 1/8	KENNY	
		21-9	REF 1/08	KENNY	
		21-10	REF 1/08	KENNY	
		21-11	REF 1/08	KENNY	
		21-12	REF 1/08	KENNY	
		21-13	REF 1/08	KENNY	
		21-14	REF 1/09	KENNY	
		21-15	REF 1/08	KENNY	
1006	1140	21-16	COURT 1/08, 1/09 1006-1140 SLD	KENNY	1:34

ORANGE COUNTY SHERIFF'S DEPARTMENT
RECREATION LOG

Intake Release Center - Module K - Tuesday, Jan 09, 2024

Start	End	Groups/Cells	Notes	Entered By	Total
		*** SECTOR 9 *** CHRONICS	*** SECTOR 9 *** CHRONICS		
		GROUP #1			
		GP 5			
		CELL 16***	01-08-2024 REF @921// REF 1-9-24 @0706	LEWIS	
		GROUP #2			
		GP 6 & 7			
		CELL 6***	REF 1-9-24 @0706	LEWIS	
		CELL 7***	REF 1-9-24 @0706	LEWIS	
		CELL 12***			
		CELL 9***	REF 1-9-24 @0706	LEWIS	
		CELL 14***	REF 1-9-24 @0706	LEWIS	
		GROUP #3			
		AH-1			
		CELL 3***	REF 1-9-24 @0707	LEWIS	
		GROUP #4 PC AH			
		CELL 13***	1-8-24 @1304-1434	LEWIS	
		GROUP #5 PC 2			
		CELL 13: **	1-8-24 @0747-0917	LEWIS	
		*** SECTOR 10*** CHRONICS	*** SECTOR 10*** CHRONICS		
		GROUP #1 GP 6			

TLF Green Sector

The Expert requested Green Sector Recreation Logs for a week in each of the months of January, February, March, March, April, May and June. The information below is from the Green Sector Recreation Deputies Daily Activity Logs from 01/01 – 06/07/2024.

Date	Recreation. Open	Recreation Closed	Reason for Closure
01/01	1000 hours	1012 hours	Log incomplete
01/02	0805 hours	1140 hours	Deputies were reassigned for chow relief.
01/03			Log Blank
01/04	0845 hours	1330 hours	
01/05	0815 hours	1400 hours	
01/06	0830 hours	1400 hours	
01/07	0755 hours	1135 hours	Deputies were reassigned for chow relief
02/10	0840hours	1230 hours	Log Incomplete
02/11	0809 hours	1135 hours	Deputies were reassigned for chow relief
02/12	0800 hours	unknown	Log Incomplete
02/13	0745 hours	1148 hours	Deputies were reassigned for chow relief
02/14	0830 hours	1405 hours	
02/15	0835 hours	1201 hours	Deputies were reassigned
02/16	0825 hours	1405 hours	
03/08	0820 hours	1405 hours	
03/09	0830 hours	1410 hours	
03/10	0750 hours	1132 hours	Deputies were reassigned for chow relief.
03/11	0812 hours	1130 hours	
03/12	0800 hours	1130 hours	Log Incomplete
03/13	0835 hours	1400 hours	
03/14	0825 hours	1400 hours	
04/08	1155 hours	1350 hours	No Explanation for late yard or closure.
04/09	0830 hours	1030 hours	Deputies were reassigned
04/10	0835 hours	1402 hours	
04/11			Log Blank
04/12	0830 hours	1400 hours	
04/13			Log Blank
04/14	0805 hours	1145 hours	Deputies were reassigned
05/01	0800	1130	Deputies were reassigned for chow relief
05/02	0945	1405	
05/03	0840	1400	
05/04	0835	1400	
05/05			No AM Yard low Staffing
05/06	0805	1630	
05/07	0800	1112	Deputies were reassigned for chow relief
06/01	No Log		
06/02	0810	1130	Yard closed unknown reason

06/03	0807	1130	Yard closed unknown reason
06/04	0815	1125	Yard closed unknown reason
06/05	0840	0930	Yard closed Deputies reassigned Hospital
06/06	0840	1400	
06/07	0835	1600	

- During the Seven (7) day period of 01/02-01/08/2024, recreation was offered the following times:
 - A-E Barracks two (2) times
 - F East and West two (2) times
 - G East and West two (2) times
 - H Barracks one (1) time
 - Mods I and O one (1) time.
 - No additional recreation opportunities were afforded.
 - Yard times are rotated between the minimal hours the yard is open.
- During the seven (7) day period of 02/10-02/16/2024, recreation was offered the following times:
 - Mod I and Mod O offered recreation one (1) time.
 - G, H and F Barracks offered recreation one (1) time.
 - A, C and D barracks offered recreation two (2) times.
 - Yard times are rotated between the minimal hours the yard is open.
 - No additional recreation opportunities were afforded.
- During the seven (7) day period of 03/08-03/14/2024, recreation was offered the following times:
 - Mod I offered recreation one (1) time.
 - Mod O offered recreation two (2) times.
 - G, H, F and A-E Barracks offered recreation three (3) times.
 - Yard times are rotated between the minimal hours the yard is open.
 - Additional recreation opportunities were afforded.
- During the seven (7) day period of 04/08-04/14/2024 recreation was offered the following times:
 - Mod I and Mod O and A-E Barracks offered recreation one (1) time.
 - G, H and F Barracks offered recreation two (2) times.
 - F Barracks offered recreation three (3) times.
 - Yard times are rotated between the minimal hours the yard is open.
 - No additional recreation opportunities were afforded.
- During the seven (7) day period of 05/01-05/07/2024, recreation was offered the following times:
 - Mod O offered recreation zero times.
 - Mod I offered recreation one (1) time.
 - G, H and F Barracks offered recreation two (2) times.
 - A-E Barracks offered recreation three (3) times.
 - Yard times are rotated between the minimal hours the yard is open.

- A-E Barracks received one (1) additional recreation opportunity.
- During the seven (7) day period of 06/01-06/07/2024, recreation was offered at the following times:
 - G Barracks, Mod O and A-E offered one (1) recreational opportunity.
 - F Barracks offered recreation two (2) times.
 - H Barracks and Mod I offered three (3) recreation opportunities.

The Expert reviewed 42 days of Green Sector Recreation Logs dating from 01/01-06/07/2024. The chart of Green Sector recreation opening and closing times revealed staff being redirected, yard not opening until 0830 hours and closing at 1400 hours. The Expert finds the recreation area was not opened at 0600 hours or rather near daylight on 36 days of the 42 days. The RP states, “to the extent the Green Sector is accessible consistent with daylight hours.” As daylight occurs at very least by 0700 hours throughout the year. The earliest the Green Sector was opened was 0750 hours and on 19 of 42 days, the Green Sector recreation area was closed mid-day to redirect Staff.

The Expert finds that TLF Green Sector does not provide the RP Requirement of access to three (3) hours of recreation to all incarcerated persons housed at TLF and does not provide the RP requirement of additional recreation opportunities, when possible, for all incarcerated persons. The Expert finds TLF does not comply with the RP requirements of recreation hours beginning at daylight.

TLF

- TLF Mod I Recreation Logs for dates 01/08-01/14 2024
 - Mod I consist of six (6) Sectors. Sectors 1,2,3,4,5 and 6.
 - Mod I recreation opportunities for the seven (7) day period.
 - On 01/08, Log blank.
 - On 01/09, Log blank
 - On 01/10, 1 Participant
 - On 01/11, Sector 1 and 2, 5 refused.
 - On 01/12, Sector 3, 14 refused.
 - On 01/13, Sector 3 , 14 refused.
 - On 01/14, Log blank
 - No additional recreation was provided.
 - Recreation opportunities are rotated, but yard hours vary every day.

Mod I recreation yard hours 01/08 to 01/14/2024 and participation in recreation.

Date	Recreation Open	Recreation Closed	Refusals	Participants
01/08	Log Blank			
01/09	Log Blank			
01/10	0823	1014		1
01/11	0800	1050	8	0
01/12	0700	Log Incomplete	14	0

01/13	0729	Log Incomplete	17	0
01/14	Log blank			

Mod I Log did not provide the required recreation, did not document who went to recreation, did not open and close the recreation yard as required.

- TLF Mod J Recreation Logs for dates 02/08-02/14/2024
 - Mod J consists of six (6) Sectors. Sectors 7, 8, 9, 10, 11, and 12. Mod J recreation opportunities for the seven (7) day period.
 - On 02/08, Log Incomplete.
 - On 02/09, Log states Rain.
 - On 02/10, Sector 9 Cells 1-16 offered recreation. all refused, Sector 12 Cells 12,12,13 offered Recreation.
 - On 02/11, Sector 11 cells 1-15 offered recreation. Log Incomplete
 - On 02/12, Sector 9 and 12 offered recreation. Log Incomplete.
 - On 02/13, Sector 10 and 12 offered recreation. Log Incomplete.
 - On 02/14, Log Blank.
 - No additional recreation was offered.
 - Recreation opportunities are rotated, but yard hours vary every day.

Mod J recreation yard hours 02/08 to 02/14/2024 and participation in recreation.

Date	Recreation Open	Recreation Closed	Refusals	Participants
02/08	Log Blank			
02/09	Log states Rain			
02/10	0725 hrs.	Log Incomplete	26	0
02/11	1305 hrs.	2159 hrs.	11	2
02/12	0935 hrs.	1946 hrs.	21	2
02/13	0800 hrs.	1900 hrs.	9	6
02/14	Log Blank			

Mod J Log did not offer or provide the required recreation, did not document who went to recreation and did not document the number of hours or refusals.

- TLF Mod K Recreation Logs for dates 03/08-03/14/2024
 - Mod K consists of six (6) Sectors 13-18 Mod K recreation opportunities for the period of seven (7) days. Mod K does not appear to have groups in each Sector.
 - Sector 13, part of Sector 13 had one (1) recreation opportunities.
 - Sector 14, part of Sector 15 had two (2) recreation opportunities.
 - Sector 15, part of Sector 15 had three (3) recreation opportunities.
 - Sector 16, part of Sector 16 had three (3) recreation opportunities.
 - Sector 17, part of Sector 17 had three (3) recreation opportunities.

- Sector 18, one (1) incarcerated person had one (1) recreation opportunity.
- Several incarcerated persons appear to not have received any recreation opportunity.
- Recreation opportunities are rotated, but yard hours vary every day.

Mod K recreation yard hours 03/08 to 03/14/2024 and participation in recreation.

	Recreation Open	Recreation Closed	Refusals	Participants
03/08	0557	1442	32	6
03/09	No recreation offered			
03/10	No recreation offered			
03/11	0740	1850	46	8
03/12	0705	1821	25	7
03/13	0745	1933	23	2
03/14	0557	1748	18	7

Mod K Recreation Log data identified that some incarcerated persons did not receive three (3) hours of recreation, parts of Sector 15 received two (2) Recreation opportunities and parts of Sectors 15, 16, 17 received additional recreational opportunities. Sector 18, one (1) incarcerated person appeared to have received recreation.

- TLF Mod L Recreation Logs for dates 04/08-04/14/2024
 - Mod L consists of six (6) Sectors 19-24. Mod L recreation opportunities for the seven (7) day period.
 - Mod L Recreation Logs are not separated by groups by classification case factors (i.e., GP1, AH2, PC3 etc.).
 - Sector 19, part of Sector 19 had one (1) recreation opportunity.
 - Sector 20, part of Sector 20 had one (1) recreation opportunity.
 - Sector 21, part of Sector 21 had one (1) recreation opportunity.
 - Sector 22, part of Sector 22 had one (1) recreation opportunity.
 - Sector 23, part of Sector 23 had one (1) recreation opportunity.
 - Sector 24, Part of Sector 24 had one (1) recreation opportunity.
 - Several incarcerated persons did not receive a second recreation opportunity.
 - Recreation opportunities are rotated but yard hours vary.
 - No Incarcerated Persons received additional recreation.

Mod L recreation yard Hours 04/08 to 04/14/2024 and participation in recreation.

Date	Recreation Open	Recreation Closed	Refusals	Participants
04/08	1040	2020	4	0

04/09	1100	2005	4	0
04/10	1125	1545	3	15
04/11	1015	1840	1	28
04/12	0750	1045	6	3
04/13	0904	1100	16	2
04/14	Log Blank			

Mod L Recreation Log data identified that several incarcerated persons did not receive three (3) hours of recreation, parts of Sector 19-24 received only one (1) recreation opportunity and numerous incarcerated persons appeared to have received recreation. The was no additional recreation provided.

- TLF Mod M Recreation Logs for dates 05/08-05/14/2024
 - Mod M consists of six (6) Sectors 25-30. Mod M recreation opportunities for the seven (7) day period.
 - Mod M Sectors are divided into three groups, each group consisting of five and five (5) and six (6) two (2) person cells or 10 to 12 persons per group.
 - Mod M Recreation Logs are separated into groups by classification case factors (i.e., GP1, AH2, PC3 etc.).
 - Sector 25, Sector had five (5) recreation opportunities.
 - Sector 26, Sector had three (3) recreation opportunities.
 - Sector 27, Sector had four (4) recreation opportunities.
 - Sector 28, Sector had two (2) recreation opportunities.
 - Sector 29, Sector had four (4) recreation opportunities.
 - Sector 30, Sector had four (4) recreation opportunities.
 - Recreation opportunities are rotated.
 - Additional recreation opportunities were offered.
 - All incarcerated persons in Mod M were offered recreation.

Mod M recreation yard hours 05/08 to 05/14/2024 and participation in recreation.

Recreation Log Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	Log Blank			
05/09	0659 hrs.	2210 hrs.	No ID	Poor Logging
05/10	0557 hrs.	2300 hrs.	46	34
05/11	0610 hrs.	2305 hrs.	47	28
05/12	0603 hrs.	2154 hrs.	29	21
05/13	0600 hrs.	2232 hrs.	36	24
05/14	Log Blank			

Mod M Recreation Log data identified all incarcerated persons appeared to receive three (3) hours of recreation, several incarcerated persons received additional recreation opportunities.

- TLF Mod O Recreation Logs for dates 05/08-05/14/2024
 - Mod O consists of six (6) Sectors 37-42. Mod O recreation opportunities for the seven (7) day period. Mod O houses requiring Medical and ADA housing.
 - Mod O Recreation Logs poor design, it is unclear if incarcerated persons are separated into numerous groups by classification case factors (i.e., GP1, AH2, PC3 etc.).
 - Sector 37, Sector had two (2) recreation opportunities.
 - Sector 38, Sector had two (2) recreation opportunities.
 - Sector 39, Sector had two (2) recreation opportunities.
 - Sector 40, Sector had one (1) recreation opportunities.
 - Sector 41, Sector had one (1) recreation opportunities.
 - Sector 42, Sector had four (4) recreation opportunities.
 - Several incarcerated persons did not have receive a second recreation opportunity.
 - Yard hours are varied, unclear if recreation opportunities are rotated.
 - 2 additional recreation opportunities were provided.

Mod O recreation yard hours 05/08 to 05/14/2024 and participation in recreation.

Recreation log Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	1218 hrs.	1717 hrs.	26	4
05/09	0705 hrs.	1052 hrs.	10	0
05/10	0929 hrs.	1555 hrs.	25	0
05/11	closed			
05/12	0736 hrs.	1000 hrs.	Not ID	2
05/13	Log Blank			
05/14	Log Blank			

Mod O Recreation Log data identified several incarcerated persons did not receive three (3) hours of recreation, the several received one partial Recreation opportunities, some received two recreation opportunities and Sector 42 received four (4) recreation opportunities.

- TLF Mod P Recreation Logs for dates 04/08-04/14/2024
 - Mod P consists of six (6) Sectors 43-48. Mod M recreation opportunities for the seven (7) day period.
 - Mod P Recreation Log is a poor design.
 - Mod P Sectors are separated into groups by classification case factors (i.e., GP1, AH2, etc.).
 - Sector 43, groups 1, 3 and 4 had two (2) recreation opportunities, Group 2 only had 1 opportunity.

- Sector 44, groups 1, 3 and 4 had two (2) recreation opportunities. Group 2 only had one (1) yard opportunity.
- Sector 45, groups 1 and 3 had two (2) recreation opportunities. Group 3 and 4 had one (1) yard opportunity.
- Sector 46, groups 2, 3 and 4 had two (2) or more recreation opportunities. Group 1 only had 1 yard opportunity.
- Sector 47, groups 1, 3 and 4 had two (2) recreation opportunities. Group 2 only had 1 yard opportunity.
- Sector 48, groups 1, 2 and 4 had two (2) recreation opportunities. Group 3 only had one (1) yard opportunity.
- Several incarcerated persons did not receive a second recreation opportunity.
- Recreation opportunities are rotated.
- Four (4) groups received one additional yard period.

Mod P recreation yard hours 05/08 to 05/14/2024 and participation in recreation.

Recreation Log Date	Recreation Open	Recreation Closed	Refusals	Participants
04/08	0600 hrs.	1850 hrs.	17	28
04/09	0609 hrs.	0730 hrs.	1	9
04/10	0753 hrs.	2222 hrs.	1	33
04/11	0616	2236	9	36
04/12	0612 hrs.	1957 hrs.	8	28
04/13	Log Blank			
04/14	0625 hrs.	1919 hrs.	8	26

Different log designs use throughout the week. Mod P Recreation Log data identified several incarcerated persons did not receive a second recreation opportunity. No incarcerated persons received an additional recreation Opportunity.

- TLF Mod Q Recreation Logs for dates 05/08-05/14/2024
 - Mod Q consists of six (6) Sectors 49-54. Mod Q recreation opportunities for the seven (7) day period.
 - Mod Q Recreation Logs are separated into groups by classification case factors.
 - Sector 49, 50, 51, 52, 53 and 54 all received three (3) or more recreational opportunities.
 - Recreation opportunities are rotated but yard.

Mod Q recreation yard hours 05/08 to 05/14/2024 and participation in recreation.

Recreation Log Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	0742 hrs.	1930 hrs.	40	30, Nice logging

05/09	Log Blank			
05/10	0717 hrs.	2138 hrs.	41	7, Poor logging
05/11	0757 hrs.	1851 hrs.	54	18
05/12	0600 hrs.	2150 hrs.	All Sections refused initially	15, poor logging
05/13	0600 hrs.	1300 hrs.	No inmates ID	13, poor logging
05/14	0943 hrs.	1935 hrs.		18, poor logging

Mod Q Recreation Log data identify all incarcerated persons did not receive three (3) or more recreation opportunities. Two (2) different designs of Recreation Logs were utilized four days of logging were incomplete.

- TLF Mod R Recreation Logs for dates 05/08-05/14/2024
 - Mod R consists of six (6) Sectors 55-60. Mod R recreation opportunities for the seven (7) day period.
 - Mod R Recreation Logs are separated into groups by classification case factors (i.e., GP1, AH2, PC3 etc.).
 - Sector 55, Groups 1,2, 3, and 4 had two (2) recreation opportunities.
 - Sector 56, Groups 1, 2, 3, and 4 had one (1) recreation opportunity.
 - Sector 57, Groups 1, 2, 3, and 4 had three (3) recreation opportunities.
 - Sector 58, Groups 1, 2, 3, and 4 had two (2) recreation opportunities.
 - Sector 59, Groups 1, 2, 3, and 4 had two (2) recreation opportunities.
 - Sector 60, Groups 1, 2, 3, and 4 had two (2) recreation opportunities.
 - Several incarcerated persons did not have receive a second recreation opportunity.
 - Recreation opportunities are rotated.

Mod R recreation yard hours 05/08 to 05/14/2024 and participation in recreation.

Recreation Log Date	Recreation Open	Recreation Closed	Refusals	Participants
05/08	1130 hrs.	1545 hrs.	11	10 Good Log
05/09	Log Blank			
05/10	1727 hrs.	1914 hrs.	0	7
05/11	1157 hrs.	1503 hrs.	24	7
05/12	0600 hrs.	2300 hrs.	Not ID'd	2 Log Incomplete
05/13	0600 hrs.	2210 hrs.	Not ID'd	17 Log Incomplete
05/14	0740 hrs.	1557 hrs.	Not ID'd	2

Mod R Recreation Log data identify several incarcerated persons did not receive two Recreational opportunities, several did receive two or more recreation opportunities. Three (3) days of logging are incomplete.

As this is the fifth monitoring report that the Expert observed the continued difficulties the TLF has in meeting the access to three (3) hours of recreation per week. The timely opening and closing of the recreation yards, recording or logging of accurate recreation documentation appear to be difficult for CSA and/or sworn staff to achieve. The OCSD reports training has occurred yet staff's success in accomplishing the RP requirements of providing and offering access to three (3) hours of recreation, ensuring recreation yards are open from 0600 hours to 2300 hours and offering additional recreation opportunities, when possible, are not being met. Although OCSD has reported the implementation of standardized Recreation Logs throughout the facilities, the Expert finds there is still different logs being used.

During the entrance meeting, OCSD reported that in or about June 2024 larger groups (10-12) persons, had been established. Fewer groups competing for recreational yard time will assist the County in meeting the RP requirement of providing the required three (3) hours per week of recreation time and will provide additional recreation opportunities for incarcerated persons. This is a very important policy/procedure change to facilitate successful implementation of the remedial provisions on recreation and out-of-cell time.

The RP requires the County to utilize an effective electronic system for documenting and tracking the amount of out-of-cell time that each person in custody is offered and receives. Pending the implementation of Guardian RFID, the Expert recommends that the County ensure staff utilize one design of a Recreation Log and document sufficient detailed information to track and log the RP requirements. The County has reported that the "Guardian RFID" system will be implemented in the future. This system will assist the County in tracking and logging out-of-cell activities, including recreation time offered and provided.

The Expert finds the County continues to not consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. The Expert finds the recreation hours or yard open and closing times continue to not be met. During the monitoring tour, the Expert observed recreation yards empty in various Mods. In addition, the Expert's review of OCSD Recreation Logs found the lack of accurate documentation preventing the County from demonstrating compliance with the RP requirements. The logs need to reflect the incarcerated person identifiers (name and booking number) for cases where multiple incarcerated persons were offered and provided outdoor/exercise and/or recreation, and not simply reflect the number of "Takers." Based on this, the Expert finds that the County has partially implemented the RP requirements.

During this fifth monitoring tour the Expert found nothing has changed regarding increasing recreation participation. Interviews of incarcerated persons during this monitoring tour indicated incarcerated persons choose not to go to recreation because it is boring and there is nothing to do. Many times, the sports balls are flat or missing. There is no exercise equipment, no radio or music to listen too. These interviews largely mirror the interviews with incarcerated people from the second, third and fourth monitoring tours.

During this fifth monitoring tour, the Expert found in cases of more than three (3) refusals, staff failed to refer the incarcerated persons to CHS. The Expert found Staff are not tracking which incarcerated persons are refusing and how many times an incarcerated person refuses recreation.

The Expert again strongly suggests the creation of a Corrective Action Plan to ensure recreation yards have pro-social activities and incentives like the ability for incarcerated persons to listen to music in the yard, which is currently available at CMJ only, versus no music being available at CWJ, IRC and TLF. These activities have been requested numerous times by incarcerated persons. Other jurisdictions have created non-custodial or non-sworn positions such as Recreation Coordinator, a position that coordinates the Recreational activities for the incarcerated person population.

Many incarcerated persons told the Expert they choose to stay away from jail politics, so they don't go to recreation. There continue to be numerous incarcerated persons who choose not to attend recreation, either because it is boring or because jail politics are taking place.

The County has not produced any custody-initiated referrals to CHS staff for assessment and clinical follow-up as required by the RP. Additionally, during the second, third, and now fourth tour, the Expert did not see any entries in the Daily Activity Logs of OCSD staff referring an incarcerated person to CHS for refusals of the out-of-cell activities.

During the previous monitoring tour, the Expert noted that this provision relates in part to ADA RP Section IX.E.2 ("The ADA Compliance Unit shall interview incarcerated persons with disabilities on a monthly basis. If during the interview, the ADA Compliance Unit discovers that a person with a disability has refused offers for outdoor recreation three times in a row or has refused offers for dayroom three times in a row, the ADA Compliance Unit shall inquire and document the reason(s) for the refusal...."). Section IX.E.2 is covered in OCSD Policy 8000 (at p. 19), while this provision (RH Section IJ) is only partially covered (at p. 7 – requiring documentation of referrals but providing no direction as to custody staff referral requirements). The Expert notes that referrals for disabled incarcerated persons are being made by the ADA Unit staff; however, for incarcerated persons who are not designated as disabled and who refuse out-of-cell time are not being referred by OCSD staff as required by the RP, further policy/training development may be warranted regarding this provision.

The County reported Guardian RFID will assist with tracking the number of refusals of out-of-cell time and Inmate Programs staff is now checking regularly to ensure balls are inflated for outdoor recreation.

Partially Implemented (Previous Rating Partially Implemented)

- a. *OCSD will offer additional outdoor exercise and/or Recreation time beyond three (3) hours per week as scheduling and classification needs allow. To do so, OCSD will ensure that all outdoor Recreation areas are in use by incarcerated people from 0600 through 2300 hours daily, except in cases of emergency and as necessary for particular events related to the safety and security of the institution (e.g., counts, searches). For the outdoor space adjacent to the Theo Lacy Barracks (the "Green Sector"), where artificial lighting is unavailable, OCSD will ensure that the Green*

Sector is in use by incarcerated people during daylight hours, except in cases of emergency and as necessary for particular events related to the safety and security of the institution (e.g., counts, searches). Once every incarcerated person has been offered use of the outdoor Recreation area and, if they choose, used the outdoor Recreation area for three hours per week, OCSD shall offer additional opportunities to use the outdoor Recreation area to incarcerated people who already used the outdoor Recreation area or were already offered the opportunity to use the outdoor Recreation area. OCSD shall make efforts to rotate these opportunities for additional outdoor Recreation among the incarcerated people so that everyone can have approximately equal additional outdoor Recreation time. If everyone in the unit or Sector has had an opportunity for outdoor Recreation time and everyone refuses any subsequent offer of additional outdoor Recreation time, outdoor Recreation will be closed for two hours. Incarcerated persons will then be offered outdoor Recreation on a recurring two-hour cycle for the remainder of the day. If a pattern develops that an incarcerated person is refusing an offer of outdoor Recreation time in an apparent attempt to obtain a specific outdoor Recreation time, the incarcerated person will be informed that the specific outdoor Recreation time will not be offered and will be given the opportunity to accept the offered time.

The County reports, OCSD CCOM Policy 2006 has been revised to include the RP requirements. OCSD has reminded staff that outdoor recreation is to be open from 0600 to 2300 and during daylight hours for Theo Lacy's Green Sector (unless outdoor recreation is closed for an emergency and as necessary for events related to safety and security (e.g., counts, searches)). Guardian RFID will assist with tracking of outdoor recreation time.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "Staff shall afford each inmate the opportunity to participate in a minimum of three (3) hours of outdoor recreation per week, distributed over at least two separate days. Outdoor recreation will generally be available for use by inmates from 0600 through 2300 hours daily. An exception is Theo Lacy Green Sector, which will operate during daylight hours. Events related to the safety and security of the facility (e.g., counts, searches), emergencies, or inclement weather, may necessitate the cancellation or reduction of scheduled recreation time. In the event of a cancellation or failure to provide the minimum required opportunities for recreation, the assigned supervisor shall be notified and the reason for the cancellation or failure shall be documented in the appropriate log."

The policy also states, "Once every inmate has been offered or used outdoor recreation, staff shall offer all inmates additional opportunities to use outdoor recreation between the hours of 0600-2300 hours, even if an inmate previously refused. Staff shall make efforts to rotate the opportunities for additional outdoor recreation so inmates can have approximately equal additional outdoor recreation time. If every inmate refuses additional outdoor recreation time, outdoor recreation will be closed for two (2) hours. Inmates will then be offered additional outdoor recreation time on a recurring two (2) hour cycle for the remainder of the day. If a pattern develops that an inmate or group is refusing an offer of outdoor recreation time in an apparent attempt to obtain a specific time, the inmate or group will be

informed that the specific outdoor recreation time they are attempting to obtain will not be offered, and instead will be given the opportunity to accept the offered time.

The Expert reviewed Recreation Logs for CWJ, CMJ, IRC and TLF to measure the County's compliance with meeting the RP Requirement of opening and closing times of the recreation yards and providing additional recreational opportunities.

A summary of the findings is as follows.

CWJ

The Expert's review of Central Women's Jail (CWJ) Recreation Logs, refer to Section A.B.2. above, revealed the recreation areas do not consistently open at 0600 hours and only remained open until 2300 hours on seven (7) occasions. The expert interviewed several incarcerated persons who all stated CWJ is providing recreation access to all incarcerated persons and that they are provided additional opportunities for recreation.

CMJ

The Expert's review of Central Men's Jail (CMJ) Recreation Logs, refer to Section A.B.2. above, revealed the recreation areas do not consistently open at 0600 hours, and they are routinely closed by 1530 hours reopened about 1930 hours and closed at 2300 hours or later. The afternoon closure is for staff coverage of the evening meal and range from 3.5 hours to four (4) hours each day.

IRC

The Expert's review of IRC Recreation Logs, refer to Section A.B.2. above, revealed recreation areas do not open at 0600 hours consistently, and they are routinely closed by 1530 hours, reopened at approximately 1930 hours and closed at 2300 hours or later. The afternoon closure is reportedly for staff coverage of the evening meal. The afternoon closures range from 3.5 hours to four (4) hours each day.

TLF Green Sector

The Expert's review of TLF Recreation Logs, refer to Section A.B.2. above, revealed the recreation areas do not open at daylight, that they are routinely closed by 1130 hours and in numerous cases staff are redirected to other duties.

TLF Mods

The Expert's review of TLF Recreation Logs, refer to Section A.B.2. above, revealed the recreation areas do not consistently open at 0600 hours and close at 2300 hours. The recreation yards were only opened at 0600 on six (6) days of 35 days reviewed and were only open until 2300 hours on two (2) days of the 35 days reviewed.

The Expert finds staff redirection in the Green Sector to supplant staff shortages continues to affect the County's ability to provide access to recreational opportunities as required by the RP. The Expert reviewed 26 days of Green Sector Recreation Logs, failing to find one (1) day the yard was opened at 0600 hours. The earliest the Green Sector yard was opened was 0750 hours. In 15 of the 26 days, the Green Sector recreation area was closed at about noon, due to redirection of staff.

The Expert's review noted the yards remain vacant and not in use for extended periods of time on multiple dates. On these dates, the logs reflect the recreation yards are only in use at times for a two-hour period. The County must ensure the recreation yards are available and in use from the hours of 0600 to 2300, as required by the RP.

The County must ensure additional outdoor exercise and/or recreation time beyond the three (3) hours per week are offered and provided as scheduling and classification needs allow. The County must ensure the outdoor space adjacent to the Theo Lacy Barracks (the "Green Sector") is utilized by incarcerated persons during daylight hours, except in cases of emergency and as necessary for particular events necessitated by the safety and security needs of the facility.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

- b. OCSD shall document if exigent circumstances or inclement weather affecting the safety of the outdoor Recreation area preclude the provision of the minimum outdoor time in a given week.*

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "Staff shall afford each inmate the opportunity to participate in a minimum of three (3) hours of outdoor recreation per week, distributed over at least two separate days. Outdoor recreation will generally be available for use by inmates from 0600 through 2300 hours daily. An exception is Theo Lacy Green Sector, which will operate during daylight hours. Events related to the safety and security of the facility (e.g., counts, searches), emergencies, or inclement weather, may necessitate the cancellation or reduction of scheduled recreation time. In the event of a cancellation or failure to provide the minimum required opportunities for recreation, the assigned supervisor shall be notified and the reason for the cancellation or failure shall be documented in the appropriate log."

In a review of the Recreation Logs, refer to Section A.B.2. above, the Expert found that in some cases staff logged the reasons why the required outdoor recreation was not available/operational. However, the logs reviewed reflect multiple times the required recreation time was not provided, and no documentation is included in the logs reflecting the reasons precluding the provision of the minimum outdoor time in the given week or the log is just blank.

The County reported, “OCSD CCOM Policy 2006 has been revised to include the RP requirements. OCSD will continue to reinforce to staff the requirement for consistent and complete logging of the reasons outdoor recreation is closed.”

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

3. *OCSD will offer additional programming, including through electronic tablets, that will be available for use when people are confined to their cells, among other times.*

The County reported that the ADA Compliance Team will assist any incarcerated person with a disability with accessing the tablet. Inmate Programs staff will assist any non-ADA incarcerated person. The tutorial for how to use the tablets is attached to the Inmate Orientation Video which is played on the booking loop and in every housing unit daily.

During the on-site tour, the County also reported there is one (1) tablet for every two (2) incarcerated persons. The incarcerated persons alternate access to the Electronic Tablets, such as alternating access during the AM and PM, including alternating from AM to PM access. Tablets are collected in the evening and charged during the nighttime hours. The County also reported that all incarcerated persons with the exception of those housed in the IRC Mods J, K and M and TLF Mod J Sectors 11 and 12 have access to the Electronic Tablets unless restrictions are placed due to a Disciplinary sanction. For the incarcerated persons housed in the IRC Mods J, K and M and TLF Mod J Sectors 11 and 12 access to the Electronic Tablets are determined on a case-by-case basis and with input from mental health staff. Incarcerated persons interviewed reported they were pleased with the access rotation and the addition of the Electronic Tablets. The Sabot report on Rights of People With Disabilities summarizes the access to electronic tablets and staff assistance to people with disabilities in accessing the tablets in Sections E.D. E.E, F.F and I.D.

During the Incarcerated person interviews, issues related to the tablet program included, the excessive costs, some cases where allegedly staff are holding tablets hostage to ensure positive programming specifically in the dorms (this was not confirmed), and the marketing/selling of tablet time. The Expert believes and recommends that the County should consider providing each incarcerated person with a tablet.

Based on this, the Expert finds that the County has Adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Partially Implemented)

- C. *Consistent with safety and security needs, the County shall take steps to maximize opportunities for people in celled housing units to interact with others during the out-of-cell time.*

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Adequately Implemented)

- D. *The County will make best efforts to accommodate individual needs regarding the time of day for out-of-cell time (e.g., for people with disabilities impacting fatigue, on sleep medications, etc.).*

The County reported that CCOM Policy 2006 has been revised to address the RP requirements.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Staff will make best efforts to accommodate individual needs regarding the time of day for outdoor recreation (e.g., for inmates with disabilities impacting fatigue, on sleep medications, etc.)”

There were no complaints from the incarcerated persons related to the lack of accommodations regarding the time of day for out-of-cell time for people with disabilities impacting fatigue on sleep medications.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Partially Implemented)

- E. *The County will make best efforts to ensure all people are offered opportunities for out-of-cell time during normal daylight hours each week.*

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- F. *The County shall utilize an effective electronic system for documenting and tracking the amount of out-of-cell time that each person in custody is offered and receives with respect to each of the above categories.*

The County reported that Guardian RFID will assist with tracking out of cell time.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation requires the logging of Outdoor Recreation and Dayroom as follows:

Open Housing Areas - In housing areas where all inmates in the housing area are allowed access to outdoor Recreation or Dayroom together, Staff shall make an entry in the guard station daily log whenever:

- The dayroom(s) are opened.
- The dayroom(s) are closed.
- Outdoor recreation is offered.
- Outdoor recreation is closed or when the inmates return from outdoor recreation, depending on the housing area's configuration.
- Groups

In module housing areas, or any housing area where inmates are separated into groups for security purposes, staff shall document the following information on the guard station daily dayroom log and the guard station outdoor recreation log:

- Inmate's name
- Booking number
- Start time/end time
- Any refusal of dayroom and reason for refusal
- Any inmate who requests to lock it down before their three-hour minimum expires.

Inmates with Individual Inmate Activity Logs

- Staff shall log the start and end times of all offered opportunities for outdoor recreation and dayroom, and whether the inmate accepted or declined, in the inmate's Individual Inmate Activity Log.

In cases where an inmate refuses dayroom or outdoor recreation for more than three (3) times in one week and the reason for such refusal may be related to their mental health, medical, or disability status, staff will make an urgent referral to CHS for assessment and appropriate clinical follow up. Staff will document the referral in the dayroom or outdoor recreation log. If an inmate has an Individual Inmate Activity Log, the referral will also be documented there.

The County currently tracks the out-of-cell time for incarcerated persons using an electronic Dayroom Log and Recreation Log. The Dayroom Log includes the following data fields:

- Overall Start/End
- Break 1 Start/End
- Break 2 Start/End
- Break 3 Start/End
- Break 4 Start/End
- Groups/Cells
- Notes Entered By
- Total DR Time
-

The Recreation Log includes the following data fields:

- Start

- End
- Group Cells
- Notes
- Entered By
- Total

The Expert reviewed all out-of-cell logs (Dayroom and Recreation) produced for the rating period. Based on the review, the Expert continues to find logs that were very detailed and contained some of the information required to be documented. However, numerous logs were not completed with all the required information. Many of the out-of-cell logs (Dayroom and Recreation) only reflect the cell numbers with no incarcerated person identifier.

During the Fourth Monitoring tour, the Expert was advised a standardized Dayroom and Recreation Log was being introduced to all housing areas; this standardized log, if used correctly, should provide all the information required by the RP. There will be a learning and a training curve for staff to use the new log.

During the fifth monitoring tour the Expert noted there continues to be a struggle for standardized documentation of Dayroom and Recreation Logs, some logs are completed accurately, some logs lack the very basic information necessary for the Expert to monitor the County's compliance. There needs to be supervisory oversight of these logs. The Expert will continue to monitor this in future monitoring tours.

The RP requires the County to utilize an effective electronic system for documenting and tracking the amount of out-of-cell time that each person in custody is offered and receives. The County is also required to conduct electronic audits at least weekly to ensure that OCSD is offering the required out-of-cell time consistent with the RP provisions. The current electronic system, as used, does not effectively document and track the amount of out-of-cell time that each person in custody is offered and receives. The Expert recommends that the County consider implementing a tracking system that tracks each incarcerated person's individual out-of-cell time offered and provided. The tracking system must have the capability/functionality to track the following:

- Dayroom offered for every incarcerated person (date and time including weekly totals)
- Dayroom provided for every incarcerated person (date and time including weekly totals)
- Dayroom refusals for every incarcerated person (date and time including weekly totals)
- Cases of emergency (count, searches, and lockdowns) where the Dayrooms were not open.
- Cases where the incarcerated person is at court or an off-site medical appointment.
- Scheduled program participation in the dayroom
- Recreation yard offered for every incarcerated person (date and time including weekly totals)

- Recreation yard provided for every incarcerated person (date and time including weekly totals)
- Recreation yard refusals for every incarcerated person (date and time including weekly totals)
- Cases related to exigent circumstances or inclement weather that precludes the provision of the minimum outdoor time in a given week.
- Restriction of dayroom and recreation yard access related to infectious disease control.

With the rollout of an electronic system with functionality to track these components, "Guardian RFID," the County must, in the interim, ensure that Staff consistently documents information in the tracking logs sufficient for quality assurance and proof of practice. The current tracking system does not effectively document and track the amount of out-of-cell time that each person in custody is offered and receives.

The Expert recognizes the logging of out-of-cell time is a cumbersome process that requires extensive staff time. However, the Expert notes that detailed, accurate documentation is essential for the Expert to measure the County's compliance with the RP requirements.

The Expert is hopeful that with the implementation of the Guardian RFID, the County will be able to provide the Expert with detailed out-of-cell data for the Expert to measure the County's compliance with the RP requirements.

The Expert finds the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

G. The County shall conduct electronic audits at least weekly to ensure that OCSD is offering the required out-of-cell time consistent with the provisions set forth herein. Supervisory Staff will regularly review this data for quality assurance and take steps to address any deficiencies.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "The Sergeant responsible for the housing area shall review dayroom usage as part of the required housing area checks and ensure the three-hour dayroom minimum has been met. If the three-hour dayroom minimum has not been met, the Sergeant will confirm the reason(s) are clearly documented in the Guard Station Daily Log."

In a review of the Activity, Recreation, and Dayroom Logs, the Expert determined that the County is not conducting the required weekly electronic audits to ensure that OCSD is offering the required out-of-cell time consistent with the requirements of the RP. The County must ensure supervisory staff conducts the audits for quality assurance and, in addition, take steps to address deficiencies.

The County reported that Guardian RFID implementation will assist with these audits.

Based on this, the Expert finds that the County has not implemented the RP requirements.

Not Implemented (Previous Rating Not Implemented)

- H. *OCSD, in coordination with CHS, may place temporary restrictions on dayroom and outdoor Recreation access, such as for issues related to infectious disease control.*

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Correctional Health Services (CHS) may place temporary restrictions on dayroom access, such as for inmates with contagious diseases or inmates who pose a danger to themselves or others.”

Note: This section offers clarifications as to the scope of other requirements in the SA and informs the analysis of the dayroom/outdoor recreation SA requirements. The narrative is provided only as contextual considerations in assessing the implementation of IV.A.1, IV.A.1.a (Dayroom), IV.A.2, and IV.A.2.a (Outdoor recreation). Based on this, a Compliance rating is not warranted.

- 1) *OCSD may place temporary restrictions on dayroom and outdoor Recreation access for the count, the escort of CHS or other non-custodial personnel, and for any lockdown of a facility/housing unit for security reasons.*

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Events related to the safety and security of the facility (e.g., counts, searches), emergencies, or inclement weather, may necessitate the cancellation or reduction of scheduled recreation time. In the event of a cancellation or failure to provide the minimum required opportunities for recreation, the assigned supervisor shall be notified and the reason for the cancellation or failure shall be documented in the appropriate log.” In addition, the OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Staff may temporarily close the dayroom only for as long as necessary to facilitate the daily operations of the housing area, such as counts, inmate safety checks, meals, searches, clothing exchange, commissary, med call, etc., and shall reopen the dayroom when the activity is complete. All activities shall be documented in the Guard Station Daily Log.”

In a review of the Recreation and Dayroom Logs, the Expert noted that custody staff sometimes documents the closure of the Dayrooms and recreation yards due to count and in cases of lockdowns and/or security reasons.

Note: This section offers clarifications as to the scope of other requirements in the SA and informs the analysis of the dayroom /outdoor recreation SA requirements. The narrative is provided only as contextual considerations in assessing the implementation of IV.A.1, IV.A.1.a (Dayroom), IV.A.2, and IV.A.2.a (outdoor recreation). Based on this, a Compliance rating is not warranted.

- J. *In cases where a person refuses out-of-cell time repeatedly (e.g., more than 3 times in one week) and the reason for such refusals may be related to their mental health, medical, or disability status, Jail staff will make a referral to CHS (urgent or higher) for assessment and appropriate clinical follow-up.*

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “In cases where an inmate refuses dayroom or outdoor recreation for more than three (3) times in one week and the reason for such refusal may be related to their mental health, medical, or disability status, staff will make an urgent referral to CHS for assessment and appropriate clinical follow up. Staff will document the referral in the dayroom or outdoor recreation log. If an inmate has an Individual Inmate Activity Log, the referral will also be documented there.” The OCSD Court & Custody Operations Manual (CCOM) 8000 – Inmates with Disabilities states, “If during the interview, the ADA Compliance Unit discovers that an inmate with a disability has refused offers for outdoor recreation three times in a row or has refused offers for dayroom three times in row, the ADA Compliance Unit shall inquire and document the reason(s) for the refusal. The ADA Compliance Unit shall inquire whether a disability accommodation, medical or mental health referral or other action is needed to afford meaningful access and shall document the action in the inmate’s ADA Inmate Activity Log. During the monthly meeting, the ADA Compliance Unit will also provide the inmate with a message slip to contact the ADA Compliance Unit regarding any disability issues. If at any time prior to the monthly interview, a member of the ADA Compliance Unit becomes aware that an inmate with a disability may need a disability accommodation, mental health referral or other action to afford meaningful access to out-of-cell opportunities, the ADA Compliance Unit will meet promptly with the inmate and document the action taken in the ADA Inmate Activity Log.”

The OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, In cases where an inmate refuses dayroom or outdoor recreation for more than three (3) times in one week and the reason for such refusal may be related to their mental health, medical, or disability status, staff will make an urgent referral to CHS for assessment and appropriate clinical follow up. Staff will document the referral in the dayroom or outdoor recreation log. If an inmate has an Individual Inmate Activity Log, the referral will also be documented there.

Partially Implemented (Previous Rating Partially Implemented)

B. Closure Of Disciplinary Isolation (DI) Cells And Central Men’s Sheltered Living Cells To End Housing Of People In Areas Of Extreme Sensory Deprivation And Lack Of Program Space

- A. It is the intent of OCSD to end the system of DI that has historically applied in Orange County jails. This commitment includes ending the use of the 72 DI cells, including 24 cells at the Intake and Release Center (IRC), 32 cells at Theo Lacy, 12 cells at Central Men’s Jail, and 4 cells at Central Women’s Jail.*
- B. The DI cells at IRC were recently deactivated and will no longer be used for disciplinary or any other form of housing effective. The DI cells at IRC are designated to be repurposed for meeting space available for people in custody (legal counsel meetings, mental health contacts, etc.).*
- C. OCSD recently deactivated and will no longer use the DI cells at Theo Lacy, Central Men’s Jail, and Central Women’s Jail for disciplinary or any other form of housing.*
- D. Notwithstanding the above, OCSD may use the above-referenced cells on a temporary basis for infection control or exigent security reasons.*

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

**Monitoring Suspended Based on Previous Findings of Compliance (Monitoring
Suspended Based on Previous Findings of Compliance)**

C. Creation Of Special Management Unit (SMU) Status

On July 5, 2023, OCSO advised the Expert that they had decided not to move forward with having a Special Management Unit. The Expert also notes that DRC proposed that "in the coming weeks, the parties work on an addendum to the DRC-Orange County SA that memorializes this path forward. We anticipate that several provisions in Section III will be made inapplicable and go away, while some discrete provisions will need to be revised to ensure the necessary protections as to the relevant disciplinary/classification procedures moving forward (e.g., disciplinary sanctions matrix; access to religious activities, showers, mail, telephone, legal counsel; etc.)." The parties are in discussions as to an addendum to the DRC-Orange County SA that memorializes this agreement, to include revision of this RP section with appropriate modifications as to relevant disciplinary/classification procedures, which the Expert will monitor once completed. Based on this, the Expert is not monitoring all of Section III (Creation of Special Management Unit (SMU) Status) of Topic 2 (Restrictive Housing) of RP during the third round of monitoring.

During a previous monitoring tour, the DRC requested that as the parties move forward with discussions regarding discipline and alternatives to SMU, it is important to address the need for proportional, consistent, and reasonable disciplinary practices. Reductions in out-of-cell time and other serious sanctions should remain limited to "only egregious and violent rule violation. To ensure the disciplinary sanctions match the seriousness of the charges and to ensure fundamental fairness is afforded during the disciplinary process, the Expert recommended that the County create a disciplinary matrix that identifies egregious behavior or conduct versus minor rule infractions. This matrix should identify a series of sanctions that match the behavior and also allows the disciplinary Sergeant to have latitude to increase or reduce the sanctions based on aggravating or mitigating factors. The County produced the OCSO Jail Rule Violation Discipline (Bail Schedule). The Bail Schedule states, "This is a general guideline, and can vary from incident to incident. Consider the totality of the circumstances and the inmate's write-up history prior to issuing punishment. (Progressive) Inmates may be issued Loss of Good Time as a punishment, in lieu of SMU time whenever appropriate. For Habitual Violators (3rd violation or more) progressive discipline will be assigned no less than discipline recommended for a 2nd offense." The Expert notes that "Bail Schedule includes:

- Egregious Offenses
- Major Jail Rule Offenses
- Minor Jail Rule Offenses

The Expert also notes that the "Bail Schedule" includes sanctions for the 1st and 2nd offenses. The Sanctions for the Offenses are as follows:

- Egregious Offenses – From 10 Days LOA (Loss of All) &/or 10 Days SMU to 30 Days LOA &/or 30 Days SMU for the 1st Offense and from 20 Days LOA &/or 20 Days SMU to 30 Days SMU, Loss of Good time for the 2nd Offense.
- Major Jail Rule Offenses – From 5-10 Days LOA to 15-20 Days LOA for the 1st Offense and from 10-15 Days LOA to 30 Days LOA, Loss of Good time for the 2nd Offense.
- Minor Jail Rule Offenses From 3- 5 Days LOA to 7-10 Days LOA for the 1st Offense and from 5-10 Days LOA to 10-15 Days LOA for the 2nd Offense.

The Expert notes that the OCSD Jail Rule Violation Discipline (Bail Schedule) references placement in SMU as a sanction even though OCSD advised the Expert that they had decided not to move forward with having an SMU.

Although the County reported that the County was moving forward with not having an SMU, the Expert observed the following entry on the June 14, 2024, IRC Mod J, Dayroom Log, Sector 3, labeled SMU, all classifications are annotated AH-1, AH-2 or AH-3, PC-AH, PCAH-2. Post tour, the County reported, "OCSD has not established an SMU. These individuals were moved into IRC Mod J, Sector 3 from Theo Lacy when OCSD moved some protective custody and higher security classifications out of Theo Lacy. The deputies unfortunately used the label "SMU" to refer to this sector of individuals with different classifications."

[illegible]

Once an agreement is reached by the parties' the Expert will conduct monitoring of the agreement.

- A. With the deactivation of the Disciplinary Isolation cells, OCSD shall revise its Disciplinary system to instead utilize a SMU. The SMU will be in designated general modular housing unit(s) and serve as housing for people on a temporary housing status for prescribed periods of time, due to a disciplinary violation. SMU will be utilized for only egregious and violent rule violations.
- B. OCSD and CHS will implement new procedures to limit the number and length of placements in the SMU, including as set forth below.
- C. OCSD shall utilize a disciplinary matrix of penalties that will include alternatives to SMU disciplinary housing status. The matrix shall set forth maximum penalties for each disciplinary violation. SMU disciplinary housing status shall be reserved for offenses involving violence, escape, possession of drugs or weapons, or posing a serious threat to the facility's safety and security or by encouraging others to engage in such misconduct.
- D. No SMU disciplinary term for a rule violation will exceed 30 days. Disciplinary SMU placements for violations that arise out of the same episode shall be served concurrently.
- E. CHS will be notified prior to the placement of any person in the SMU. A medical evaluation will be conducted within 72 hours prior to a person's placement in the SMU. A mental health evaluation will be conducted within 24 hours prior to a person's placement in the SMU.
- F. No person will be placed in the SMU prior to a disciplinary hearing, except in rare cases in which there is a current threat to safety and security of the facility that requires immediate SMU placement.
 1. Such placement may occur only with approval of the Watch Commander. CHS will conduct a medical and mental health evaluation within eight hours of the placement.
 2. Placement in the SMU pending a disciplinary hearing will not include the loss of any regular privileges.

- G. *Upon placement in the SMU, OCSD will provide each individual, in writing and with effective communication accommodations as needed, notice as to the conditions, privileges, expectations, and incentive-based system that applies in the SMU. OCSD staff shall document that this information is communicated effectively to individuals with disabilities affecting communication.*
- H. *Conditions and Incentive-Based System in the SMU*
1. *A person placed in the SMU will be offered a minimum of two (2) hours per day of out-of-cell time, with opportunities for interaction with others (e.g., shared Dayroom time) consistent with safety and security needs.*
 2. *When a person is placed in the SMU, certain privileges may initially be suspended, as determined at the disciplinary hearing.*
 3. *OCSD will develop an incentive-based system to facilitate reinstatement of privileges based on compliance with Jail regulations. The incentive-based system will include consideration – at the Weekly Review (discussed below) – of early discharge from the SMU and/or reinstatement of privileges based on positive behavior, including:*
 - a. *Outdoor recreation*
 - b. *Dayroom time beyond the required two (2) hours per day*
 - c. *Public visiting*
 - d. *access to commissary items*
 - e. *access to newspapers, magazines and more than one book (the one book will be in addition to any religious materials, with a process for book exchange promptly upon request)*
 - f. *access to personal telephone calls*
 - g. *Electronic tablets*
 - h. *Cards or games*
 - i. *Return of personal property items*
 4. *OCSD will develop clear rules that are effectively communicated to incarcerated persons held in the SMU that explain under what circumstances a person can achieve early release from the SMU and/or reinstatement of privileges.*
 5. *Any person placed in the SMU will not be denied exercise of religion. OCSD will ensure that people in the SMU may participate in religious programming, absent a specific security concern that is documented.*
 6. *Access to showers will not be restricted in the SMU. Additional showers will be provided upon reasonable request and in cases where personal hygiene and sanitation warrant, including where necessary to accommodate people with disabilities (e.g., extra showers for individuals with incontinence). OCSD will ensure adequate documentation as to the provision of showers to each person in the SMU.*
 7. *Any person placed in the SMU will have normal personal mail/correspondence privileges except in cases where the person has been found to have violated correspondence regulations, in which case correspondence may be suspended for no longer than seventy- two (72) hours without the review and approval of the Administrative Captain.*
 8. *Any person placed in the SMU will have access to the telephone on request to contact an attorney, the courts, or for personal emergencies.*
 9. *Access to legal counsel shall not be restricted as a disciplinary measure.*
 10. *Any person in the SMU will always be permitted one book from the Orange County Jail Library, which can be exchanged for another book promptly upon request.*
- I. *Regular Classification Review Process in SMU*

1. *For each person held in the SMU, custody staff will conduct a review at least every seven (7) days (the "Weekly Review"), regardless of any assessed SMU term imposed, to evaluate the person's current circumstances and determine whether the person should be removed from the SMU and/or have some or all privileges reinstated.*
2. *The Weekly Review will include a face-to-face interview in a private, out-of-cell setting, consistent with individual security needs, to discuss progress and compliance with the SMU-detained person's individual case plan.*
3. *As part of the Weekly Review, custody staff shall confer with mental health and medical Staff about whether the SMU setting and/or denial of privileges/property is causing harm or risk of harm to the individual's well-being and if so, the appropriate steps to address the issue (including removal from SMU or reinstatement of privileges/property (in particular, phone contact/visits with family/loved ones or access to reading/writing/art materials) pursuant to the incentive-based system). Mental health and medical staff input should be documented.*
4. *Completion of the Weekly Review process will be overseen by the Watch Commander or other Commander-level-or-higher Staff.*
5. *Absent extraordinary circumstances that include a person's persistent failure to comply with facility regulations in a manner that poses a specific threat to safety and security, no SMU placement will exceed thirty (30) days.*
6. *If a person is held in the SMU for 28 days, the Administrative Captain will conduct a review (the "28-Day Review"), which shall include a face-to-face interview with the person in a private out-of-cell setting (consistent with individual security needs), consultation with mental health and medical Staff, and consultation with custody staff in the housing unit.*
7. *If a person is retained in the SMU following completion of a Weekly Review or 28-Day Review, OCSD will document and provide the person with written notice explaining (a) the reasons for retention in the SMU, and (b) clear expectations for how the person may earn reinstatement of privileges and progress to a less restrictive setting. This information will be effectively communicated to the individual consistent with any applicable communication- and/or disability accommodation-related needs.*
8. *Appropriate SMU Review form(s) will be implemented consistent with the provisions set forth herein.*
- J. *Hygiene Items and Writing Supplies*
 1. *OCSD will ensure that persons placed in the SMU receive a welfare pack containing appropriate personal hygiene items and writing supplies.*
 2. *Staff will provide replacement items for all allowable hygiene items and writing supplies promptly upon request, except in cases where the individual is using a particular item improperly.*
 3. *OCSD will ensure complete and adequate documentation of initial and replacement provision of welfare pack items, including all requests and any refusals.*
 4. *Any person placed on SMU restrictions will be provided reasonable access (including promptly upon request) to nail clippers, with appropriate restrictions and supervision based on individualized safety concerns.*
- K. *OCSD shall not restrict access to Inmate Request forms or Grievance forms in the SMU.*
- L. *CHS health care staff will conduct rounds in the SMU at least once per shift, and mental health staff will conduct rounds in the SMU at least once per week.*

1. *These contacts will include, at a minimum: (a) conversation with each person housed in the SMU; b) visual observation of the person's cell, including the cleanliness of clothing and bed linens; (c) inquiry into whether the person would like to request a confidential meeting with a mental health or medical provider.*
2. *If a person requests a confidential medical or mental health care contact or Staff identify a mental health or medical need warranting follow-up, Staff shall arrange for timely evaluation and treatment in an appropriate confidential setting.*
- M. *In recognition of the distinct risks of Restrictive Housing placement in detention, OCSD will not place people with the following risk factors in the SMU absent rare and extraordinary circumstances in which such placement is necessary to address current, specific safety concerns that are documented, with Watch Commander review and approval, and in such cases only for the minimum time necessary to identify an alternative appropriate placement:*
 1. *People diagnosed with Serious Mental Illness or who have an Intellectual or Developmental Disability;*
 2. *People with significant medical or daily nursing care needs, consistent with CHS's clinical input;*
 3. *People who are pregnant, post-partum, who recently had a miscarriage, or who recently had a terminated pregnancy, consistent with CHS's clinical input.*
- N. *Safety checks to maintain the safety and health of the persons in SMU and the security of the facility shall be conducted for all individuals on SMU status at least every 30 minutes, at staggered intervals. Completion of safety checks will be timely documented.*
- O. *Return of Personal Property Taken During SMU Status*
 1. *Any personal property that is taken from an individual who is subject to SMU disciplinary status will be clearly logged and documented, and the personal property will be held in a secure location until returned.*
 2. *Return of personal property should be considered during the period of discipline as part of the incentive-based system.*
 3. *OCSD will return all personal property that was taken during the SMU disciplinary period promptly following the end of the SMU disciplinary period (i.e., within 24 hours). OCSD will document the return of property.*

Not Assessed (Previous Rating Not Assessed)

D. Prohibition On Discipline for Behaviors That Are Related Mental Health Or Disability, Prohibition On Sanctions That Pose Risk Of Serious Harm

A. OCSD and CHS policies and procedures shall require meaningful consideration of the relationship of each person's behavior to any mental health disability or Intellectual/Developmental Disability, the efficacy of disciplinary measures versus alternative interventions, and the impact of disciplinary measures on the health and well-being of incarcerated people with disabilities.

The County reported that OCSD and CHS developed, and have implemented, a mental health review process to comply with the RP for mental health assessments for discipline. The RP (page 32) requires that people alleged to have committed a rules violation shall be reviewed by a qualified mental health professional if any of the following apply:

1. The person is housed in, or is currently referred for placement in, any designated Mental Health Unit.
2. The Disciplinary Hearing Officer or other jail staff have reason to believe the person's behavior was unusual, uncharacteristic, or a possible manifestation of mental illness, including where referral for CHS evaluation is warranted.
3. The person is on the mental health caseload and may be subject to loss of good time/work time credit as a consequence of the disciplinary violation as charged. [There's a reference to SMU but we are not having an SMU.]

Please see N. Sims' emails dated 4-25-24 and 5-22-24 for OCSD's response on the timing of the assessments. Briefing items have directed staff on this process and the process has been successful. OCSD will revise its policy to incorporate this process.

In the emails, the County outlined the County's proposed process to have the mental health assessment after the disciplinary hearing but before any discipline is imposed. This Expert is concerned that the proposed MH referral process occurs after the Disciplinary hearing, and that the Disciplinary Hearing Official does not have information of whether the incarcerated person's mental health and/or cognitive/intellectual or adaptive functioning deficits contributed to the rule violation misconduct.

In the previous report, the Expert noted, with the Disciplinary Hearing Official not taking the mental health and/or cognitive/intellectual or adaptive functioning deficits into consideration this may impact the incarcerated person's classification and increase the incarcerated person's classification. The Expert recommended that the County consider revising the MH Disciplinary referral process, so the Disciplinary Hearing Official has the ability to use the CHS MH evaluation as evidence when making the determination of guilt or innocence during the hearing, and in determining classification decisions and coordinating treatment referrals/planning.

The parties discussed the procedures set forth above. With respect to DRC's review of the proposed procedures, they asked (via email 4/25/2024):

- 1) Is there a form/procedure that would show that the Classification Sergeant did the referral to CHS and then considered/integrated the MH findings consistent with the below?
- 2) What happens to the Disciplinary Hearing Report if the Classification Sergeant subsequently disposes of things based on CHS MH input? Is the J-145 [disciplinary report] canceled and removed from the disciplinary file? ...

The Expert team noted an incarcerated person's jail disciplinary conduct may be used by CDCR when classifying individuals. If there is a guilty finding in the record, even though sanctions were not imposed based on a Mental Health Assessment, CDCR may use the guilty finding when evaluating the in-custody behavior as part of the CDCR classification process.

Additionally, the purpose of this RP provision is to ensure that people with a mental health disability or Intellectual/Developmental Disability are not punished or disadvantaged for incidents or behaviors that are manifestations of the disability, and that their disability is appropriately considered in cases where they are found guilty of a disciplinary violation, including to avoid disciplinary measures that will adversely affect the health and well-being of a person in light of their disability/mental health condition.

It was the County's position that, "If the Classification Sergeant or any other jail staff has reason to believe the inmate's behavior was unusual, uncharacteristic, or a possible manifestation of mental illness, including where referral for CHS evaluation is warranted, the Classification Sergeant will log the write-up in the Inmate Discipline Mental Health Screening Log. The write-up documentation shall be uploaded into the digital folder with the corresponding key number.

Whether or not discipline is to be assigned, the Classification Sergeant shall update the write-up in AJS by entering the discipline or lack thereof as appropriate, as well as the status to reflect the outcome. Once this is updated, print a copy to be placed in the inmate's file and another to be returned to the housing location.

The OC also advised the Expert, "The RP does not require that OCSD delete, void or otherwise dispose of disciplinary records. These records are kept in the person's jail file, which is retained permanently by OCSD per the Board of Supervisors' approved records retention schedules. OCSD includes the disciplinary records and the Notice of Punishment form in the person's jail file so CDCR has the complete record should it choose to review it. CDCR will be able to see that no discipline was imposed due to a mental health review."

Correctional Health Services (CHS), Policy 6602 Health Evaluations for OCSD Incarcerated persons who violate Jail Rules states, "Correctional Health Services (CHS) clinical Staff evaluate patients who are found guilty of a jail rule violation in Orange County Sheriff Department's (OCSD) disciplinary process will have regular access to Correctional Health Services (CHS) clinical Staff to ensure the patient's assigned discipline is not contraindicated based on the patient's general and mental health conditions. CHS clinical

staff will conduct an initial, as well as ongoing, health evaluation during a patient's period of discipline. CHS will take steps to ensure meaningful consideration in the disciplinary process of whether a patient's behavior is related to their mental health or cognitive disability, the efficacy of disciplinary measures versus alternative interventions, and the impact of disciplinary measures on the health and well-being of the patient."

The policy further outlines the process staff must follow when notifications are received from OCSD that a patient is pending disciplinary action for violating a jail rule. The policy also includes requirements for clinical Staff (nursing and assigned Qualified Mental Health Professional) to conduct a chart review to determine if existing diagnosed health conditions contributed to the offense. The clinician will also assess whether any other disciplinary sanctions should be avoided by considering the patient's general or mental health disability or cognitive/intellectual/developmental disability, treatment plan, and/or adaptive support needs. The policy includes examples of penalties that should be avoided that may have an adverse impact on the patient's mental health condition or cognitive/intellectual/developmental disability and include, but are not limited to:

- loss of social visits
- loss of dayroom/outdoor recreation
- loss of telephone
- loss of tablet privileges
- loss of commissary privileges
- housing relocation
- loss of work/good time

The chart reviews, evaluations, and communication regarding which penalties shall be removed/avoided (with CHS clinical staff's documented reasoning/explanation) are required to be documented on the Jail Rules Violation Evaluation form within the patient's EHR.

One significant concern that surfaced during the tour was that the Jail Rule Violation MH evaluations were being conducted at cell front. These evaluations should be conducted in a confidential setting unless individual circumstances prevent it. The Expert recommends that all Jail Rule Violation Evaluation interviews be conducted in a private setting and not at cell front.

The policy also requires that a copy of the Jail Rules Violation Evaluation form be provided to OCSD's assigned disciplinary hearing officer, which includes CHS's clinical Staff's determination (e.g., contraindications for placement and or alternative interventions/accommodations needed based upon the patient's health condition/disability).

During the previous monitoring tour, the Expert noted that the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy does not include the RP requirements. The OCSD reported that the policy is being revised with all of the RP requirements.

During the fifth monitoring tour, the expert interviewed CHS Staff and the Classification Sergeant regarding this process. Numerous questions directed toward both CHS staff and the Classification Sergeant were found to align with the CHS policy, and OCSDs process. Both were able to walk the Expert through the process regarding mental health staff being informed of a pending Disciplinary for review and the actions following the notification. This process is new and will continue to be monitored.

The purpose of this RP provision is to ensure that people with a mental health disability or Intellectual/Developmental Disability are not punished or disadvantaged for incidents or behaviors that are manifestations of the disability, and that their disability is appropriately considered in cases where they are found guilty of a disciplinary violation, including to avoid disciplinary measures that will adversely affect the health and well-being of a person in light of their disability/mental health condition.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

B. People alleged to have committed a rules violation shall be reviewed by a qualified mental health professional if any of the following apply:

- 1. The person is housed in, or is currently referred for placement in, any designated Mental Health Unit.*
- 2. The Disciplinary Hearing Officer or other jail staff have reason to believe the person's behavior was unusual, uncharacteristic, or a possible manifestation of mental illness, including where referral for CHS evaluation is warranted.*
- 3. The person is on the mental health caseload and may be subject to (a) Special Management Unit (SMU) placement, or (b) loss of good time/work time credit as a consequence of the disciplinary violation as charged.*
- 4. If any of the above criteria is met, a mental health clinical staff member who is not the treatment provider for the patient shall complete a Rules Violation Mental Health Review form, indicating:*
 - a. Whether or not the reported behavior was related to mental illness, adaptive functioning deficits, or other disability.*
 - b. Whether the person's behavior is, or may be, connected to any of the following circumstances:*
 - i. An acute or otherwise significant psychiatric episode*
 - ii. An act of self-harm or attempted suicide*
 - iii. A cell extraction related to provision of medical/mental health treatment*
 - iv. Placement in clinical restraints or seclusion.*
 - c. Any other mitigating factors regarding the person's behavior, disability, and/or circumstances that should be considered.*
 - d. Whether particular disciplinary sanctions should be avoided in light of the person's mental health disability or intellectual disability, treatment plan, or adaptive support needs (e.g., the potential adverse mental health impact of denial of phone contact/visits with family members).*

- e. *CHS staff will consider issues of brain development and psychosocial development for young adults (generally, anyone 24 years old or younger) as part of this evaluation, including as they relate to the appropriateness of discipline for the behavior and the potential adverse impacts of particular disciplinary sanctions.*

As detailed in Section D. A. above, the Expert notes that the County has implemented Correctional Health Services (CHS) Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The policy includes some of the RP requirements; however, the Expert notes that the revisions to OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy are still in process of being developed.

As previously reported, on a positive note, the County reported that staff typically do not write jail rule violations in cases where incarcerated persons who are housed in mental health units and for the incarcerated persons who have been identified as having an intellectual/developmental disability. However, the County needs to ensure the policies and procedures include the RP requirements and show proof of practice.

The County must develop and implement the custody policies and procedures to ensure the RP requirements are met.

See Section D.A. above for the County's response.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Partially Implemented)

C. Consideration of Mental Health Input and Other Disability Information in Disciplinary Process.

1. *The Disciplinary Hearing Officer shall ensure that incarcerated people are not disciplined for conduct that is related to their mental health disability or Intellectual/Developmental Disability.*
2. *The Disciplinary Hearing Officer shall consider the mental health clinician's findings and any other available disability information when deciding what, if any, disciplinary action should be imposed.*
3. *The Disciplinary Hearing Officer shall consider the qualified mental health professional's input on minimizing the deleterious effect of disciplinary measures on the person in view of their Serious Mental Illness, any other relevant disability, or adaptive support needs.*
4. *OCSD shall not subject any person to discipline for refusing treatment or medications, or for engaging in self-injurious behavior or threats of self-injurious behavior.*

As detailed in Section D. A. above, the Expert notes that the County has implemented Correctional Health Services (CHS) Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The policy includes the RP requirements; however, the Expert notes that

the revisions to OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy are still in process of being developed.

The County must develop policies and procedures, including applicable forms, to ensure the RP requirements are met.

Based on this, the Expert finds that the County has Partially implemented the RP requirements.

Partially Implemented (Previous Rating Not Implemented)

D. Disability-Related Accommodations During the Disciplinary Process

- 1. OCSD and CHS shall provide reasonable accommodations (e.g., staff assistant) during the hearing process for people with mental health or intellectual disabilities.*
- 2. OCSD and CHS shall take reasonable steps to ensure the provision of effective communication and necessary assistance to people with disabilities at all stages of the disciplinary process.*
- 3. The Disciplinary Hearing Officer will check the ADA Tracking System and ensure provision of reasonable accommodations and effective communication during the disciplinary process.*

During the previous monitoring tour, the Expert noted that the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy states, “The inmate shall have access to staff or inmate assistance when the inmate is illiterate, or the issues are complex.” The policy did not include the following RP requirements:

- That OCSD and CHS must provide staff assistants during the hearing process for people with mental health or intellectual disabilities;
- Ensure the provision of effective communication and necessary assistance to people with disabilities at all stages of the disciplinary process; and,
- The requirement for the Disciplinary Hearing Officer to check the ADA Tracking System and ensure provision of reasonable accommodations and effective communication during the disciplinary process.

The County reported that OCSD will revise its policy for the DRC Team’s and the Expert’s review.

The Expert notes that the County has implemented Correctional Health Services (CHS) Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The draft policy states, “When clinically indicated, CHS mental health clinical staff will provide assistance to patients suspected or diagnosed with an intellectual/cognitive or developmental disability or mental health disability throughout the disciplinary hearing process. CHS staff will check the ADA Tracking System and, as necessary, work with the ADA Compliance Unit to ensure that reasonable accommodations and effective communication are provided to the patient at all stages of the disciplinary process.”

The County must revise the OCSD policies and procedures, including applicable forms, to ensure the RP requirements are met.

Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Not Implemented)

E. Supervision and Oversight of Disciplinary Processes

- 1. OCSD shall designate a supervisory-level Disciplinary Hearing Officer for each facility, to be responsible for ensuring consistency in disciplinary practices and procedures as set forth herein.*

Two previous successive Compliance Reports have found that the provision has been adequately implemented. Therefore, monitoring of this provision is suspended.

Monitoring Suspended Based on Previous Findings of Compliance (Previous Rating Monitoring Suspended Based on Previous Findings of Compliance)

- 2. CHS shall designate a supervisory-level clinician for each jail facility, who shall be responsible for ensuring consistency in disciplinary practices and procedures as set forth herein.*

The Expert notes that the County has implemented Correctional Health Services (CHS) Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The policy states, "CHS Mental Health Service Chiefs and the CHS Mental Health Manager shall be responsible for ensuring consistency in overseeing disciplinary sanctions."

On August 30, 2024, the Expert interviewed the CHS Service Chief at IRC and a Clinician from CWJ. Both staff clearly articulated the Health Evaluation process in its entirety.

Based on this, the Expert finds that the County has adequately implemented the RP requirements.

Adequately Implemented: (Previous Rating Partially Implemented)



V. Signature

Submitted on behalf of Sabot Technologies, Inc. dba Sabot Consulting to the County of
Orange and Orange County Sheriff's Office

A handwritten signature in dark ink, appearing to read "Julian Martinez", is written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

December 16, 2024

Date