

# Third Monitoring Report on Restrictive Housing, Discipline, and Classification Practices in the Sacramento County Jails

*Mays v. County of Sacramento*

Case No. 18-02081

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## **I. EXECUTIVE SUMMARY**

This report examines the practices and policies of Sacramento Sheriff's Office ("SSO") with respect to restrictive housing, classification, and discipline. This is the third monitoring report regarding restrictive housing practices, which have been a core concern in the negotiations between the parties since the outset of the case. *See* Plaintiffs' First Monitoring Report on Restrictive Housing, Discipline, and Classification Practices in the Sacramento County Jails, Doc. No. 140-1 (Feb. 25, 2021); Plaintiffs' Second Monitoring Report on Restrictive Housing, Discipline, and Classification Practices in the Sacramento County Jails, Doc. No. 156-1 (July 2022).

The primary finding of this report is that despite areas of notable progress in the past year, the County remains in noncompliance with many of the key components of the restrictive housing provisions of the Remedial Plan. Conditions in the Jails' restrictive housing units amount to prolonged solitary confinement for many. Many people spend almost every hour of the day locked in small, dark cells. People go weeks without any access to fresh air. Many people who are ostensibly classified as medium or maximum security nonetheless receive such minimal out-of-cell time and access to programming that their conditions of confinement amount to restrictive housing. Custody staff shortages in the Jails cause frequent jail-wide or floor-wide lockdowns, which prevent people from leaving their cells for periods of over 24 hours at a time.

Many fewer people with serious mental illness are held in restrictive housing than in previous years due to the expansion of high-custody mental health care units. Nonetheless, the County remains out of compliance with the Remedial Plan's prohibition on the placement of people with serious mental illness in restrictive housing. People with serious mental illness still live in conditions of restrictive housing, and many describe significant suffering and decompensation as a result.

In addition to reducing the total number of people with serious mental illness in solitary confinement, the County has made improvements in a several others areas with respect to its use of restrictive housing. The number of people on administrative segregation status is consistently lower than it was in years past. The duration of people's placements on administrative segregation status is generally shorter than it was in previous years. The amount of time people are offered to use the outdoor recreation space has increased somewhat. These positive changes were driven in large part by a classification sergeant, a compliance lieutenant, and a facility captain who had a comprehensive understanding of the Consent Decree and sought to implement it. However, the compliance lieutenant and the facility captain have since been assigned to positions outside of the Jail. It remains to be seen whether the County can sustain its modest improvements through its staffing changes.

As in previous years, the core of the County's restrictive housing crisis is the excessive jail population. The County has failed to provide sufficient mental health resources to meet the needs of the population it chooses to incarcerate, relying instead on solitary confinement to manage some people with unmet mental health needs. Despite promises of population reduction, the jail population is actually higher today than it was at the end of last year, when the Board of Supervisors committed to reduce the population by 25 percent and to fund and implement a wide range of jail diversion and population reduction measures. A significantly lower jail population would allow the County to make better use of its limited space, offer more out-of-cell time and programming to people in custody, and better meet the mental health and medical needs of the population.

## II. BACKGROUND

The background regarding restrictive housing in Sacramento County Jails is recited in Plaintiffs' first restrictive housing monitoring report. *See* Doc. No. 140-1 at 3-7. In short, the overuse of solitary confinement and the extreme deprivations to which people are subject in the Jails' restrictive housing units have been key concerns since the outset of the *Mays* litigation. The use of restrictive housing for people with mental health needs has been a core feature of Sacramento County Jails' housing practices and is of profound concern.

The Remedial Plan, which was approved by the Court in January 2020, requires significant reforms to the SSO's restrictive housing and classification practices. The Remedial Plan was negotiated and adopted on the understanding that it represents a marked shift in the way Sacramento County uses restrictive housing.

Among other things, the Remedial Plan requires that people be housed in the least restrictive setting appropriate to their case factors. Sec. VIII.E.2. The Plan allows for the use of administrative segregation only where "objective evidence indicates that a prisoner participated in a recent assault and the assaultive behavior involved an assault on staff or visitors, serious injury, use of a weapon, gang removals, or multiple prisoner assaults," or where Jail leadership determines and documents that the person poses an "extraordinary safety risk." Sec. 3 VIII.E.1. The Plan adopted a two-phase, step-down administrative segregation system. Placement in the first phase of administrative segregation is limited to 15 days except in specific circumstances where authorized and documented by Jail leadership. Sec. VIII.E.2(e). Placement in the second, less restrictive phase of administrative segregation is limited to 30 days unless the person commits a serious behavioral violation while in administrative segregation. Sec. VIII.E.3(c). The intention of these measures is to remove excessive discretion from the classification practices by instituting objective criteria with respect to the use of restrictive housing, limit the duration of peoples' time spent in restrictive housing, and substantially reduce the number of people in restrictive housing.

The Remedial Plan requires additional procedural reforms to classification processes. Class members are entitled to written notice of placement in restrictive housing, including the reasons for placement and a case plan describing the conduct required for release from that setting. Sec. VIII.E.2(c). The SSO must conduct face-to-face classification reviews with class members in restrictive housing at least every 30 days to review compliance with their individual case plan. Sec. VIII.E.2(d).

The Remedial Plan also sets basic standards for conditions in the Jail. Under the Remedial Plan, everyone in the Jail must receive a minimum of 17 hours per week out of their cells. Sec. VIII.B.1. The only exceptions are for people serving disciplinary terms or in Administrative Segregation Phase 1, who must receive seven hours per week of out-of-cell time. *Id.* The Remedial Plan strictly limits the duration of placement in those statuses. Sec. VIII.E.3.b.iv (limiting placement in Administrative Segregation Phase 1 to 15 days), Sec. VIII.G.7 (limiting disciplinary terms to 15 days). The Remedial Plan requires everyone who is not serving a disciplinary term to receive phone privileges during business hours. Sec. VIII.B.3. It also addresses a range of issues relating to the conditions of disciplinary segregation (Sec. VIII.G), protective custody (Sec. VIII.F), and the conditions for women classified as maximum security (Sec. VIII.A.1(c)).

### **III. METHODOLOGY**

This report is based on interviews with Jail leadership, deputies, mental health staff, and people living in the Jails. It is also based on a review of documents related to restrictive housing, disciplinary segregation, and out-of-cell time from January 1, 2023 to October 14, 2023. The report reflects several months of focused engagement on restrictive housing issues in the Sacramento County Jails. Plaintiffs' counsel conducted interviews with class members and Jail staff in July 2023 and remain in regular contact with class members about their conditions of confinement.

This report focuses on the use of restrictive housing for people with serious mental illness (Remedial Plan Sec. VIII.A.1.a, Sec. VIII.D), conditions of confinement (Sec. VIII.B), administrative segregation (Sec. VIII.E), disciplinary segregation (Sec. VIII.G), and classification practices (Sec. VIII.E.2). For this monitoring report, Plaintiffs' counsel did not assess the provisions of the Remedial Plan relating to release from jail directly from segregation (Sec. H), the use of restraint chairs (Sec. VIII.J), or protective custody (Sec. VIII.F). Those provisions will be addressed in future monitoring reports. Finally, this report

largely focuses on restrictive housing conditions in the Main Jail, which houses the vast majority of people in restrictive housing status.<sup>1</sup>

#### IV. FINDINGS

##### A. USE OF RESTRICTIVE HOUSING FOR PEOPLE WITH SERIOUS MENTAL ILLNESS

The County continues to house people with serious mental illness in restrictive housing settings, in violation of the Consent Decree. Although the County has taken steps to address the issue, work remains to be done to come into compliance with its legal obligations. For years, instead of providing adequate care, the SSO has heavily relied on solitary confinement as a way to manage people with mental health needs. As we detailed in previous monitoring reports, people with unmet mental health needs were often caught in a tragic cycle at the Jail—their untreated mental health needs led to behaviors that violated jail rules, which resulted in increasingly harsher punishments and isolation, further exacerbating their symptoms of mental illness and leading to more rule violations. People trapped in this cycle often spent months or even years in solitary confinement at the Jail.

Since the last monitoring report, Adult Correctional Mental Health (ACMH) has markedly reduced the number of people in this cycle by expanding its mental health services. In September 2022, ACMH opened a high-custody Intensive Outpatient Program (IOP) unit at RCCC. This new unit, located at CBF 500 pod, houses people who were previously or would have otherwise been housed in restrictive housing at Main Jail. Patients in the high-custody IOP unit are in a less restrictive environment, in which they receive individual and group therapy, structured recreation time, and a significant amount of out-of-cell time. The high-custody IOP utilizes alternatives to standard jail disciplinary processes, a structured incentive program to encourage patients to comply with program expectations, and actively seeks to reintegrate patients into the Jail's general population upon discharge. Mental health staff work collaboratively with custody staff to address patients' behavioral needs and to help them succeed at lower classification and security levels. The change has been meaningful for many people with serious mental illness in the jail and for the Jail's overall operation.

Despite the relative success of this high-custody IOP unit, people in the jail continue to have unmet mental health needs, and some of those people end up in restrictive housing because of their untreated mental illness. With all levels of mental health care at the Jail full and with lengthy waitlists for those levels of care, restrictive housing units continue to serve

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<sup>1</sup> Class counsel recently visited RCCC and identified serious concerns about compliance with the restrictive housing measures of the *Mays* Remedial. A letter addressing those concerns as they relate to the Jail's Ramona housing unit is attached as **Attachment A** to this report.

as a *de facto* mental health placement. As of June 15, 2023, the Acute Psychiatric Unit (APU), the highest level of mental health care at the Jail, had 30 people on the waitlist. IOP, the next highest level of mental health care, had 33 people on the waitlist. And as of July 13, 2023, over 60 people at the Jail were on the waitlist for transfer to the Department of State Hospitals (DSH). Without available mental health beds, many people with mental health needs are initially placed in general population, where they have a difficult time functioning and programming with others. Consequently, they end up in restrictive housing units or living in conditions of solitary confinement in general population units.

During our July 2023 tour, we interviewed a number of people with serious mental illness who were living in conditions of solitary confinement. This was particularly true on 7 West (“7W”) of the Main Jail, where many of the women exhibited symptoms of serious mental illness and described conditions of profound isolation. According to SSO data collected shortly before our interviews, people in the 7W-400 pod receive extremely minimal out-of-cell time. During the week of June 4, 2023, 14 people were housed in the 7W-400 pod. Of those 14 people, half of them received less than two hours out of cell *per week*. Three of those people received less than one hour of cell in the week. No one in the unit received more than five hours and 20 minutes out of their cells for the week.

These conditions, standing alone, violate the Remedial Plan. *See* Sec. VIII.B.1, described in more detail below. But the extreme isolation in 7W-400 is particularly concerning because of the high occurrence of serious mental illness among people in the unit. For example, one woman reported being housed in 7W-400 pod on discipline status. Over the course of 62 days, she was on discipline status for 41 days. She was housed alone and permitted to use the dayroom for less than 45 minutes per day, always at night and by herself. During that time, she was prohibited from using the phones or even talking through the cell doors to other people in the housing unit. The woman had diagnoses of schizophrenia, manic depressive disorder, and borderline personality disorder. In that isolated setting, she decompensated rapidly and started to hear voices. Like others in the housing unit, she described living among people with symptoms of very serious mental illness. She said she heard frequent banging and screaming from the cells around her

Another woman in the pod also exhibited symptoms of extreme decompensation. She described weeping in her cell and having auditory hallucinations of shrieking. She spoke in disjointed language and moved in and out of lucidity. She reported only being permitted to program alone and never having been offered outdoor recreation. Class counsel raised concerns about the class member’s placement in such restrictive conditions, and she was transferred to the IOP shortly thereafter. Jail mental health officials have since



acknowledged that the class member should have been referred to the IOP at the time of her initial mental health assessment at the Jail.

Another class member reported that she had previously been housed at Patton State Hospital and described symptoms of severe depression in her current setting. She reported feeling hopeless and terrified. Again, class counsel expressed concerns about her conditions of confinement and need for mental health care, and she was subsequently placed on the intensive Enhanced Outpatient caseload. As in the previous case, it is troubling that the Jail had not identified her decompensation in restrictive housing.

Another woman in the pod, who was serving a disciplinary term for allegedly hoarding her medications, described profound isolation. She had no tablet, radio, or television to provide sensory stimulation. Her jail wristband (which serves as identification in the Jail) had been removed and not replaced by jail officials when she was placed on the third floor of the jail for mental health treatment, so she was unable even to obtain envelopes to write letters until class counsel intervened. The mental health assessment form produced by the SSO failed to identify whether she had serious mental illness or a developmental or intellectual disability, indicating that there had been inadequate assessment of her individual risk factors in that setting. Like others in the unit, the class member described women in the unit screaming, banging on cell doors, and smearing feces on the walls.

An incarcerated worker housed on 7W confirmed our observations, noting the high occurrence of people with serious mental illness in that part of the jail. She described the 400-pod as loud and chaotic, with people frequently screaming, banging on walls, and flooding their cells. She reported that she frequently places mental health referrals for people in the unit, but that the jail rarely moves people in the unit to the third floor, where the female IOP is located. She also confirmed the general practice of permitting people to program just 20 to 40 minutes per day and said that the jail is frequently locked down on Saturdays because of staff shortages.

The problem of housing people with serious mental illness in incredibly restrictive and isolating conditions extends beyond 7W. The primary restrictive housing unit for men at the Jail, 8 West ("8W"), houses a number of people who have significant unmet mental health needs. One class member we interviewed had three months earlier been housed at Napa State Hospital because he was deemed incompetent to stand trial as a result of his mental illness. Despite being seriously mentally ill, this class member had been housed on 8W for a month at the time of our interview. He reported that, while housed on 8W, he was offered out-of-cell time two times per week for only 30 minutes each time, or about an hour per week. He had been given a tablet, but he had no idea how to use it. He was living in



profound isolation. Another class member who was housed on 8W was unable to provide coherent or intelligible responses to basic questions because his mental illness was so severe. About one more after class counsel raised concerns about his well being, he was placed on the Enhanced Outpatient Program level of care. Another class member reported that many people in his unit, the 8W-100 pod, frequently demonstrate signs of serious mental illness; he reported that people in the unit yell incoherently at all hours of the day, and some smear feces and other bodily fluids on the cell and dayroom walls.

ACMH and SSO continue to fail to meet their obligation to exclude people with serious mental illness from restricted housing, at significant toll to people in the Jail. Mental health and custody leadership at the Jail acknowledged the noncompliance during our tour in July 2023, stating that mental health and custody staffing continue to serve as a barrier to providing the treatment that people require. While the expansion of IOP has been a meaningful development, the SSO still has an insufficient number of IOP beds to meet the needs of the population, particularly for women and people at higher security levels.<sup>2</sup> To date, mental health staff continue to recognize the shortage of necessary mental health treatment beds as a barrier to compliance with the Remedial Plan.<sup>3</sup>

## **B. CONDITIONS OF CONFINEMENT**

Conditions in the Jails' restrictive housing units continue to violate the requirements of the Remedial Plan. While out-of-cell time and outdoor recreation time has improved from previous levels, many class members in restrictive housing continue to report that they are not provided the required number of out-of-cell hours. Access to the outdoor recreation yard remains very limited, and the SSO has failed to provide meaningful education, rehabilitative programs, or congregate religious services in areas of the Jail. Class members report disgusting, unsanitary conditions as a result of the SSO's failure to meet basic cleaning standards. In short, the conditions in restrictive housing at the Jail routinely amount to solitary confinement, largely of people who have serious mental illness, in small, dark, filthy, isolated cells.

### **1. Out-of-Cell Time**

The SSO continues to fail to provide adequate out-of-cell time to people in the Jail. As noted above, the Remedial Plan requires that all people at the Jail, except those subject to Administrative Segregation Phase 1 or Disciplinary Segregation, receive at least 17 hours of

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<sup>2</sup> ACMH requested budget augmentation for an additional 20 male and 10 female IOP beds for Fiscal Year 2024-2025.

<sup>3</sup> According to ACMH, five of the 11 positions allocated for mental health disciplinary reviews remain vacant as of December 12, 2023.

out-of-cell time per week. Sec. VIII.B.1. People on Administrative Segregation 1 or Discipline status—which are intended to be strictly time-limited placements—are entitled to seven hours out of cell per week.

In our first restrictive housing monitoring report, we reported that many people in restrictive housing received an “extremely limited number of out-of-cell hours,” and the long periods of time spent locked in one’s cell were the “most significant feature of restrictive housing at the Jail.” Doc. 140-1 at 8. In our second report, we wrote that “[t]he situation has not improved since that finding was made in early 2021. Many people in restrictive housing units still receive shockingly few hours out of their cells and live in conditions of substantial isolation and sensory deprivation.” Doc. 156-1 at 12.

Since our second report, people in the Jail are receiving more hours of out-of-cell time. Some of the improvements can be attributed to creative classification decisions to allow more people to program together. Historically, due to over-classification, many people had been prohibited from recreating together. For example, 8W housed people on Administrative Segregation Phase 1 status, Administrative Segregation Phase 2 status, discipline status, maximum custody, medium custody, and minimum custody. Each of those classifications were required to program separately. With so many different classifications and limited recreation space, many people on 8W were unable to meet their required out-of-cell time.

The classification sergeant and the compliance lieutenant changed classification statuses for people on 8W to allow for more congregate programming. People on medium and minimum custody are now permitted to program with people on maximum custody, which allows more people to spend time out of their cells together. The classification sergeant and his team also routinely spend a considerable amount of time interviewing class members to determine who can program together, which has expanded programming groups sizes and improved people’s out-of-cell time.

However, despite the improvements, many people on 7W and 8W are still not offered the required amount of out-of-cell time. It appears that the class members who are routinely denied sufficient out-of-cell time are the ones who are seriously mentally ill (and, as a result, have trouble programming in a group) and those who are on discipline status. Class members reported that, while on discipline status even for nonviolent infractions, they are required to program alone, which is not a requirement of the Remedial Plan. Many said that they are typically only allowed out of their cells once per day for increments of less than an hour and are therefore not offered seven hours of out-of-cell time per week. For example, a woman in the 7W-400 pod was on discipline status for possessing her prescribed medications in her cell instead of taking them as directed. She reported being let out of her

cell just twice a week, for 45 minutes each time. Otherwise, she was locked in her cell for all hours of the day, with no tablet and no access to telephones. Another class member on 8W reported that, while on discipline, he is only allowed out of his cell by himself for 30 minutes per day, or 3.5 hours per week—half of the hours that he is entitled to under the Remedial Plan. One class member said that he has at times spent over 48 consecutive hours in his cell, then was let out alone for only 30 minutes.

Jail leadership reported during the tour that people on discipline status can program together, and in fact must do so in order to reach the required number of out-of-cell hours per week. But custody staff in the units who we interviewed confirmed class members' reports, stating that people on discipline status program alone. When Jail staff require many people to program alone, it will be very difficult, if not impossible, to meet its obligation for out-of-cell time under the Remedial Plan.

Additionally, class members reported that their out-of-cell time is affected by frequent lockdowns that are a result of custody staff shortages. Records that the SSO produced confirm the problem. In July 2023, lockdowns occurred on the following days:

- July 1
- July 8
- July 11
- July 19
- July 20
- July 21
- July 27

Many of these lockdowns were a result of too few custody staff members to run normal programming. Class members reported that when lockdowns occur, they are forced to remain in their cells for the duration of the lockdown. The out-of-cell time that they normally would have received during that time is not made up at another time. Under normal operations, many class members are barely receiving their required out-of-cell time. When the Jail is locked down for multiple days in a month, class members often go weeks without being offered the adequate numbers of out-of-cell hours.

The SSO also continues to fail to appropriately document out-of-cell time. In their internal tracking system, the SSO separately tracks out-of-cell time that staff offer to people (“offered”) and out-of-cell time that people actually take (“actual”). Unfortunately, the “offered” amount is not accurately tracked. According to the SSO, when staff offer a class member out-of-cell time and that class member refuses, the amount “offered” defaults to one hour in the tracking system. One hour is recorded in the “offered” column of the SSO’s tracking system even if the offer was for less than an hour. If, for example, staff offer a person 30-minutes of out-of-cell time and the person refuses, that offer is considered one hour of “offered” out-of-cell time. This tracking system leads to inaccurate data that could

indicate compliance even when the SSO fails to offer the required 17 hours to a class member. It also falsely indicates that class members are refusing many hours of out-of-cell time, appearing as significant disparities in “offered” and “actual” in the tracking system:

Dayroom	
Offered	Actual
9:19	4:47
5:14	0:41
16:02	11:18
8:00	2:47
19:01	12:13
12:00	4:06
5:03	0:55
9:54	3:24
16:02	11:00
8:00	3:04
4:00	0:37
16:02	11:00
8:00	1:30

*8W-100 Pod Out-of-Cell Time for the Week of Aug. 6, 2023*

Class members consistently report that they are not refusing any out-of-cell time, let alone hours of out-of-cell time each week. The SSO must maintain accurate records of out-of-cell time to be able to demonstrate compliance with the Remedial Plan.<sup>4</sup>

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<sup>4</sup> Class counsel raised this issue in our previous restrictive housing monitoring report. *See* Doc. 156-1 at 11, n. 6 (“Plaintiffs’ counsel has serious concerns about the documentation of hours “offered” and “received” in the SSO’s out-of-cell logs. Class members consistently report that the hours “offered” bear no resemblance to their actual experiences and that they accept all the out-of-cell hours they are offered, despite indications to the contrary in the SSO’s documentation. More broadly, Plaintiffs’ counsel doubts the reliability of the SSO’s system for documenting out-of-cell time for the purpose of gauging compliance with the Remedial Plan. A reliable tracking system will be essential to demonstrate compliance with the Consent Decree and thus to bring this case to resolution.”). Since our previous report, the SSO has implemented a new electronic corrections system called ATIMS. The SSO has

## 2. Outdoor Recreation

Class members' access to outdoor recreation still unacceptably low. The Remedial Plan requires that "the opportunity to exercise shall be provided to prisoners seven (7) days per week, including outdoors/recreation time when feasible." Sec. VIII.B.2. As described in our previous report, many people at the Jail go weeks or even months without the opportunity for outdoor recreation. Depriving people of access to the outdoors damages their mental and physical health.

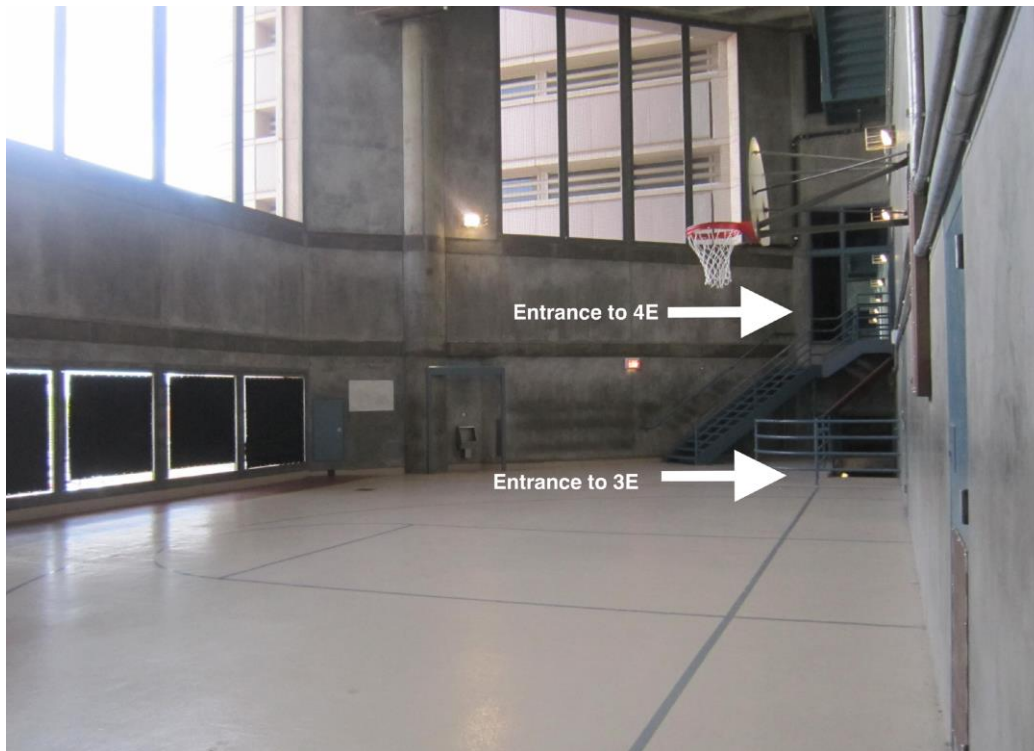
The SSO's records illustrate that class members are not provided sufficient outdoor recreation time. According to the SSO's out-of-cell logs, during the week of August 6, 2023, 25 people were housed in the 8W-100 pod, and only five of those people (or 20 percent) were offered any outdoor recreation time that week. In other words, 20 people in the unit were offered no outdoor recreation time during the entire week. Similarly, during the week of August 27, 2023, 24 people were housed in the 8W-100 pod, and only seven (or 29 percent) were offered outdoor recreation time that week. For those weeks, over 70 percent people in the unit were offered no outdoor recreation time at all.

For the few class members in restrictive housing who are offered outdoor recreation time, they are offered very little time outside. The five people in 8W-100 mentioned above who were offered outdoor recreation during the week of August 6 received only a total of five hours and 40 minutes on the yard, or one hour and eight minutes per person. Similarly, the seven people who were offered outdoor recreation during August 27 received a total of nine hours and ten minutes, or one hour and 18 minutes per person. Put differently, people on 8W spent, on average, nearly 167 of the 168 hours in a week inside concrete walls with no access to sunlight or fresh air.

As we described in our last report, the physical plan at the Main Jail creates challenges for outdoor recreation access. At the Main Jail, two different floors share one recreation yard:

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stated that they are working to resolve this tracking problem in ATIMS, but we have yet to observe a tracking system that allows the SSO to quickly and accurately demonstrate compliance.



*Recreation Yard Shared By 4E, 4W, 3E, and 3W*

Those two different floors include both East and West wings of the buildings. In effect, 12 to 14 different pods (6 to 7 pods on each floor) with people of varying classification levels share one recreation space. The SSO has historically struggled—and continues to struggle—to provide access to the yard because of the limited space and classification challenges.

Even though the Jail has a challenging physical plant, the SSO must provide people with more opportunities to recreate outside. The SSO reports that it is assessing a plan to bisect the outdoor recreation yards to permit greater utilization of the space, but the plan is still in an early phase. They also reported that they revised their outdoor recreation schedule to maximize their current space. Future monitoring reports will assess any developments with respect to access to outdoor recreation.

### **3. Programming**

Very few of the people currently housed on 7W and 8W are on formal Administrative Segregation status. This is a positive development largely attributable to a proficient classification sergeant. Nonetheless, conditions in those units continue to constitute restrictive housing due to the lack of out-of-cell time and the absence of programming on the floors.



Class members describe profound isolation in these housing units, ameliorated somewhat by the development of the SSO's tablet program. The SSO offers no congregate, in-person programming on 7W or 8W. Class members on those floors reported that they do not have access to in-person education, rehabilitative groups (like Alcoholics Anonymous), or leisure groups (like art classes or exercise classes). They cannot eat or pray in congregate settings. Although the SSO states that they have a chaplain, incarcerated people report that the chaplain does not provide meaningful programming. Several class members on 8W reported that the chaplain stops by their cell-front to offer a pamphlet then leaves.

Class members on 8W report that their classification statuses do not reflect their actual conditions of confinement, and this is consistent with monitors' observations. As we noted in our previous report:

[M]any more people live in conditions that mirror Administrative Segregation, despite having a different nominal classification status. For example, as of May 13, 2022, 25 of 102 people housed on 8 West at the Main Jail were classified as medium security, minimum security, and/or protective custody. These people are not included in the Jail's Administrative Segregation population. But the conditions in which they live do not meaningfully differ from others housed in the unit. They uniformly report that they have extremely limited out-of-cell time and no access to rehabilitative programming, jobs, religious services, or other prosocial programming.

Doc. 156-1 at 19.

This situation remains true. 8W, in particular, functions as a restrictive housing unit even though many people's classification statuses are nominally less restrictive. The SSO has acknowledged this problem and, to its credit, developed a Corrective Action Plan to expand programming on that floor. The SSO intends to implement in-person education classes, rehabilitative programming, access to community-based groups such as NA and AA, and "other programming commensurate to other housing floors." This is a laudable and important objective that will be assessed in future monitoring reports.

#### **4. Sanitation**

Cleanliness remains a significant issue at the Jail. In our last report, we wrote that class members described "filthy, malodorous conditions and an absence of basic sanitation practices." Doc. 156-1 at 20. The situation remains unchanged. Class members continue to report that the Jail is disgusting and dangerously unsanitary.

People report that they are routinely moved into cells that have not been cleaned since the previous person moved out of the cell. They describe spending the first several hours in their newly assigned cells cleaning up other people's trash, food debris, or bodily



fluids smeared on the walls, floor, and bunk area. One class member reported that a cell that he moved into on 8W was covered in grime, food debris, and discarded food wrappers, and he spent the first six hours after he moved into the cell cleaning it so that the space was livable.

Another class member who we interviewed had just been moved into her cell at the time of our interview. She reported that, when she was moved into the cell, it looked like it had not been cleaned in months—the toilet was completely full of toilet paper and a reddish substance, scraps of used toilet paper littered the floor, feces (or some other brown substance) was splattered on the walls, a menstrual pad was affixed to a pipe in the cell, the walls were filled with incoherent scribbling, and the entire cell was covered in grime. We were able to inspect the cell firsthand and took the following photos of its condition:





*Pictures of a Filthy Cell on 7W*

It is inhumane and degrading to place a person in a cell that is this filthy. The SSO must thoroughly clean cells between uses. An incarcerated person should not be required to spend hours scrubbing human feces, used toilet paper, food debris, trash, and other waste from the walls and floor of the cell that they are placed into.

The lack of cleanliness at the Jail has been a longstanding problem and is well-documented. In March 2022, an Environmental Health and Safety expert conducted a tour of the Jail and filed a report detailing her findings. *See* Doc. 157 (Environment of Care Report, Sacramento County Jail, Aug. 17, 2022). Her conclusions support class members' reports about the lack of basic sanitation at the Jail. She found, among other things:

- “The floors throughout the intake cells were dirty with a buildup of grime, particularly at the floor wall junctures, under the benches, and around the toilets. ... The vent grilles were covered with dust, blocking airflow. The cells were malodorous.” *Id.* at 12.
- In intake changing rooms, “A thick accumulation of lint, dust, and dirt, was found at the juncture of the bench and the wall, and a particularly heavy soil accumulation was observed in the corner of the bench. ... The floor throughout the area was filthy and had a heavy buildup of dust and dirt at the floor and wall junctures and in the corners. There was also heavy accumulations of lint, dust, and dirt under the benches.” *Id.* at 13.
- In the 8W-100 pod, “A large trash cart, a container with a handle, 2-wheels, and a lid, was positioned in the dayroom. The cart was not lined with a trash bag and garbage had been thrown directly into the cart. Nuisance flies were swarming the trash cart. Nuisance flies were also observed outside of Cell 5 and were swarming around three food trays and several open milk cartons. Cell #12 was occupied and malodorous. The housing unit officer stated that the cell’s occupant has Serious Mental Illness and when the cell starts to smell, then they will clean it.” *Id.* at 26 (footnote omitted).
- In the 8W-200 pod, “The floor throughout the housing unit was filthy with grime, clumps of dust, and dried food debris. Wads of tissue, food debris, dirt, and dust were accumulated on the floor by the phones. The stairwell was extremely dusty, including heavy accruals of dust on the horizontal surfaces and the vertical balusters. Mattresses with cracked covers were observed in Cells 8 and 21. The food ports were soiled with dried food.” *Id.* at 26-27.

- In the 8W-400 pod, “The food port/access control box in the door of Cell 1 was filthy.... It was apparent that the food port/access control box had not been recently cleaned, the frame of the box was covered in a layer of dust, and the plastic lid and interior of the box were heavily soiled with dried, spilled food. The cell door above the box was streaked with what appeared to be dried food. The food port/access control box was not a clean surface for delivering food and supplies. Cell 6 was vacant and reported to be offline due to a non-functional sink; however, it was dirty. The bed fixture was soiled with various dried residues, the wall next to the toilet was splattered with unidentified substances, and the floor was filthy, especially at the juncture of the floor and walls and between the bed and toilet/sink combi unit.” *Id.* at 27.
- In many of the housing units, “The staircases were found to be filthy with thick accumulations of dust on the horizontal surfaces and accumulations of dust, dirt, and debris running the length of the plates and posts that secure the staircases to the floor. The stairsteps were very dirty and most had miscellaneous small pieces of trash and food debris. The thick accumulations of dust, dirt, and debris indicate a lack of routine cleaning.” *Id.* at 8.

It appears that the SSO failed to take necessary action to remedy the widespread sanitation issues at the Jail after the expert’s report.

During and immediately after Plaintiffs’ tour in July 2023, the SSO acknowledged their failure to maintain basic sanitation practices. On July 17, 2023, the SSO produced to Plaintiffs’ counsel a Corrective Action Plan that they had developed to improve the Jail’s cleanliness. Among other things, the plan called for the creation of a two-deputy team to audit the cleanliness of different areas in the Jail, including the cells, the dayrooms, the staircases, the showers, and other areas that class members recreate. In future monitoring tours, class counsel plans to monitor the Jail’s compliance with their Corrective Action Plan and whether it has improved conditions in the Jail.

### **C. CLASSIFICATION PRACTICES**

The SSO has made changes to its classification practices that have been a significant area of growth and a step towards compliance. As detailed above, the Remedial Plan sets forth clear criteria by which a person can be placed in Administrative Segregation (Sec. VIII.E.1.b.i) and prescribes strict limits for each phase of Administrative Segregation (Secs. VIII.E.3.b.iv, VIII.E.c.c). For many years, the SSO failed to follow those requirements. But the current classification sergeant has improved the SSO’s classification practices and has made classification decisions that are generally consistent with the Remedial Plan.



In previous years, the SSO placed people in Administrative Segregation for reasons that were unacceptable under the Remedial Plan. In our last report, we described some of the issues with their classification decisions:

[M]any [classification] files merely state that a person will be held on Administrative Segregation status “per intel.” Others refer to gang membership as a reason for placement in Administrative Segregation, even though it is not a permissible basis under the Consent Decree. Some files refer generally to threats to safety and security, without any evidence or documentation of the threat. Other files refer to past disciplinary violations without any information about the nature of the violation or even the date of the violation....

Doc. 156-1 at 23.

To help guide the SSO towards sustainable compliance, Plaintiffs’ counsel created classification forms for the SSO that reflected the Remedial Plan’s requirements. But the SSO did not meaningfully use those forms for months. Although the SSO had the forms in April 2022, they were not consistently used until the current classification sergeant took over the role in November 2022. Since that time, however, it appears that the SSO is using the correct criteria to classify—and down-class—people in the Jail. The forms are also now available through the SSO’s electronic classification system, ATIMS, and appear to be moving the SSO towards compliance with the classification provisions of the Remedial Plan.

The number of people in restrictive housing support that conclusion. In January 2017, approximately 186 people classified were classified as “T-SEP” (or “Total Separation,” the Jail’s previous and more restrictive Administrative Segregation status). *See* Doc. No. 1-6 (Expert Report from James Austin evaluating the T-SEP system) at 1. In December 2019, the SSO reported that 96 people classified as T-SEP and 35 people classified as administrative segregation at the Main Jail (131 total). On January 6, 2021, the Main Jail housed 37 people in T-SEP and 61 people in administrative segregation (98 total). But as of June 26, 2023, only five people in the Jail were on Administrative Segregation status (one on Phase 1 and four on Phase 2). The improvement in the Jail’s classification practices have been dramatic and a welcome sign.<sup>5</sup>

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<sup>5</sup> The number of people officially classified as Administrative Segregation status is slightly misleading because, as noted above, many people of varying classifications in the Jail are living in conditions of restrictive housing. The SSO’s classification practices have demonstrably improved, but those improvements have not been fully realized by the people living in unacceptable conditions in the Jail.

## **V. POPULATION**

As we have concluded in previous monitoring reports, the fundamental problem underpinning the SSO's failure to comply with the restrictive housing requirements of the Remedial Plan is the County's demonstrated inability to manage the jail population at its current size. The County has failed to meet the basic needs of the jail population, which requires providing adequate mental health treatment resources, safe and appropriate housing options, and space for recreation.

Mental health staff acknowledge that despite the expansion of the IOP, the Jail lacks adequate mental health treatment beds and resources to meet the needs of the population. Many people housed on 7W and 8W should be housed in mental health housing units where they can live in a sheltered setting and receive the mental health care they require. To the extent some of them have heightened security factors, those needs should be addressed through behavioral management and treatment programs, not through isolation and deprivation.

The Jail has neither the mental health staff nor the mental health housing resources that would be required to comprehensively remove people with serious mental illness from restrictive housing conditions, which the County is legally required to do. Insufficient clinical staffing prevents mental health staff from providing adequate input into the disciplinary process, providing adequate individual or group mental health treatment, or having consistent confidential interactions with patients.

Custody staff levels are also inadequate for the current size of the jail population. Custody staff are essential to the provision of basic mental health treatment, out-of-cell time, and recreation time in the Jail. Without adequate custody staff to escort and oversee movement in the housing units, mental health staff cannot run treatment programs or, in some cases, even see their patients confidentially. Conditions default to those of restrictive housing without sufficient custody staff to facilitate movement.

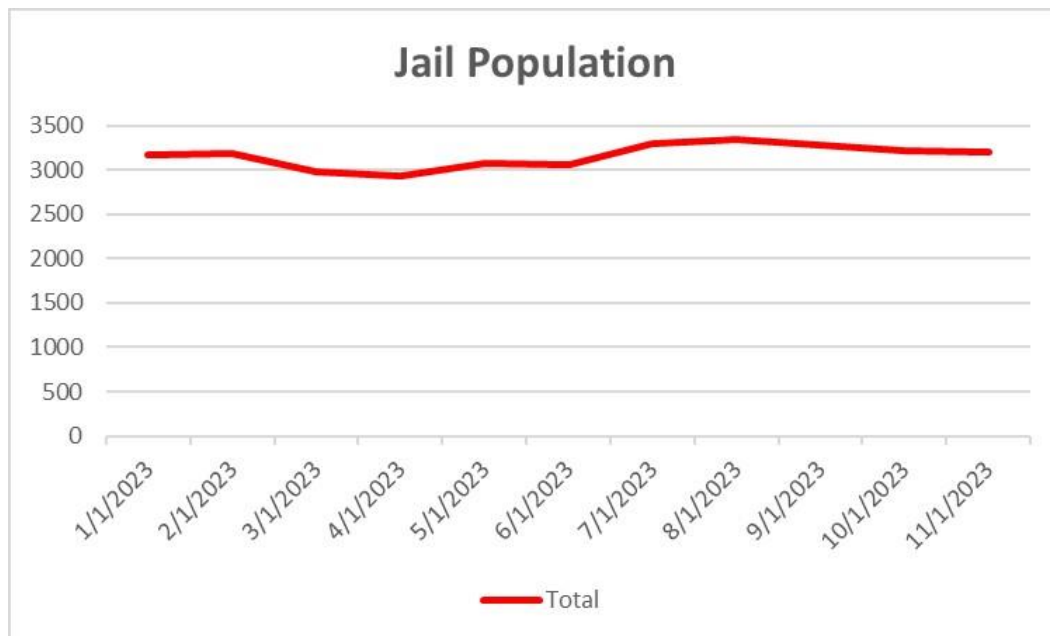
On August 28, 2023, the County represented that the SSO was down 90 positions. The County stated that despite "new and expanded efforts to recruit new and lateral deputies into the department," "the shortfall is unlikely to change substantially in the near future." This—along with the findings of this report and previous reports—indicates that the current jail population outstrips the County and SSO's staffing capacity. (It is important to note that staffing shortages are simply a reflection of jail population. At a smaller population level, existing staff could provide more extensive and less superficial treatment.)

There are waitlists at every level of mental health care in the system. Population pressures impede access to appropriate levels of care and the duration of a patient's

placement in mental health treatment units. Faced with a scarcity of mental health placements, the SSO and ACMH continue to use restrictive housing units as a form of sheltered living for people who cannot cope in the general population or are afraid to live in the general population because of the symptoms of their mental illness.

This practice is illegal. It is also counterproductive for the health and safety of the patient and the functioning of the Jail system. Harmful conditions in restrictive housing have the effect of exacerbating existing mental illness and generating new mental health needs. By employing restrictive housing as a means to handle mental health needs among the jail population, the County drives up the very need it is already unable to meet.

Recognizing the substantial barriers to compliance posed by the jail population, the County committed in December 2022 to implementing measures aimed at significantly reducing the jail population. The County's strategy to reduce the population involved funding over 30 different programs. However, since that time, the jail population has actually increased:



	1/1/23	2/1/23	3/1/23	4/1/23	5/1/23	6/1/23	7/1/23	8/1/23	9/1/23	10/1/23	11/1/23
Population	3,176	3,188	2,983	2,928	3,071	3,057	3,297	3,350	3,281	3,214	3,195
Net population change from January 1, 2023 to November 1, 2023											+19

The County reported that the effects of these programs have not been realized yet because they were only funded in September 2023, as part of the latest budgetary cycle. We hope that



these new programs will begin to reduce the population in the near future. With the jail population at its current level, it appears that the SSO is unable to meet its legal obligations under the Remedial Plan.

# **Attachment A**



## PRISON LAW OFFICE

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VIA EMAIL ONLY

December 8, 2023

Mr. Rick Heyer  
Deputy County Counsel  
heyerr@saccounty.gov

RE: Conditions in Ramona at RCCC

Dear Mr. Heyer:

We write to alert you to our grave concerns about the conditions of confinement for women housed in the Ramona pod in the SLF Building at Rio Cosumnes Correctional Center (RCCC). The women in the unit are subject to conditions of prolonged solitary confinement—they are routinely locked in their cells for more than 22 hours per day, and they have no access to recreational programming, education, or even a dayroom. Many of these women are not on discipline or Administrative Segregation status but are living in conditions of extreme deprivation for months at a time. In both design and practice, the program for people in the unit does not meet the minimum standards set forth in the Remedial Plan and is harmful to people's short- and long-term psychological health. In addition to the extremely limited out-of-cell time and programming, the unit is filthy and fails to meet basic standards of cleanliness. The Sacramento Sheriff's Office (SSO) must take immediate steps to address the significant deficiencies outlined in this letter.

As you know, the Ramona pod houses women with several different classifications, including women on discipline status, women at a high level of mental health care, and women on a regular, general population or protective custody status. As of November 30, 2023, 22 women were housed in Ramona: one woman was on discipline status, six women were receiving a high level of mental health care (either through the County's Jail-Based Competency Program, JBCT, or through the Department of State Hospitals' Early Access and Stabilization Services Program, EASS), and 15 women were on regular non-disciplinary, non-segregation statuses (*i.e.*, Minimum, Medium, or Maximum statuses). Each of these three categories of classifications—discipline, JBCT/EASS, and general population—are offered different hours of out-of-cell time and have different programming available to them.<sup>1</sup>

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<sup>1</sup> This letter primarily concerns conditions for the women on non-discipline, non-segregation statuses. Women who are on discipline are typically subject to those conditions for shorter durations, and the women in the JBCT or EASS programs receive more programming opportunities through mental health care. Nonetheless, we remain concerned about the conditions for people in those two groups, largely because Ramona lacks a dayroom, and, consequently, people are not able to congregate and engage in prosocial activities as they would in other units. Without a dayroom, the conditions in Ramona are significantly harsher than the conditions in other units for men and women with similar classification

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For the 15 women currently on non-disciplinary/non-segregation statuses, the SSO is failing to offer them the required number of out-of-cell hours. Troublingly, the program is *designed* to fall short of the requirements of the Remedial Plan. As you know, the Remedial Plan requires that all people at the Jail, except those subject to Administrative Segregation Phase 1 or Disciplinary Segregation, receive at least 17 hours of out-of-cell time per week. Sec. VIII.B.1. But the women in Ramona are generally offered only one hour of out-of-cell time in the morning on the outdoor recreation yard and one hour of out-of-cell time in the evening. If people housed in Ramona accept every out-of-cell offer during a week, they would still be three hours short of their required 17 hours.

Moreover, women in Ramona reported that staff fail to even offer those 14 hours per week. According to class members in Ramona, staff often lock down the entire unit for various reasons and refuse to let people out of their cells. Several women reported that staff typically do not offer out-of-cell time on days when the staff are busy with other tasks, such as on Tuesdays when commissary is being distributed.

The SSO's logs support class members' reports about the unacceptably low out-of-cell time. On November 30, 2023, the SSO produced two weeks of out-of-cell time logs for people in Ramona. During that two-week period, none of the class members in Ramona received the required 17 hours of out-of-cell time except the women in JBCT/EASS. Around half of the women (seven of 15) on non-disciplinary/non-segregation statuses were offered less than 10 hours of out-of-cell time for the week. In other words, many of the women in the unit were locked in their cells for around 23 hours per day for the week. Those conditions amount to solitary confinement.

The situation is even more dire due to the physical layout of Ramona. The very low out-of-cell hours for people in Ramona include the time that people spend in Ramona's "dayroom," which is just a long corridor directly outside of the cells. The "dayroom" does not have a television or any space to sit and play games or recreate. It is a narrow, cramped hallway and not a dayroom. Spending time in this hallway is essentially the same experience as spending time in one's cell. And these conditions are considerably harsher than the conditions in the other women's units at both RCCC and Main Jail. Hours spent in a bare hallway do not constitute out-of-cell time for these purposes and should not be considered in assessing compliance with the Remedial Plan.

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factors. Additionally, the discipline cells in Ramona are excessively punitive, as the cell windows are very small and offer only a view of a white wall.

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*The “dayroom” for the Ramona pod*

In addition to the minimal out-of-cell time and lack of recreation space, people housed in Ramona are deprived of programming opportunities. Women housed in the Main Jail with the same classification factors as the women in Ramona are offered a variety of programs, including parenting classes, reentry classes, congregate religious classes, Narcotics Anonymous, Alcoholics Anonymous, and education classes. Women housed in Ramona, by contrast, have none of those opportunities. They have no access to any group programming or classes. At best, they spend 22 hours a day in their cells, one hour in a hallway, and one hour at a small outdoor recreation yard (pictured below). The lack of prosocial opportunities for women in the unit is another factor indicating that Ramona is a restrictive housing unit.

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*The recreation pod for the Ramona pod*

Lastly, the Ramona pod is filthy. Class members reported that they are not offered cleaning products to clean their cells, that gnats have infested the unit, and that the pod is generally gross. On December 6, 2023, Plaintiffs' counsel toured the facility and inspected several areas of Ramona, including an empty cell that was available to house new arrivals and the showers in the unit. The empty cell had toilet paper stuck to the toilet seat and looked like it had not been cleaned since the previous occupant left:



*Toilet in empty cell in Ramona*



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The showers had a layer of grime and filth through on the floors and the mats:



*Shower in Ramona*

The lack of cleanliness in Ramona is particularly troubling because the County contracted with an environment of care and sanitation expert, Diane Skipworth, to ensure sanitary conditions in both facilities.

In light of these serious concerns, please respond within 30 days with a plan for remediating these areas of noncompliance, including with respect to inadequate out-of-cell time, lack of programming opportunities, and unhygienic conditions in Ramona.

Sincerely,

Patrick Booth  
Margot Mendelson  
Prison Law Office

cc: Aaron Fischer  
Captain Owens  
Lieutenant Leahy  
Lieutenant Milligan  
Sergeant Parsons  
Andrea Javist



# **Attachment B**

## Attachment B – Compliance

***MAYS v COUNTY OF SACRAMENTO*****VIII. SEGREGATION/RESTRICTIVE HOUSING****A. General Principles**

Provision Requirement	Status
1. Prisoners will be housed in the least restrictive setting necessary to ensure their own safety, as well as the safety of staff, other prisoners, and the public.	<b>Partial Compliance</b>
a) The County shall not place prisoners in more restrictive settings, including Segregation, based solely on a mental illness or any other disability. Prisoners will be housed in the most integrated setting appropriate to their individual needs.	<b>Partial Compliance</b>
b) The County shall not place prisoners into Segregation units based solely on classification score.	<b>Compliant</b>
c) The County shall review the housing and restrictions of female prisoners classified as high security to ensure that this population is not subject to Segregation conditions of confinement.	<b>Noncompliant</b>
d) Specialized medical units (e.g., Main Jail 2 West Med/Psych, Main Jail 2 East) and mental health units (e.g., OPP, IOP, MHU, 2P) are not Segregation housing units. The County shall ensure that prisoners housed in these units receive daily access to out-of-cell time, telephones, showers, and other programs, services, and activities consistent with their classification and treatment plan.	<b>Not Evaluated</b>
2. The County shall not place a prisoner in Segregation units without first determining that such confinement is necessary for the safety of the staff, other prisoners, or the public. The County shall clearly document in writing the specific reason(s) for a prisoner's placement and retention in Segregation housing. The reason(s) shall be supported by clear, objective evidence. Prisoners will remain in Segregation housing for no longer than necessary to address the reason(s) for placement.	<b>Partial Compliance</b>
3. The County shall not place the following prisoners in a Segregation setting unless necessary to address a serious risk of physical harm, and in such cases only for the minimum time necessary to identify an alternative appropriate placement:	<b>Noncompliant</b>
a) Prisoners with acute medical needs that require an inpatient level of care and/or daily nursing care;	<b>Noncompliant</b>
b) Prisoners who are pregnant, post-partum, who recently had a miscarriage, or who recently had a terminated pregnancy.	<b>Not Evaluated</b>

## Attachment B – Compliance

<b>B. Conditions of Confinement</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. The County will provide at least 17 hours of out-of-cell time per week for all prisoners, with the exception of prisoner's subject to Administrative Segregation Phase I and Disciplinary Segregation in accordance with this remedial plan. The County will monitor out-of-cell time, and if minimum out-of-cell time requirements are routinely not being met at a particular facility or in a particular housing unit, the Sheriff's Department division commander or designee will review the situation and take appropriate steps to resolve the issue.	<b>Partial Compliance</b>
a) The County shall implement a policy to document out-of-cell time provided to each prisoner. The County shall conduct monthly audits to ensure that prisoners have been provided the required treatment and recreation time out of cell. This data will be regularly reviewed as part of the County's Quality Assurance procedures.	<b>Partial Compliance</b>
2. Out-of-cell time with the opportunity to exercise shall be provided to each prisoner seven (7) days per week, including outdoors/recreation time when feasible. The County shall offer out-of-cell time at appropriate times of day.	<b>Partial Compliance</b>
3. The County shall modify its non-disciplinary Segregation policies and procedures to allow reasonable access to the following: (1) Personal phone calls for all prisoners, including at least five hours or three weekdays per week of phone access during normal business hours; (2) Education, rehabilitation, and other materials (e.g. writing implements, art supplies, tablets), for in-cell activities; (3) Personal and legal visiting; (4) Religious services; and (5) Commissary.	<b>Partial Compliance</b>
a) The conditions and privileges described above shall be provided unless there is a specific safety or security issue preventing provision of such materials or the prisoner is subjected to disciplinary action.	
4. Cell windows shall not be covered with magnetic flaps, towels, sheets, or any other visual barrier preventing visibility into and out of the cell, unless there is a specific security or privacy need that is documented, and then for only a period of time necessary to address such security or privacy need. This provision shall apply to all cells housing prisoners.	<b>Compliant</b>
5. The County shall establish procedures so that all housing unit cells are searched and cleaned prior to a prisoner's placement in the cell.	<b>Noncompliant</b>
6. The County shall establish procedures to ensure that no prisoner is placed in a Segregation housing cell without a mattress and appropriate bedding.	<b>Not Evaluated</b>

## Attachment B – Compliance

<b>C. Mental Health Functions in Segregation Units</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. Segregation Placement Mental Health Review	
a) All prisoners placed in a non-disciplinary Segregation housing unit and all prisoners housed in a Disciplinary Detention unit shall be assessed by a qualified mental health professional within 24 hours of placement to determine whether such placement is contraindicated. All prisoners subjected to Disciplinary Segregation conditions for 72 hours in their general population housing unit (i.e., confined to cell 23 hours per day) shall also be assessed by a qualified mental health professional no later than the fourth day of such placement.	<b>Evaluated by Mental Health Expert</b>
b) Any decision to place prisoners with Serious Mental Illness in Segregation shall include the input of a qualified mental health professional who has conducted a clinical evaluation of the prisoner in a private and confidential setting (absent a specific current risk that necessitates the presence of custody staff), is familiar with the details of the available clinical history, and has considered the prisoner's mental health needs and history.	<b>Evaluated by Mental Health Expert</b>
d) If mental health or medical staff find that a prisoner has a Serious Mental Illness or has other contraindications to Segregation, that prisoner shall be removed from Segregation absent exceptional and exigent circumstances.	<b>Evaluated by Mental Health Expert</b>
<b>2. Segregation Rounds and Clinical Contacts</b>	
<b>Provision Requirement</b>	<b>Status</b>
a) Cell checks (to ensure that prisoners are safe and breathing) shall be conducted for all prisoners in Segregation at least every 30 minutes, at staggered intervals. Completion of cell checks will be timely documented.	<b>Evaluated by Mental Health Expert</b>
b) A qualified mental health or medical professional shall conduct check-ins at least once a week, to assess and document the health status of all prisoners in Segregation, and shall make referrals as necessary. The check-in shall include a brief conversation with each prisoner, a visual observation of the cell, and an inquiry into whether the prisoner would like to request a confidential meeting with a mental health or medical provider. Steps shall be taken to ensure effective communication, as well as auditory privacy consistent with security needs. When a prisoner in Segregation requests a confidential meeting with a mental health or medical provider, or the medical or mental health professional identifies a mental health or medical need, staff shall make appropriate arrangements to include triage, examination and treatment in an	<b>Evaluated by Mental Health Expert</b>

**Attachment B – Compliance**

appropriate clinical setting. In such cases, staff shall give the prisoner the opportunity to complete a health care request but will otherwise initiate a referral without requiring the prisoner to complete a request form.	
<b>3. Response to Decompenation in Segregation</b>	
<b>Provision Requirement</b>	<b>Status</b>
a) If a prisoner in Segregation develops signs or symptoms of mental illness where such signs or symptoms had not previously been identified, suffers deterioration in his or her mental health, engages in self-harm, or develops a heightened risk of suicide, the prisoner shall immediately be referred for appropriate assessment and treatment from a qualified mental health professional who will recommend appropriate housing and/or programming.	<b>Noncompliant</b>
b) Jail staff shall follow a mental health recommendation to remove a prisoner from Segregation unless such removal poses a current safety risk that is documented. In such a case, the Commander or management-level designee shall be notified and staff shall work to remove the prisoner from Segregation and secure a placement in an appropriate treatment setting at the earliest possible time.	<b>Not Evaluated</b>
<b>D. Placement of Prisoners with Serious Mental Illness in Segregation</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. Prisoners with a mental health condition meeting criteria for placement in a Designated Mental Health Unit (2P, IOP, OPP) will not be placed in Segregation, but rather will be placed in an appropriate treatment setting – specifically, the inpatient unit or other Designated Mental Health Unit providing programming as described in Exhibit A-2.	<b>Noncompliant</b>
2. In rare cases where a prisoner with a mental health condition meeting criteria for placement in a Designated Mental Health Unit presents an immediate danger or significant disruption to the therapeutic milieu, and there is no reasonable alternative, such a prisoner may be housed separately for the briefest period of time necessary to address the issue, subject to the following:	<b>Noncompliant</b>
a) The prisoner shall receive commensurate out-of-cell time and programming as described in Exhibit A-2 (including for IOP and OPP, 10 hours/week of group treatment/structured activities, 7 hours/week unstructured out-of-cell time, weekly individual clinical contact) with graduated programming subject to an individualized Alternative Treatment Program.	<b>Noncompliant</b>
iv. Privileges commensurate with the Designated Mental Health Unit program, unless modified in an Alternative Treatment Program based on individual case factors that are	<b>Noncompliant</b>

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regularly reviewed.	
v. Daily opportunity to shower.	<b>Noncompliant</b>
3. A prisoner with Serious Mental Illness requiring restraints (e.g., handcuffs, belly chains, etc.) shall not be denied clinically indicated group or individual treatment due to security factors, absent exceptional circumstances that are documented. Prisoners with Serious Mental Illness housed in Segregation who require restraints when out of cell shall have the opportunity to work their way out of restraints through graduated programming subject to an individualized Alternative Treatment Program.	<b>Evaluated by Mental Health Expert</b>
<b>E. Administrative Segregation</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. Use of Administrative Segregation	
a) Only the Classification Unit can assign a prisoner to Administrative Segregation.	<b>Compliant</b>
b) The County may use Administrative Segregation in the following circumstances:	<b>Compliant</b>
i. Objective evidence indicates that a prisoner participated in a recent assault and the assaultive behavior involved an assault on staff or visitors, serious injury, use of a weapon, gang removals, or multiple prisoner assaults. Mutual combat situations that do not otherwise qualify for Administrative Segregation are excluded.	<b>Compliant</b>
ii. During a brief investigative period not to exceed ten days while Classification staff attempts to verify the need for Protective Custody or while the prisoner is awaiting transfer to another facility.	<b>Compliant</b>
c) The Compliance Commander shall have the authority to place prisoners in Administrative Segregation under the following circumstances:	<b>Compliant</b>
i. The prisoner poses an extraordinary safety risk and no other housing unit is sufficient to protect the prisoner from harm;	<b>Compliant</b>
ii. The prisoner has failed to integrate into a lesser restrictive housing setting because of repeated and recent history of assaultive behavior or current threats of violence associated with being in a lesser restrictive setting; or	<b>Compliant</b>
iii. Objective evidence indicates that the prisoner attempted to escape or presents an escape risk.	<b>Compliant</b>
<b>2. Notice, Documentation, and Review of Administrative Segregation Designations</b>	
<b>Provision Requirement</b>	<b>Status</b>

## Attachment B – Compliance

a) The Classification Unit shall document the rationale for designating a prisoner for Administrative Segregation in the classification file using objective evidence. For prisoners younger than 24, the Classification Unit shall consider the prisoner's age as a mitigating factor when assigning the prisoner to Administrative Segregation.	<b>Compliant*</b>  *Plaintiffs' counsel did not evaluate the SSO's consideration of age in classification decisions, but will do so in future monitoring.
b) Classification shall attempt to down-class prisoners to a lesser restrictive housing setting at the earliest possible opportunity, consistent with safety and security.	<b>Partial Compliance</b>
c) County shall provide prisoners in Administrative Segregation with a written notice within 72 hours of the prisoner's initial placement in Administrative Segregation, explaining the reasons for the prisoner's Administrative Segregation designation and how the prisoner may progress to a lesser restrictive housing setting.	<b>Compliant</b>
d) Prisoners housed in Segregation units will, at least every (30) days, receive face-to-face interviews in a private out-of-cell setting, consistent with individual security needs, to discuss progress and compliance with their individual case plan as part of a classification review. Consideration will be given to their mental health and to their appropriateness for transfer to a less restrictive setting.	<b>Compliant</b>
e) The Compliance Commander or higher-ranked officer will review and approve the decision to designate a prisoner for Administrative Segregation for longer than 15 days.	<b>Not Evaluated</b>
f) The County shall document the reason the prisoner is retained in the same Administrative Segregation Phase. The prisoner will be given written notice of the reasons the prisoner is being retained in the same Phase of Administrative Segregation and what conduct the prisoner is required to exhibit to progress to a lesser restrictive housing setting.	<b>Compliant</b>
g) The Compliance Commander or higher-ranked officer must approve the continued retention of a prisoner in Administrative Segregation for longer than 90 days, and the Compliance Commander or higher-ranked officers must reauthorize such placement at least every 90 days thereafter.	<b>Not Evaluated</b>
<b>3. Administrative Segregation Phases</b>	
<b>Provision Requirement</b>	<b>Status</b>
a) The County shall develop and implement a phased system for prisoners designated as Administrative Segregation to achieve a lesser restrictive housing setting.	<b>Compliant</b>
b) Administrative Segregation Phase I:	
i. This is the most restrictive designation for prisoners in Administrative Segregation.	<b>Compliant</b>



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ii. Prisoners shall be offered a minimum of one hour per day out of cell time for a total of seven hours per week.	<b>Partial Compliance</b>
iii. Prisoners shall be offered an opportunity for Out-of-Cell Activities for at least five of the seven hours per week.	<b>Compliant</b>
iv. Prisoners shall not remain in Phase I for longer than 15 days unless the prisoner engages in new conduct warranting retention in Administrative Segregation as specified in Section VIII.E.1.b.	<b>Compliant</b>
c) Administrative Segregation Phase II:	
a) Prisoners shall be offered a minimum of 17 hours of out of cell time per week.	<b>Partial Compliance</b>
b) Prisoners shall be offered an opportunity for Out-of-Cell Activities for at least 10 of the 17 hours per week.	<b>Compliant</b>
c) Prisoners shall be offered the opportunity to program in groups of two to four prisoners, unless pairing with another prisoner is not possible for safety or security reasons, and those reasons are documented by the County.	<b>Compliant</b>
d) The County shall develop a program of incentives for good behavior.	<b>Noncompliant</b>
e) Prisoners shall not remain in Phase II for longer than 30 days unless the prisoner commits a serious behavioral violation while in Administrative Segregation: fighting; threatening staff or other prisoners; resisting or delaying an order from staff that impedes Jail operations (e.g., failure to lock down); refusing to submit to a search of person or property; destroying or damaging Jail property (excluding property issued to a prisoner and/or minor defacing of property or destruction of low-value property) or facilities; possessing contraband that implicates safety or security (e.g., weapons, razors, unauthorized medication, but not extra clothing, commissary items, or food); cell flooding; tampering with cell locking mechanisms or other security features (e.g., cameras); and/or sexual activity/harassment. In the event a prisoner engages in a serious behavioral violation, the conduct will be referred to the Classification Sergeant or higher-ranking officer, who shall have the discretion to extend the prisoner's Phase II time by 15 days, and shall develop an individual behavioral management plan, if one does not yet exist, for the prisoner.	<b>Compliant</b>
<b>F. Protective Custody</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. When a prisoner faces a legitimate threat from other prisoners, the County will seek alternative housing, by transferring the threatened prisoner to the general	<b>Compliant</b>

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population of another facility or unit, or to a special-purpose housing (Protective Custody) unit for prisoners who face similar threats.	
2. The County will not operate Protective Custody units with Segregation-type conditions of confinement. Prisoners placed in Protective Custody shall have the same programs and privileges as general population prisoners, absent exceptional circumstances that are documented.	<b>Partial Compliance</b>
3. The County shall create a policy that describes the process and criteria for placement of prisoners into Protective Custody. The County shall consult with Plaintiffs to develop such a policy.	<b>Not Evaluated</b>
4. Prisoners who are lesbian, gay, bisexual, transgender, or intersex (LGBTI) or whose appearance or manner does not conform to traditional gender expectations should not be placed in Segregation or Protective Custody solely on the basis of such identification or status, or because they are receiving gender dysphoria treatment.	<b>Compliant</b>
a) When a prisoner who is LGBTI or gender nonconforming faces a legitimate threat, the County shall identify alternative housing, with conditions comparable to those of general population. Privileges and out-of-cell time for this population will be documented and regularly reviewed by supervisory level staff to ensure appropriate housing, out-of-cell-time, and related conditions for this group of prisoners.	<b>Compliant</b>
b) In deciding whether to assign a transgender or intersex prisoner to a facility or program for male or female prisoners, the County shall consider on a case-by-case basis whether a placement would ensure the prisoner's health and safety, and the health and safety of other prisoners, giving serious consideration to the prisoner's own views.	<b>Noncompliant</b>
c) Jail staff will receive training on the unique issues of managing transgender prisoners, with refresher training at least bi-annually.	<b>Not Evaluated</b>
5. For prisoners who are LGBTI or whose appearance or manner does not conform to traditional gender expectations, the County shall identify the prisoner's preferred gender of jail staff who will perform searches of the prisoner. The County shall honor the request except in exigent circumstances when doing so is not possible.	<b>Not Evaluated</b>
<b>G. Disciplinary Segregation</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. The County will not place a prisoner in disciplinary housing pending investigation of, and due process procedures for, an alleged disciplinary offense unless the prisoner's presence in general population would pose a danger to the prisoner, staff, other prisoners or the public.	<b>Not Evaluated</b>
2. The County will adhere to a discipline matrix, developed in consultation with Plaintiffs, that clearly defines when disciplinary housing may be imposed.	<b>Not Evaluated</b>

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3. Prisoners who are found to have violated disciplinary rules following due process procedures will be placed in Segregation only after the County has determined that other available disciplinary options are insufficient, with reasons documented in writing.	<b>Not Evaluated</b>
4. The denial of out-of-cell time for more than four (4) hours will not be imposed as a sanction absent a formal disciplinary write-up and due process hearing.	<b>Not Evaluated</b>
5. Prisoners serving a Disciplinary Segregation term shall receive at least seven (7) hours per week of out-of-cell time. Out-of-cell time with the opportunity to exercise shall be provided to each prisoner one (1) hour a day, seven (7) days per week.	<b>Partial Compliance</b>
6. Prisoners in Disciplinary Segregation shall, absent an individualized assessment of security risk that is documented be provided at least one book (which prisoners may regularly exchange), legal documents, hygiene materials, legal phone calls, and legal visits.	<b>Partial Compliance</b>
7. No Disciplinary Segregation term for non-violent rules violations will exceed 15 days.	<b>Not Evaluated</b>
8. The County will, in consultation with Plaintiffs' counsel, modify its inmate discipline policy and practice to limit placements in Disciplinary Segregation conditions to no more than 15 days, absent cases of serious violations stemming from distinct incidents and with Watch Commander-level approval.	<b>Not Evaluated</b>
9. No prisoner shall be placed in Disciplinary Segregation for more than 30 consecutive days.	<b>Not Evaluated</b>
10. If after a Disciplinary Segregation term, Jail staff, with the input of a mental health clinician, determine that the prisoner cannot safely be removed from Segregation, placement on Administrative Segregation status may occur only subject to the process set forth in Section VIII.E.	<b>Not Evaluated</b>
11. Once a prisoner has been moved out of Disciplinary Segregation, that prisoner shall not be placed back into Disciplinary Segregation absent (a) a new incident warranting discipline, and (b) completion of all mental health review procedures required for new Segregation placements.	<b>Not Evaluated</b>
<b>H. Avoiding Release from Jail Directly from Segregation</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. The County will avoid the release of prisoners from custody directly from Segregation-type housing, to the maximum extent possible.	<b>Not Evaluated</b>
2. If a sentenced prisoner housed in Segregation has an upcoming expected release date (i.e. less than 120 days), the County will take and document steps to move the prisoner to a less restrictive setting, consistent with safety and security needs. If	<b>Not Evaluated</b>

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Segregation becomes necessary during this time, the County will provide individualized discharge planning to prepare the sentenced prisoner for release to the community.	
<b>I. No Food-Related Punishment</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. The County shall modify its policy and take steps to ensure that the denial or modification of food is never used as punishment. The County shall eliminate use of “the loaf” as a disciplinary diet. Nothing in this paragraph shall be read to preclude the County from denying a prisoner use of the commissary.	<b>Compliant</b>
<b>J. Restraint Chairs</b>	
<b>Provision Requirement</b>	<b>Status</b>
1. Restraint chairs shall be utilized for no more than six hours.	<b>Evaluated by Mental Health Expert</b>
2. The placement of a prisoner in a restraint chair shall trigger an “emergent” mental health referral, and a qualified mental health professional shall evaluate the prisoner to assess immediate and/or long-term mental health treatment needs.	<b>Evaluated by Mental Health Expert</b>
3. The opinion of a qualified medical professional on placement and retention in a restraint chair will be obtained within one hour from the time of placement.	<b>Evaluated by Mental Health Expert</b>