



Agreement Between County of Orange and Disability Rights California

Expert Monitor's Report (Fourth Round)

Elimination of Harmful Restrictive Housing and Disciplinary Practices

On-Site Review: February 26 - March 1, 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, 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 Remedial Plan. 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 Remedial Plan implementation.

The Expert is required to complete a comprehensive review (Compliance Review) of the County's implementation of the components of the Remedial Plan 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 Remedial Plan 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 Remedial Plan 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 Remedial Plan, 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 Remedial Plan, 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 Remedial Plan 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 Remedial Plan 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 Remedial Plan 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 Remedial Plan component(s) at issue.

B. Monitoring Process

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

Adequately Implemented: Implementation of all or most components of the relevant Remedial Plan provision, and no significant work remains to accomplish the goal of that provision.

Partially Implemented: Implementation of some components of the relevant Remedial Plan provision and significant work remains to reach adequate implementation.

Not Implemented: No implementation of most or all the components of the relevant Remedial Plan provision, and significant work remains to reach partial implementation.

Un-ratable: 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: 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: Used where two previous successive Compliance Reports have found that the provision has been adequately implemented.

III. Executive Summary

This is the Fourth Expert Monitor Review to measure Orange County's compliance with the Settlement Agreement, 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 fourth 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 February 26 through March 1, 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 March 7, 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 Settlement Agreement 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 Settlement Agreement and RP requirements and how the Settlement Agreement correlates to their respective job duties.

As this was the fourth monitoring tour, all elements of the Settlement Agreement, except for the SMU processes, were evaluated for compliance. The parties agree that the SMU portion of the Remedial Plan 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, creation and 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.

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 challenge Staff. Furthermore, the continued challenge for Staff to document access to Dayroom or Recreation further convinces the Expert that sworn supervisory-level staff must review the logs for completion to ensure compliance with the settlement agreement requirements.

The Expert was appraised at the beginning of this tour of a standardized Dayroom and Recreation Log, which is being rolled out for use across all housing areas. The Expert noted the newly designed logs are being utilized in a few housing areas at TLF. The Expert noted in most areas, the out-of-cell time (Dayroom and Recreation Yard) remains inconsistent and varies 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 with the newly designed log, will greatly assist OCSD in documenting the provision/offering of Dayroom or Recreation and will assist the Expert to measure and ensure the County's compliance with the Settlement Agreement's requirement.

The Expert noted Staff assigned to Green Sector Recreation are frequently redirected, hampering OCSD's ability to adequately provide 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 exigent 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 also makes the following 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 implementation of standardized Dayroom and Recreation Logs.
- Ensure Staff completes the logs and records sufficient information for the Expert to determine if the incarcerated persons are being provided 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 the logs reflect the incarcerated person identifiers (name and booking number) for cases where there are multiple incarcerated persons in a housing unit and the incarcerated person accepts and/or refuses dayroom.
- Ensure the Dayrooms are consistently operating during the hours of 0600 through 2300.
- Ensure additional Dayroom time beyond the three (3) hours per day is offered when the Dayrooms are available.
- Ensure Staff consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation.
- Based on the results of the IRC Mod N Pilot Program, consider revising the practice of capping the practice of only allowing eight (8) incarcerated persons in a dayroom or recreation group, consistent with classification case factors and security considerations, to increase access to out-of-cell time.
- Keeping the Dayrooms and yards open during routine events to maximize use of the Dayroom/yards is preferred. It is noted that some Mods currently allow incarcerated persons to remain in the dayroom during counts or medication calls. Expanding this process to housing units across the system will allow maximum allowance for access to Dayroom and Recreation. At present, such a practice appear to be dependent on Deputies' comfort level and not OCSD policy requirements or leadership's direction.
- Ensure Staff logs sufficient information for the Expert to determine if the incarcerated persons are being provided the required three (3) hours minimum per week of outdoor exercise and/or recreation.
- Ensure the logs reflect the incarcerated person identifiers (name and booking number) for cases where multiple incarcerated persons were offered and provided outdoor/exercise and/or recreation.
- Ensure that the Recreation yards are available and in use from the hours of 0600 to 2300.
- 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 that the outdoor space adjacent to the TLF Barracks (the "Green Sector") is consistently 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 facility.
- Ensure that OCSD Operations does not utilize assigned Green Sector Recreation Deputies for redirection such that Green Sector access for incarcerated persons is compromised and falls below Remedial Plan requirements.
- Ensure the Recreation logs include documentation of the reasons that precluded the provision of the minimum outdoor time in the given week.
- Ensure the policies and procedures include the requirement for Staff 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.).

- 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.
- 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:
 - 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.
 - 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.
- Include in policy and practice written and hands-on tutorials and assistance for the incarcerated persons who require assistance in accessing the Electronic Tablets.
- Ensure the OCSD and CHS 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.
- Revise 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.
- Ensure that OCSD and CHS 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.

- Ensure the Disciplinary Hearing Officer checks the ADA Tracking System and ensures the provision of reasonable accommodations and effective communication during the disciplinary process.

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 23 areas rated:

- Adequately Implemented - One (1)
- Partially Implemented - Thirteen (13)
- Not Implemented - Two (2)
- Un-ratable - Zero (0)
- Not Assessed - Two (2)
- Monitoring Suspended Based on Previous Findings of Compliance - Five (5)

It is the Expert's belief as the County continues to implement vital components of the Settlement Agreement, 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 Settlement Agreement and RP.

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 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.”

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

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

- August 27 to September 02, 2023
- September 03-09, 2023
- October 08-14, 2023
- November 19-25, 2023
- December 17-23, 2023

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, L, M, and N)
- TLF (AE Barracks, F Barracks, G Barracks, H Barracks, Mods I, K, L, M, N, O, P, Q, and R)

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

- TLF All Mods 8/27/23 – 09/02/23

The County also produced the OCJ Housing Tables for the TLF, CMJ, CWJ, and IRC. The Expert notes that 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, "Inmates in Mod B 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. *Same for Mod E."
- 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 72 incarcerated persons.

- 37 reported they are provided three (3) hours of (out-of-cell time) Dayroom per day.
- 23 reported they are not provided the required three (3) hours of (out-of-cell time) dayroom per day.
- Twelve (12) were housed in a dorm/tank with access to out-of-cell activities during their programming time.
- 49 reported no additional Dayroom was offered beyond the required three (3) hours per day.

All 72 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.

TLF

- TLF Mod M, arrived 6/23, Dayroom 2.5 hours.
- TLF Mod M, arrived 1/24 Dayroom 2 hours.
- TLF Mod K, arrived 2/23, Dayroom 2.5 hours.
- TLF Mod Q, arrived 1/24 Dayroom 2 hours.
- TLF Mod Q, arrived 2/24 Dayroom 2 hours.
- TLF Mod Q, arrived 12/23 Dayroom 2 hours.
- TLF Mod Q, arrived 2017 Dayroom 2 hours.
- TLF Mod R, arrived 1/23 Dayroom 2 hours.
- TLF Mod L, arrived 4/23 Dayroom 2.5 hours.
- TLF Mod L, arrived 2022 Dayroom 2.5 hours.
- TLF Mod L, arrived 2018 Dayroom 2.5 hours.
- TLF Mod L, arrived 4/20 Dayroom 2.5 hours.
- TLF Mod L, arrived 2021 Dayroom 2 hours.
- TLF Mod K, arrived 11/23 Dayroom 2 hours.

IRC

- IRC Mod J, arrived 05/2022, Dayroom 2 hours.
- IRC Mod J, arrived 11/2023, every other day.
- IRC Mod J, arrived 05/2023, varies.
- IRC Mod M, arrived 1/2024, Dayroom 2 hours.
- IRC Mod M, arrived unknown, Dayroom 1.5 hours.
- IRC Mod M, arrived 2023, Dayroom 1.5 hours.
- IRC Mod M, arrived 01/2024, Dayroom 2 hours.
- IRC Mod M, arrived 4/2023, Dayroom 1 hour.
- IRC Mod M, arrived 11/2023, Dayroom 2 hours.

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

- TLF Mod R Dayroom dated 09/07/23, population - 157.
 - Dayroom opened at 0630 hours and closed at 1846 hours.
 - 22 incarcerated persons received no 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 logs, dated 10/11/2023 Population - 141.
 - Log Incomplete
 - 37 incarcerated persons received less than three (3) hours of dayroom.
 - The Dayroom hours are being rotated.
 - No incarcerated person received additional hours of dayroom.
- TLF Mod R Dayroom logs, dated 11/25/23, population - 162.

- 54 incarcerated persons were offered or provided dayroom; however, the Dayroom log is incomplete.
 - Dayroom opened at 0638 hours and closed at 1652 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 logs dated 12/22/23, population - 146.
 - It appears all incarcerated persons housed in Mod R received three hours of the dayroom.
 - Dayroom opened at 0638 hours and closed at 2234 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 logs dated 09/04/23, population - 93. Sectors 52 and 53 are empty.
 - Dayroom opened at 0640 hours and closed at 2300 hours.
 - The log revealed all 93 persons received dayroom; there are no court, medical, or refusals documented.
 - 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 logs dated 10/10/2023 population - 124.
 - 27 incarcerated persons received about two hours of dayroom due to multiple classification groups in Sector 53.
 - Dayroom opened at 0618 hours and closed at 2324 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 logs dated 11/22/2023 population - 122.
 - It appears all incarcerated persons received at least three (3) hours of the dayroom.
 - Dayroom opened at 0625 hours and closed at 2240 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 logs dated 12/20/2023 population - 77.
 - It appears all incarcerated persons received at least three (3) hours of the dayroom.
 - Dayroom opened at 0610 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 P Dayroom logs dated 09/06/23, population - 129.
 - The log is complete and well-documented. It appears all incarcerated persons received at least three hours of dayroom.
 - The dayroom opened at 0645 hours and closed at 2230 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 logs dated 10/12/2023 population - 125.
 - Dayroom opened at 0643 hours and closed at 2300 hours. Appears all incarcerated persons received at least three 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 logs dated 11/24/2023 population - 115.
 - Dayroom opened at 0641 hours and closed at 2240 hours. It appears all incarcerated persons received at least three 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 logs dated 12/19/2023 population - 115.
 - Log appears complete, 26 incarcerated persons did not receive 3 hours of dayroom.
 - Dayroom opened at 0644 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 dated 09/05/23, Population - 82.
 - Log appears complete, reveals incarcerated persons received 3 hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2342 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 logs dated 10/11/16/2023 population - 72.
 - Log appears complete, reveals incarcerated persons received 3 hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 0015 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 logs dated 11/23/2023 population - 64.

- Log appears complete, reveals incarcerated persons received 3 hours of dayroom.
 - The dayroom opened at 0600 hours and closed at various 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 logs dated 12/23/2023 population - 68.
 - Log appears complete, reveals incarcerated persons received 3 hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2200 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 N Dayroom logs dated 09/05/2023 population - 187.
 - The dayroom opened at 0608 hours and closed at unknown hours. Log incomplete.
 - The Dayroom hours are being rotated.
 - Sectors 35 and 36 had five groups, and only two hours of dayroom provided.
 - The log indicates no incarcerated person received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod N Dayroom logs dated 10/13/2023 population - 176.
 - Only 33 incarcerated persons of the 176 received 3 hours of dayroom due to multiple sectors having more than four (4) groups.
 - Dayroom opened at 0600 hours and closed at 2308 hours.
 - The Dayroom hours are being rotated.
 - The log indicates no incarcerated persons incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod N Dayroom logs dated 11/23/2023 population - 155.
 - Log appears complete, reveals incarcerated persons received 3 hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2230 hours.
 - The Dayroom hours are being rotated.
 - The log indicates no additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod N Dayroom logs dated 12/21/2023 population - 148.
 - Log appears complete, reveals 75 incarcerated persons did not received 3 hours of dayroom. Of the 75, 30 were short hours due to power outage.
 - Dayroom opened at 0602 hours and closed at 2320 hours.
 - The Dayroom hours are being rotated.
 - The log indicates no additional hours of dayroom beyond the required three (3) hours per day.
- TLF Mod M Dayroom logs dated 09/05/2023 population - 51.

- This log is incomplete by the night shift; it does appear three (3) hours of day room was received with exception of approx. 30 incarcerated persons due to incomplete logging.
 - Dayroom opened at 0600 hours and closed at 2135 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 logs dated 10/12/2023 population - 162.
 - The dayroom log is incomplete; 106 incarcerated persons did not receive dayroom.
 - Dayroom opened at 0620 hours and closed at 2030 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 logs dated 11/20/2023 population - 164.
 - The log is complete; All incarcerated persons did receive three hours of dayroom.
 - Dayroom opened at 0605 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 logs dated 12/22/2023 population - 147.
 - The night shift log is incomplete; 56 incarcerated persons did not receive dayroom.
 - Dayroom opened at 0625 hours and closed at an unknown hour.
 - 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 logs dated 09/05/2022, population - 122.
 - 58 incarcerated persons received less than three (3) hours of dayroom due to multiple classification groups.
 - Dayroom opened at 0605 hours and closed at 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.
- TLF Mod L Dayroom logs dated 10/13/2023 Population - 121.
 - 121 incarcerated persons received less than three (3) hours of dayroom due to multiple classification groups.
 - Dayroom opened at 0800 hours and closed at 2345.
 - 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 logs dated 11/22/2023 Population - 88.
 - 73 incarcerated persons received less than three (3) hours of dayroom due to multiple classification groups.
 - The dayroom opened at 0700 hours and closed at 2330 unknown hour.
 - 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 logs dated 12/21/2023 Population - 98.
 - The Dayroom Log is complete. 13 incarcerated persons received three hours of dayroom. All others were affected by numerous groups within each Sector. All incarcerated persons received at least two hours.
 - Dayroom opened at 0615 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.
- TLF Mod K Dayroom logs dated 09/06/2023, population - 124.
 - The dayroom log is incomplete.
 - 29 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2125 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 logs dated 10/10/2023 population - 123.
 - All incarcerated persons received three (3) hours of dayroom.
 - No refusals, court, med, or any incarcerated persons missing dayroom were recorded.
 - This log was complete.
 - Dayroom opened at 0600 hours and closed at 2220 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 logs dated 11/25/2023 population - 113.
 - 29 incarcerated persons received less than three (3) hours of dayroom.
 - This log was not completed or closed out by the evening shift.
 - Dayroom opened at 0559 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 logs dated 12/20/2023 population - 103.
 - All incarcerated persons received three (3) hours of dayroom.
 - The dayroom log is complete.
 - Dayroom opened at 0600 hours and closed at 2216 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 J Dayroom logs dated 9/05/23, population - 111.
 - 7 incarcerated persons received less than 3 hours of dayroom as a result of numerous classification groups in Sectors.
 - Dayroom opened at 0616 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 J Dayroom logs dated 10/11/2023 Population - 88.
 - 14 incarcerated persons received less than three (3) hours of dayroom.
 - This log was not complete.
 - Dayroom opened at 0614 hours and closed at 2245 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 J Dayroom logs dated 11/23/2023 population - 82.
 - A few incarcerated persons possibly did not receive three (3) hours of dayroom due to numerous classification groups in the Sector.
 - This log was not completed or closed out by either the day or evening shift.
 - Dayroom opened at 0635 hours and closed at 2344 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 J Dayroom logs dated 12/19/2023 Population - 81.
 - A few incarcerated persons received less than three (3) hours of dayroom due to numerous classification groups in the Sector.
 - This log appears complete.
 - Dayroom opened at 0613 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 I Dayroom logs dated 09/06/2023 population - 74. Sectors 1 and 2 Celled living.
 - 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.
 - 21 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- TLF Mod I Dayroom logs dated 10/14/2023 population - 73. Sectors 1 and 2 Celled living.
 - 8 incarcerated persons received less than three (3) hours of dayroom.
 - This log was 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 I Dayroom logs dated 11/23/2023 population - 74. Sectors 1 and 2 Celled living.
 - Unknown how many incarcerated persons received less than three (3) hours of dayroom. The log is vague and appears 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 I Dayroom logs dated 12/19/2023 population - 78. Sectors 1 and 2 Celled living.
 - 3 incarcerated persons received less than three (3) hours of dayroom.
 - This log is being completed incorrectly and does not account for each incarcerated person.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The Dayroom hours are being rotated.
 - 21 incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod N Dayroom logs dated 09/06/2022, population - 99.
 - 16 incarcerated persons received less than three (3) hours of dayroom.
 - Dayroom opened at 0600 hours and closed at 2250 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 logs dated 10/11/2023 population - 93.
 - 25 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 logs dated 11/19/2023 population - 96.
 - 33 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 no incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 12/21/2023 population - 96.
 - 8 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.
 - Log does indicate some incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod M Dayroom logs dated 09/06/2023 population – 82, M Mod houses incarcerated persons identified as acute and chronic regarding mental health.
 - 60 incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector.
 - The dayroom opened at 0603 hours and closed at 2305 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 logs dated 10/12/2023 population – 84 M Mod houses incarcerated persons identified as acute and chronic regarding mental health.
 - 60 incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector.
 - The dayroom opened at 0603 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.
- IRC Mod M Dayroom logs dated 11/22/2023 population – 68 M Mod houses incarcerated persons identified as acute and chronic regarding mental health.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The dayroom opened at 0603 hours and closed at 2305 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 logs dated 12/23/2023 population – 78 M Mod houses incarcerated persons identified as acute and chronic regarding mental health.
 - Numerous incarcerated persons received 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 L is closed for retrofit.

- IRC Mod K Dayroom logs dated 09/05/2022, Population – 62, 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.
 - 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 logs dated 10/11/2023 population – 63, 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.
 - Incarcerated persons received less than three hours; the log is incomplete.
 - Dayroom hours, 0600 to 2300 hours.
 - The Dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of dayroom.
- IRC Mod K Dayroom logs dated 11/22/2023 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, 0615 to 2245 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 logs dated 12/23/2023 Population – 64, 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 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 J Dayroom logs dated 8/28/23, population - 87.
 - 1 out of 87 persons received three (3) hours of dayroom, numerous classification groups in Sector.
 - The Dayroom log was incomplete.
 - Dayroom hours 0605 to 2200 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 J Dayroom logs dated 09/05/2023 population - 71.
 - Unknown how many incarcerated persons received less than three (3) hours of dayroom.
 - The Dayroom log is incomplete.
 - Dayroom hours 0815 to 2006 hours.
 - Dayroom hours are being rotated is unknown.
 - No incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- IRC Mod J Dayroom dated 10/11/2023 population - 73.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in the Sector.
 - The Dayroom log is incomplete.
 - Dayroom hours 0604 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 J Dayroom logs dated 11/23/2023 population - 57.
 - Numerous incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector, med ISO.
 - The Dayroom log is incomplete.
 - Dayroom hours, 0619 to 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 J Dayroom logs dated 12/22/2023 population - 67.
 - 24 incarcerated persons received less than three (3) hours of dayroom, numerous classification groups in Sector, numerous classification groups in Sector, med ISO.
 - The Dayroom log is incomplete.
 - Dayroom hours, 0808 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.
- CMJ Mod A Dayroom logs dated 8/27/2023, population – 177. Only Sectors 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 logs dated 09/06/2023 Population – 170. Only Sectors 3 and 4 are celled housing.
 - The Dayroom log is not completed by the night shift.
 - Dayroom hours, 0600 to 2318 hours.
 - The Dayroom hours are being rotated.
 - Log indicates incarcerated persons did receive additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod A Dayroom logs dated 10/10/2023 population - 153 Only Sectors 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 logs dated 11/22/2023 population – 104. Only Sectors 3 and 4 are celled housing.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The Dayroom hours are being rotated.
 - The log indicates incarcerated persons did not receive additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod A Dayroom logs dated 12/19/2023 population – 156. Only Sectors 3 and 4 are celled housing.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2340 hours.
 - The Dayroom hours are being rotated.
 - The log indicates three (3) incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 8/27/2023, population - 113.
 - All received at least three hours of Dayroom access.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2359 hours.
- CMJ Mod B Dayroom logs dated 09/06/2023 population - 124.
 - All received at least three hours of Dayroom access.
 - Dayroom hours, 0600 to 2315 hours.
 - The Dayroom hours are being rotated.
 - Log indicates incarcerated persons received 1 additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 10/10/2023 population - 125.
 - All received at least three hours of Dayroom access.
 - Dayroom hours, 0600 to 2345 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 B Dayroom logs dated 11/22/2023 population - 113.
 - All received at least three hours of Dayroom access.
 - The Dayroom log is not complete.
 - 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.
- CMJ Mod B Dayroom logs dated 12/19/2023 population - 107.
 - All received at least three hours of Dayroom access.
 - The Dayroom log is complete.
 - Dayroom hours, 0620 to 2045 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 C Dayroom logs dated 08/27/23, Population – 178, 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 3 hours of dayroom.
 - Dayroom hours, 0600 to 2300 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 logs dated 09/06/2023 population – 179. Only Tanks 13 and 14 have celled housing.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The Dayroom hours are being rotated.
 - Log indicates some incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom logs dated 10/10/2023 population – 173. Only Tanks 13 and 14 have celled housing.
 - The Dayroom log is complete.
 - Dayroom hours, 0615 to 2303 hours.
 - The Dayroom hours are being rotated.
 - Log indicates some incarcerated persons receive additional hours of dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 11/22/2023 population – 188. Only Tanks 13 and 14 have celled housing.
 - 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 C Dayroom logs dated 12/19/2023 population - 59.
 - The Dayroom log is complete.
 - Dayroom hours, 0605 to 2351 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 D Dayroom logs dated 08/27/23 population – 198. Only Tanks 19 and 20 have celled housing.
 - The Dayroom log is incomplete.
 - Dayroom hours, 0600 start, there is no end time.
 - It is unknown if anyone in tanks 19 or 20 received any Dayroom.Additionally, there is no way to decipher on this log if all the cells in either tanks 19 or 20 were occupied or not.
- CMJ Mod D Dayroom logs dated 09/06/2023 population – 196. Only Tanks 19 and 20 have celled housing.
 - The Dayroom log is incomplete.
 - Dayroom hours, 0600 to 2250 hours.
 - The Dayroom hours are being rotated.
 - It is unknown if anyone in tanks 19 or 20 received any Dayroom.Additionally, there is no way to decipher on this log if all the cells in either tanks 19 or 20 were occupied or not.
- CMJ Mod D Dayroom logs dated 10/10/2023 population – 166. Only Tanks 19 and 20 have celled housing.
 - The Dayroom log is complete.
 - It is unknown if anyone in tanks 19 or 20 received any Dayroom.Additionally, there is no way to decipher on this log if all the cells in either tanks 19 or 20 were occupied or not.
- CMJ Mod D Dayroom logs dated 11/22/2023 population – 140. Only Tanks 19 and 20 have celled housing.
 - The Dayroom log is incomplete, there are no incarcerated person names from either Tank 19 or 20.
 - Dayroom hours, 0600 to 2300 hours.
 - It is unknown if anyone in tanks 19 or 20 received any Dayroom.Additionally, there is no way to decipher on this log if all the cells in either tanks 19 or 20 were occupied or not.

- CMJ Mod D Dayroom logs dated 04/13/2023 population - 144.
 - The Dayroom log is incomplete, there are no incarcerated person names from either Tank 19 or 20.
 - Dayroom hours, 0600 to 2300 hours.
 - The Dayroom hours are being rotated.
 - It is unknown if anyone in tanks 19 or 20 received any Dayroom.Additionally, there is no way to decipher on this log if all the cells in either tanks 19 or 20 were occupied or not.
- CMJ Mod E Dayroom logs dated 08/27/23, population - 109.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2310 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 E Dayroom logs dated 09/06/2023 population - 95.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2310 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 E Dayroom logs dated 10/10/2023 population - 108.
 - The Dayroom log is complete.
 - Dayroom hours, 0605 to 2315 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 E Dayroom logs dated 11/22/2022, population - 118.
 - The Dayroom log is complete.
 - Dayroom hours, 0600 to 2313 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 F Dayroom logs dated 08/27/23, Population – 102, Tanks 29 and 30 are celled living, and all other tanks are dorm living.
 - 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 F Dayroom logs dated 09/06/23 population – 118. 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.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom logs dated 10/10/2023 population – 168. 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.
 - The log indicates incarcerated persons received additional hours of dayroom beyond the required three (3) hours per day.
- CMJ Mod F Dayroom logs dated 11/22/2023 population – 135. 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 logs dated 09/06/2023 population - 36.
 - 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 logs dated 10/10/2023 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.
- CMJ Mod O Dayroom logs dated 11/22/2023 population - 31.
 - 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.

Based on incarcerated person interviews and a review of documents, the Expert finds there continues to be some improvement in offering 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 in a Dayroom or other common area, or a total of at least twenty-one (21) hours per week. In addition, at times, Staff do not log sufficient information for the Expert to determine if the incarcerated persons are being provided 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. Logs are missing start and/or stop times, no incarcerated person name, or just use the word "Group 1 or 2", or the log is so unorganized it is difficult to determine if access has been achieved cumulative for the week. Some of the logs do not reflect the incarcerated person identifiers (name and booking number) in cases where there are multiple incarcerated persons in a dorm/tank and the incarcerated person accepted and/or refused dayroom.

With the current logging system in place, the Expert finds there is no standardization for the documentation of dayroom that is offered and provided. Some logs have numerous (ten to fifteen) highlighted colors used for separating Classification or Groups in each Sector. Some of the log data is unorganized, and some logs have very little information. It is the Expert's hope with the newly designed Dayroom and Recreation Log, Staff's documentation of Dayroom and Recreation activities will improve.

Theo Lacy appears to be behind CMJ and CWJ in this area. TLF appears to have a set schedule and appears to only offer four (4) separate three (3) hour opportunities to program in the dayroom during any given 17-hour period (between 0600 and 2300 hours). Many of these three (3) hour periods are broken up into several segments. It is noted and has been identified that many dayrooms rarely open at 0600 hours and close at 2300 hours every day. It is also noted that the many daily operational activities causing dayrooms to be closed; two (2) counts during the daytime hours, medication call, and meal delivery. Each dayroom log depicts these activities and the closing and reopening of the dayroom.

According to OCSD command staff, staff are reviewing expanding dayroom and recreation groups sizes. This will assist in providing additional dayroom and recreation opportunities to incarcerated persons.

The Expert understands the most important security task for a jail is the incarcerated person Counts. However, the Expert believes that re-scheduling the two daytime counts, which occur at about 1000 and 1400 hours, would enhance programming opportunities. In the CDCR, counts are conducted at about 1600 hours, which is a standing count, at 2200 hours, at 0200 hours and at 0500 hours. There is also a 1200 hour close custody count for incarcerated persons classified as Close Custody. This count schedule allows full programming throughout the day. The OCSD should consider revising the count schedule specifically the counts conducted at 1000 and 1400 this will allow for additional dayroom/yard access. For incarcerated persons classified or designated as "high risk", a close custody or high risk count could be conducted for incarcerated persons classified as such.

Furthermore, the Expert believes enhancements can be made for medication and noon time meal delivery to further facilitate programming opportunities.

The Expert notes that the County states, "We expect finalization of the Guardian RFID contract shortly. This will assist with tracking all out-of-cell time. Once signed, we anticipate a six-

month implementation period. In the meantime, OCSD will continue to reinforce to Staff the requirements for Dayrooms to be open 0600-2300, and consistent and complete logging of Dayroom time or the reasons the dayroom was closed. OCSD will discuss internally the possibility of increasing the size of Dayroom groups."

It is the Expert's expectation that the implementation of the Guardian RFID will assist the County in providing the Expert with cumulative weekly 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 2024.

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.*

OCSD reports that, "finalization of the Guardian RFID contract shortly. OCSD believes this will assist with tracking all out-of-cell or access to Dayroom time. Once completed, OCSD anticipates a six-month implementation period. In the meantime, OCSD will continue to reinforce to the Staff the requirements for Dayrooms to be open 0600-2300, consistent and complete logging of Dayroom time or the reasons dayroom was closed. OCSD will discuss internally the possibility of increasing the size of Dayroom groups."

The OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "It is expected that Dayrooms will generally be available for use by inmates from 0600 through 2300 hours daily. The schedule will rotate on a daily basis to provide a variety of Dayroom times for each inmate or group. If the inmate or group scheduled declines the Dayroom opportunity, bypass the declining inmate, or group and offer dayroom to the next inmate or group on the scheduled rotation. If all inmates decline Dayroom, Staff shall continue to offer

dayroom in the scheduled rotation until an inmate or group accepts. This rotation will be ongoing until 2300 hours."

In the review of the Dayroom Logs listed in Section 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 09/07/2023 opened at 0630 hours and closed at 1846 hours.
- TLF Mod R Dayroom dated 10/11/2023 Dayroom Log incomplete.
- TLF Mod R Dayroom dated 11/25/23 opened at 0638 hours and closed at 1652 hours.
- TLF Mod R Dayroom dated 12/22/23 opened at 0638 hours and closed at 2234 hours.
- TLF Mod Q Dayroom dated 09/04/23 opened at 0640 hours and closed at 2300 hours.
- TLF Mod Q Dayroom dated 10/10/2023 opened at 0618 hours and closed at 2324 hours.
- TLF Mod Q Dayroom dated 11/22/2023 opened at 0625 hours and closed at 2240 hours.
- TLF Mod Q Dayroom dated 12/20/2023 opened at 0610 hours and closed at 2300 hours.
- TLF Mod P Dayroom, dated 09/06/23, opened at 0645 hours and closed at 2230 hours.
- TLF Mod P Dayroom dated 10/12/2023 opened at 0643 hours and closed at 2300 hours.
- TLF Mod P Dayroom dated 11/24/2023 opened at 0641 hours and closed at 2240 hours.
- TLF Mod P Dayroom dated 12/19/2023 opened at 0644 hours and closed at 2300 hours.
- TLF Mod N Dayroom dated 09/05/2023 opened at 0608 hours and closed at unknown hours.
- TLF Mod M Dayroom dated 09/05/2023 opened at 0600 hours and closed at 2135 hours.
- TLF Mod M Dayroom dated 10/12/2023 opened at 0620 hours and closed at 2030 hours.
- TLF Mod M Dayroom dated 11/20/2023 opened at 0605 hours and closed at 2242 hours.
- TLF Mod M Dayroom dated 12/22/2023 opened at 0625 hours and closed at an unknown hour.
- TLF Mod L Dayroom dated 09/05/2023 opened at 0605 hours and closed at 2203 hours.
- TLF Mod L Dayroom dated 10/13/2023 opened at 0800 hours and closed at 2345 hours.
- TLF Mod L Dayroom dated 11/22/2023 opened at 0700 hours and closed at the unknown hour.
- TLF Mod L Dayroom dated 12/21/2023 opened at 0615 hours and closed at 2330 hours.
- TLF Mod K Dayroom, dated 10/20/2023, opened at 0600 hours and closed at 2220 hours.

- TLF Mod K Dayroom, dated 12/20/2023, opened at 0600 hours and closed at 2216 hours.
- TLF Mod J Dayroom dated 09/05/2023 opened at 0616 hours and closed at 2300 hours.
- TLF Mod J Dayroom dated 10/11/2023 opened at 0614 hours and closed at 2245 hours.
- TLF Mod J Dayroom dated 11/23/2023 opened at 0635 hours and closed at 2344 hours.
- TLF Mod J Dayroom dated 12/19/2023 opened at 0613 hours and closed at 2300 hours.

IRC

- IRC Mod K Dayroom dated 11/22/2023 hours, 0615 hours, closed at 2245 hours.
- IRC Mod J Dayroom dated 08/28/2023 opened at 0605 hours and closed at 2200 hours.
- IRC Mod J Dayroom dated 09/05/2023 opened at 0815 hours and closed at 2006 hours.
- IRC Mod J Dayroom dated 11/23/2023 opened at 0619 hours and closed at 2330 hours.
- IRC Mod J Dayroom dated 12/22/2023 opened at 0808 hours and closed at 2300 hours.

CMJ

- CMJ Mod B Dayroom dated 12/19/2023 opened at 0620 hours and closed at 2045 hours.
- CMJ Mod C Dayroom dated 10/10/2023 opened at 0615 hours and closed at 2303 hours.
- CMJ Mod D Dayroom, dated 08/27/2023, opened at 0600 hours; there is no end time.

The Expert interviewed 72 incarcerated people during the monitoring tour. Twelve (12) of those interviewed were housed in dormitory housing, and 60 were housed in a celled environment. All 60 incarcerated persons said the County rotates Dayroom times each day. Forty-nine (49) incarcerated persons interviewed said they are not offered or provided additional access to Dayroom opportunities (i.e., a second or additional Dayroom session). Twenty-three, inclusive of dormitory and celled living, incarcerated persons said they are afforded additional access to Dayroom opportunities (i.e., a second or additional Dayroom session). The Expert's review of documentation found six (6) Mods at CMJ O, F, E, C, B, A and Mod I at TLF, where the Mod Dayroom Logs reflected that additional Dayroom time was offered.

The daily Activity Logs reflect events, daytime counts, searches, medication distribution, and meal serving as activities that cause dayroom access to be closed temporarily.

The Expert continues to note some Mods utilize a four (4) group method in each Sector to ensure that access to the three (3) hours of dayroom is being offered and provided. Furthermore, the Expert notes the Mods operate Dayroom access by classification and assigns incarcerated persons to like classification groups. These groups are limited to a

maximum of eight (8) and in some units six (6) incarcerated persons regardless of classification score/level. The expert interviewed Staff, who said the cap of eight (8) incarcerated persons per group is not driven by OCSD policy, but it is the OCSD practice based on the number of incarcerated persons that line Staff feels safe with being allowed in the dayroom at the same time.

The expert believes restricting the groups to a maximum of eight (8) limits the ability of the County to ensure the required (3) hours of Dayroom time is offered and provided. In the third monitoring tour, this expert recommended the County establish a policy to ensure standardization of the number of incarcerated persons assigned to specific groups based on security and classification case factors. This would allow the County to increase the overall programming by providing access to dayroom and other programming opportunities. This will also assist the County in meeting and/or exceeding the (3) hours of Dayroom access required by the RP.

On February 26, 2024, Orange County reported that in early February 2024, at IRC Mod N, a pilot program was established to determine if OCSD could effectively program more than eight (8) incarcerated persons at a time in the dayroom and in the Recreation area. On March 7, 2024, during the OCSD/DRC/Sabot debriefing following the fourth monitoring tour, OC Command staff said OC staff toured a local jail to further determine the processes utilized to securely and safely program numerous incarcerated persons at a time. The expert is hopeful as this process is evaluated, OC policies are produced, and effective programming commences with at least two groups of more than eight incarcerated persons in a given housing unit, the OCSD will be successful in providing at least – and in many units over and above – the three hours of access to Dayroom and Recreation.

The County reported that per the Remedial Plan, page 23, I.B.1.a., “OCSD will offer additional Dayroom time beyond three (3) hours per day as scheduling and classification needs allow.” (Emphasis added.) Further, additional Dayroom opportunities are offered “[o]nce every incarcerated person in a celled housing unit has been offered use of Dayroom...”

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.*

The OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Inmates will be provided access to the telephones during outdoor recreation or during designated telephone use times. Inmates will be permitted to return to their cell to use the restroom unless restrooms are located in the Dayroom area. If an inmate returns to their cell to use the restroom, the inmate will be permitted to return to the dayroom at the completion of their use of the restroom.”

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.*

The 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. In such cases, the reasons will be thoroughly documented in the guard station daily log by the respective deputy or correctional services assistant.”

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.

Note: This section offers clarifications as to the scope of other requirements in the Settlement Agreement and informs the analysis of the Dayroom-related Settlement Agreement 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 OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Staff shall afford each inmate the opportunity to participate in a minimum of three hours of outdoor recreation per week, distributed over at least two separate days. Security concerns 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 watch commander shall be notified and the reason for the cancellation or failure shall be documented in the appropriate log.”

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

- August 27-September 1, 2023
- September 3-9, 2023
- October 8-14, 2023
- November 19-25, 2023
- December 17-23, 2023

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 interviewed 72 incarcerated persons. Of the 72 incarcerated persons, 42 reported they are provided three (3) hours of Recreation yard per week, and 30 stated they were not offered and/or did not receive at least three (3) hours of access to the Recreation yard. Summarized below are the incarcerated persons who reported they were not provided the required three (3) hours of yard per week:

TLF

- Mod K - Two (2) times a week for one (1) hour.
 - Mod I- One (1) time a week for unknown hours
 - Mod J - One (1) time a week.
 - Mod J - One (1) time a week.
 - Mod J – One (1) time a week.
 - Mod J – One (1) time a week.
 - Mod K - 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 week one (1) to two (2) hours.
 - Mod M - 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 Q – One (1) time a week.
 - Mod R – Two (2) hours a week
 - Mod R – One (1) time a week.
 - Mod R – One (1) time a week.
 - Mod R – One (1) time a week.
 - Mod R – One (1) time a week.

- IRC
 - Mod J – One (1) time a week.
 - Mod J – One (1) time a week.
 - Mod J – One (1) time a week.
 - Mod K – One (1) time a week, Varies.
- IRC
 - Mod N – Don't get to go to the yard.
- CMJ
 - Mod F – One (1) time a week.

The expert reviewed Activity and Mod Recreation logs for dormitory-style housing at CWJ, CMJ, and TLF Recreation opening and closing times.

CWJ

Date	Rec. Open	Rec Closed	Pm Rec Open	PM Rec closed
8/27/2024	0815 hrs.	Log Incomplete	No PM Rec.	
8/28/2024	0630 hrs.	Log Incomplete	No PM Rec	
8/29/2024	1620 hrs.	1750 hrs.	No PM Rec	
8/30/2024	0630 hrs.			2300 hrs.
8/31/2024	0845 hrs.	1015 hrs.		
9/1/2024	0800 hrs.			2200hrs.
9/2/2024	Rain Closure			
9/3/2024	0806 hrs.	1305 hrs.	No PM Rec.	
9/4/2024	0802 hrs.	1420 hrs.		
9/5/2024	0800 hrs.	1525 hrs.		
9/6/2024	0822 hrs.			2230 hrs.
9/7/2024	0805 hrs.	1800 hrs.		
9/8/2024	0814 hrs.	1455 hrs.		
9/9/2024	0810 hrs.			
10/8/2024	No Yard			
10/9/2024	No Log			
10/10/2024	0700 hrs.	1501 hrs.		
10/11/2024			1851 hrs.	2240 hrs.
10/12/2024	0800 hrs.			2300 hrs.
10/13/2024	0900 hrs.	1400 hrs.		
10/14/2024	0847 hrs.			2035 hrs.
11/19/2024	0715 hrs.			1920 hrs.
11/20/2024	No log			
11/21/2024	No log			
11/22/2024	0830 hrs.	1740 hrs.		

11/23/2024	0700 hrs.	1410 hrs.		
11/24/2024	0700 hrs.	1710 hrs.		
11/25/2024	0824 hrs.	1729 hrs.		
12/17/2024	0720 hrs.			2300 hrs.
12/18/2024	0705 hrs.			2005 hrs.
12/19/2024	1145 hrs.			2345 hrs.
12/20/2024	No Log			
12/21/2024	0808 hrs.	1744 hrs.		
12/22/2024	Weather closure			
12/23/2024	0705 hrs.			2032 hrs.

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

- CWJ Recreation Logs week of 8/27-9/2/2023,
 - Tank 2 received only one opportunity to go to recreation.
 - Tanks 1, 3, 4, 7, and 8 received two Recreation opportunities.
 - Tank 3 received 5 Recreation opportunities.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 9/3 - 9/2023,
 - Tank 7 received only one opportunity to go to recreation.
 - Tanks 1, 3, 4, 5, and 6 received two Recreation opportunities.
 - Tanks 1, 2, and 8 received additional opportunities for recreation.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 10/08-14/2023,
 - Tank 5 received only one opportunity to go to recreation.
 - All Tanks received at least two opportunities to attend the yard.
 - Tanks 1, 2, 4, 6, 7, and 8 received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 11/19-25/2023,
 - All Tanks received at least two Recreation opportunities.
 - Tanks 1, 3, 4, 5, 6, 7, and 8 received additional opportunities for recreation.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 12/17-23/2023,
 - All Tanks received two additional opportunities for recreation.
 - The Recreation hours were rotated.

CMJ

Date	Rec. Open	Rec Closed	Hrs. Rec Closed	Rec Open	Rec closed
27-Aug	710	1435	4 hrs. 50 min	1925	2250
28-Aug	705	1600	3 hrs. 20 min.	1920	2250
29-Aug	720	1545	3 hrs. 20 min.	1905	2240
30-Aug	700	1530	3 hrs. 50 min.	1920	2300
31-Aug	623	1415	4 hrs. 50 min.	1905	2300
1-Sep	627	1520	3 hrs. 43 min.	1903	2309
2-Sep	715	1330	5 hrs. 33 min.	1903	2300
3-Sep	625	1525	4 hrs.	1905	2215
4-Sep	705	1420	4 hrs. 40 min.	1900	2305
5-Sep	725	1550	3 hrs. 25 min.	1915	2300
7-Sep	626	1345	5 hrs. 23 min.	1908	2300
8-Sep	623	1500	4 hrs.	1908	2310
9-Sep	725	1500	4 hrs. 20 min.	1920	2255
8-Oct	700	1455	4 hrs. 35 min.	1930	2305
9-Oct	710	910	10 hrs.,	1930	2305
12-Oct	745	1550	3 hrs. 15 min.	1905	2300
13-Oct	613	1550	3 hrs. 20 min.	1910	2305
14-Oct	715	1330	5 hrs. 55 min.	1925	2255
19-Nov	715	1520	4 hrs. 10 min.	1930	2300
20-Nov	720	1500	4 hrs. 20 min.	1920	2300
21-Nov	720	1500	4 hrs. 30 min.	1930	2300
22-Nov	630	All Refusals			
23-Nov	850	1520	4 hrs.	1925	2305
24-Nov	602	1340	6 hrs.	1945	2300
25-Nov	715	1530	3 hrs. 35 min.	1905	2205
17-Dec	705	1500	5 hrs.	2010	2140
18-Dec	650	1515	4 hrs.	1915	2330
19-Dec	720	1525	3 hrs. 23 min.	1850	2120
20-Dec	710	1400	Rain		
21-Dec	705	1515	No Log		
22-Dec	630	1500	4 hrs. 10 min.	1910	2130
23-Dec	608	1530	3 hrs. 45 min.	1915	2230

- CMJ Mod A Recreation logs for dates 8/27-9/2, 2023.
 - Tank 1 received only one recreation.
 - Tanks 2, 5, and 6 received two Recreation opportunities.
 - Tank 6 received an additional Recreation opportunity.
 - The Recreation hours were rotated.

- CMJ Mod A Recreation logs for dates 9/3-9/9, 2023.
 - Tanks 5 and 6 received only one Recreation opportunity.
 - Tanks 1 and 2 received two Recreation opportunities.
 - No Tank received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 10/08-10/14, 2023.
 - Tank 1 received only one opportunity to go to recreation.
 - Tanks 2, 5, and 6 received two Recreation opportunities.
 - Tank 6 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 1 and 6 received only one opportunity to go to recreation.
 - Tanks 2 and 5 received two Recreation opportunities.
 - Tank 2 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 5 and 6 received only one opportunity to go to recreation.
 - Tanks 2 and 4 received two Recreation opportunities.
 - Tank 2 had 4 Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 8/27-9/2/2023.
 - Tanks 7, 8, 9, and 10 received two Recreation opportunities.
 - Tank 9 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 9/3-9/9/2023
 - Tanks 7 received only one opportunity to go to recreation.
 - Tanks 8, 9, and 10 received two Recreation opportunities.
 - Tank 10 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 7, 8, 9, and 10 received two Recreation opportunities.
 - Tanks 8 and 10 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 8, 9, and 10 received only one opportunity to go to recreation.
 - Tank 7 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 12/17-12/23, 2023.

- Tanks 8 and 9 received only one opportunity to go to recreation.
 - Tanks 7 and 10 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 8/27-9/2/2023.
 - Tanks 11, 12, 15, and 16 received two Recreation opportunities.
 - Tank 11, 12 and 15 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 9/3-9/9/2023
 - Tanks 11, 12, 15, and 16 received two Recreation opportunities.
 - Tanks 15 and 16 additional Recreation opportunities
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 11, 12, 5, and 16 received two Recreation opportunities.
 - Tanks 11, 15, and 16 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 11, 12, 15, and 167 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 11, 12, 15, and 16 received at least 2 additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 8/27-9/2/2023.
 - Tanks 18 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 21 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 9/3-9/9/2023
 - Tank 21 received only one opportunity to go to recreation.
 - Tanks 17, 18, and 22 received two Recreation opportunities.
 - Tanks 17 and 18 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 21 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 18 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.

- CMJ Mod D Recreation logs for dates 11/19-11/25, 2023.
 - Tank 21 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 18 received two Recreation opportunities.
 - Tanks 17 and 18 each received 2 additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 12/17-12/23, 2023.
 - Tank 21 received only one opportunity to go to Recreation opportunity.
 - Tanks 17, 18, and 22 received two Recreation opportunities.
 - Tank 17 received 1 additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 8/27-9/2, 2023.
 - Tanks 23, 25, and 26 received only one Recreation opportunity.
 - Tank 24 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 9/3-9/9, 2023.
 - Tank 25 received only one Recreation opportunity.
 - Tanks 23, 24, and 26 received two Recreation opportunities.
 - Tank 24 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 10/08-10/14, 2023.
 - Tank 24 received only one opportunity to go to recreation.
 - Tanks 23, 25, and 26 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 11/19-11/25, 2023.
 - Tank 25 received no opportunity to go to recreation.
 - Tanks 23, 24, and 26 received two Recreation opportunities.
 - Tanks 23 and 26 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 23, 24, 25, and 26 received two Recreation opportunities.
 - Tank 24 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 8/27-9/2, 2023.
 - Tanks 28, 31, and 32 received only one Recreation opportunity.
 - Tank 27 received two Recreation opportunities.
 - No Tank received an additional Recreation opportunity.
 - The Recreation hours were rotated.

- CMJ Mod F Recreation logs for dates 9/3-9/9, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tank 27 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tanks 27, 31, and 32 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tanks 27 and 28 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tanks 27, 28, and 31 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 8/27-9/2, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 9/3-9/9, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 10/08-10/14, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 11/19-11/25, 2023.
 - Ward C and D receive one Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 12/17-12/23, 2023.
 - Ward C and D receive one Recreation opportunity.
 - The Recreation hours were rotated.

The Expert's review of Central Men's Jail (CMJ) Recreation logs revealed the Recreation areas do not open at 0600 hours, that they are routinely closed by 1530 hours and reopened at about 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 4, 5, or 6 hours each day.

The Expert toured the CMJ Roof Recreation areas. I observed two Recreation areas, one large area and the second slightly smaller. I was later informed there is a much smaller Recreation area also located on the roof which is not used. As you step out onto the roof Recreation area, there is a main large yard on the right and to the left a just slightly smaller yard. To access the small yard, one must egress across the large yard. For the purpose of identification and explanation, I will refer to the large Recreation area as Rec. 1 and the smaller recreation area as Rec. 2.

The Expert noted Staff uses different Recreation area identifiers such as Large Side or Big Side and Small Side when making entries into the Recreation Logs. When reviewing the CMJ Recreation logs, only sixteen (16) entries out of hundreds of entries identify the small side Recreation area being used. The logs mainly refer to Large Side or Big Side. I queried the Recreation staff regarding their processes for moving the incarcerated person population to and from the recreation areas. Staff informed the Expert that for safety and security reasons, incarcerated persons accessing Rec. 2 must be processed first as these incarcerated persons must move through Rec. 1 to access Rec. 2. Only then could Rec. 1 be utilized for recreation purposes. Rec 1 incarcerated persons would have to be processed back to their housing areas prior to Rec 2 being processed. The Expert believes a solution can be found, specifically with the design and construction of a safe and secure processing area allowing incarcerated persons to egress the Rec 2 area without disturbing or closing Rec 1. Additionally, while touring the CMJ Recreation Area, suggestions of sectioning off or splitting Rec 1 area to create an additional recreation area were discussed; the Expert was informed that it would require an additional restroom or toilet to be installed at a substantial capital outlay cost, though it is an idea very much worthy of consideration.

The Expert believes if the Rec 2 processing area, which is currently on the left side of Area 1, was retrofitted, then both Rec 1 and 2 could begin within minutes of each other without interfering with each other and greatly lessening the risk to the safety and security of the facility. The Expert also urges the County to start recreation by 0615 in the AM and to consider strategies to reduce the lengthy afternoon closures of the Recreation areas. These efforts are important to ensure access to recreation is at least three hours per week as required by the Remedial Plan. The Expert also notes three hours of recreation is to be distributed over a period of seven days as directed by the BSCC.

IRC

- Mod J Recreation logs for dates 9/3 to 9/9, 2023
 - Mod J Sectors 1-6. Mod R Recreation opportunities for the seven (7) day period.
 - Sector 1 all groups had two or more Recreation opportunities.
 - Sector 2 Workers had two or more Recreation opportunities.
 - Sector 3 Med ISO.
 - Sector 4 Group D only one Recreation opportunity.
 - Sector 5 NBQ
 - Sector 6 Quarantine.

Mod J Rec logs do not appear to be accurate; if the comparison is made between Rec Log dates 9/6 and 9/7, and again with Rec logs 9/9 and 9/8, you will find they are perfectly copied.

IRC

- Mod K Recreation logs for dates 9/3 to 9/9, 2023
 - 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.
 - Sector 9 Groups 9, 10, 13, and 14 received two or more Recreation opportunities.
 - Sector 10 Groups 1,2,3, and 4 received two Recreation opportunities.
 - Sector 11 Groups 1 and 2 have received two Recreation opportunities.
 - Sector 12 Acute persons, no opportunities offered.
 - Sector 13 Acute persons, recreation offered to individual cells.
 - Sector 14: All groups received two or more Recreation opportunities.

IRC

- Mod M Recreation logs for dates 9/3 to 9/9, 2023
 - Mod M consists of Sectors 9-14. Acute, Chronic and Medical housed in Mod K. Mod M Recreation opportunities for the seven (7) day period.
 - No Group identifiers, only cell numbers. Very few incarcerated persons received Recreation opportunities.
 - Rec Log is impossible to decipher for the entire seven days.

IRC

- Mod N Recreation logs for dates 9/3 to 9/9, 2023
 - Mod N consists of Sectors 27-32. Mod N Recreation opportunities for the seven (7) day period.
 - Sector 27 Group C only received one Recreation opportunity. Groups A and B had two Recreation opportunities.
 - Sector 28 Groups A, B, C, and D received two Recreation opportunities.
 - Sector 29 Groups A, B, C, and D received two Recreation opportunities.
 - Sector 30 Phoenix House received two Recreation opportunities.
 - Sector 31 Groups A, B, and C received two Recreation opportunities.
 - Sector 32 Groups A, B, and C received two Recreation opportunities. Groups D and E are MED/ ISO

TLF

The Expert requested Green Zone Recreation logs for a week in each of the months of August, September, October, November, and December. Recreation logs are blank. The information below is from the Green Sector Recreation Deputies Daily Activity Logs.

Green Zone.

Date	Rec. Open	Rec Closed	Reason for Closure
27-Aug	0750 hours	1130 hours	Deputies were reassigned for chow relief.
28-Aug	0755 hours	1145 hours	Deputies were reassigned for chow relief.
29-Aug	0805 hours	1145 hours	Deputies were reassigned for chow relief.
30-Aug	0745 hours	1600 hours	
31-Aug	0830 hours	1405 hours	
1-Sep	0830 hours	1400 hours	

2-Sep	No log		
3-Sep	0820 hours	1145 hours	Deputies were reassigned for chow relief.
4-Sep	0810 hours	1145 hours	Deputies were reassigned for chow relief.
5-Sep	0820 hours	1140 hours	Deputies were reassigned for chow relief.
6-Sep	No Log		
7-Sep	0830 hours	1400 hours	
8-Sep	0825 hours	1355 hours	
9-Sep	0830 hours	1230 hours	Deputies were reassigned for chow relief.
8-Oct			Deputies were reassigned to the Hospital.
9-Oct	0750 hours	1200 hours	Deputies were reassigned for chow relief.
10-Oct	0750 hours	1140 hours	Deputies were reassigned for chow relief.
11-Oct	0820 hours	1045 hours	Deputies were reassigned to the Hospital.
12-Oct	0815 hours	1600 hours	
13-Oct	0840 hours	1350 hours	
14-Oct	0834 hours	1400 hours	
22-Nov	0830 hours	1130 hours	Deputies were reassigned for chow relief.
24-Nov	0810 hours	Log incomplete	
17-Dec	0810 hours	1150 hours	Deputies were reassigned for chow relief.
18-Dec	0800 hours	1020 hours	Deputies were reassigned for chow relief.
19-Dec	0905 hours	1140 hours	Deputies were reassigned for chow relief.
21-Dec	0825 hours	1155 hours	Log Incomplete

- During the five (5) day period of 8/27-8/31/2023, Recreation was offered the following times:
 - C Barracks 0 times
 - B Barracks, Phoenix 1 Time
 - G East and West, Mod O ADA, A Barracks, D Barracks, H-East and West, Tay, and Humvee 2 times.
 - No additional Recreation opportunities were afforded.
- During the seven (7) day period of 9/1 - 9/7, 2023, recreation was offered the following times: Recreation Log dated 9/2 was not produced.
 - Tay and Humvee 0 times.
 - Phoenix and H East 1 time.
 - G West, A Barracks, C Barracks, D Barracks, H East, H West 2 times.
 - G East, Mod O ADA, B Barracks 3 times.
- During the seven (7) day period of 10/08-10/14/2023, recreation was offered at the following times:
 - B Barracks 0 times,
 - G-East, G-West, A barracks, C Barracks, D Barracks, H-East, H west, Tay, Phoenix, and Humvee two times.
 - Mod O ADA 3 times.

TLF Green Sector logs for November and December were produced - two days (or 2 logs) for November and 4 days (or 4 Logs) for December, an insufficient number of logs to collect seven days' worth of data.

The Expert interviewed Green Sector Recreation Staff; it is reported that one of the most challenging issues for Recreation access to the Green Sector is the redirection of assigned Staff. Redirecting Recreation Deputies from their assigned positions and primary responsibilities severely impact Recreation opportunities for the incarcerated person population, which limits the OCSD in meeting the RP requirements of providing Recreation access to the Green Sector.

The Expert finds staff redirection and shortages are noticeably affecting Staff's ability to provide access to recreational opportunities. The Expert reviewed 26 days of Green Sector Recreation Logs, finding the recreation area was not opened at 0600 hours; this is acceptable under the Remedial Plan to the extent the Green Sector is accessible consistent with daylight hours. The earliest the area was opened was 0750 hours. Fifteen (15) of twenty-six (26) days, the Green Sector recreation area was closed mid-day to redirect Staff.

The Expert notes the PRIDE program is located in the same Mod as the HUMV and Phoenix programs, which are able to recreate in the Green Sector. The PRIDE program currently does not have access to the Green Sector. The County reports the request to provide PRIDE program participants access to the Green Sector is under consideration.

TLF

- TLF Mod R Recreation logs for dates 9/3 to 9/9, 2023
 - Mod R consists of six (6) Sectors. Sectors 55, 56, 57, 58, 59, and 60. Mod R Recreation opportunities for the six (6) day period.
 - On 9/3, Log Incomplete.
 - On 9/5, Log Incomplete.
 - On 9/6, Log Incomplete
 - On 9/7, Log Incomplete
 - On 9/8, Log Incomplete
 - On 9/9, Log Incomplete

Mod R Log fails to document who by name went to recreation, # of hours, refusals, or court attendance.
- TLF Mod Q Recreation logs for dates 10/08-10/14, 2023
 - Mod Q consists of six (6) Sectors 49-54. Mod Q Recreation opportunities for the period of seven (7) days.
 - Sector 49, Groups 2 and 3 had 1 opportunity.
 - Sector 50, Group 1,2,3,4 had one opportunity.
 - Sector 51, Groups 1,2, and 4 had one opportunity.
 - Sector 52, Groups 1,3 and 4 had one opportunity.
 - Sector 53, All Groups, two opportunities, no group 3.
 - Sector 54, Group 4 1 opportunity.
 - Mod Q Rec. Log fails to document who went to recreation, # of hours, refusals, or court attendance.

- TLF Mod P Recreation logs for dates 11/19-11/25, 2023
 - Mod P consists of six (6) Sectors 43-48. Mod P Recreation opportunities for the seven (7) day period.
 - Sectors 45 Group 3 offered Recreation one time.
 - All Sectors provided two opportunities for recreation.
 - There was no additional Recreation provided.
- TLF Mod O Recreation logs for dates 9/3-9/9, 2023
 - Mod O consists of six (6) Sectors 37-42. Mod O also has ADA dorm-type cells and mixed quarantine cells. Mod O Recreation opportunities for the period of seven days (7) days.
 - The Recreation log for Mod O does not provide sufficient information to rate for this period; specifically, the log is incomplete and does not reveal who is in Mod O, who has been offered yard initially or for a second opportunity, or if any additional Recreation is provided.
- TLF Mod N Recreation logs for dates 10/08 - 10/14, 2023
 - Mod N consists of six (6) Sectors 31-36. Mod N Recreation opportunities for the seven-day (7) period.
 - Sector 31 all groups received two Recreation opportunities.
 - Sector 32, Group 1 received only one Recreation opportunity; Group 3 received 0 Recreation opportunities.
 - Sector 33 groups 1, 2, and 3 received one Recreation opportunity; group 4 received 0 opportunities.
 - Sector 34 groups 2 and 4 received one Recreation opportunity.
 - Sector 35 groups 2, 3, and 4 received only one Recreation opportunity.
 - Sector 36 groups 1,2 and 4 received one Recreation opportunity.
 - No groups received additional Rec.
- TLF Mod M Recreation logs for dates 10/08-10/14, 2023
 - Mod M consists of six (6) Sectors 25-30. Mod M Recreation opportunities for the period of seven days (7) days.
 - Sector 25 Groups 1,2,3, and 4 received one Recreation opportunity.
 - Sector 26 Groups 1,3 and 4 received one Recreation opportunity.
 - Sector 27 All groups received one Recreation opportunity.
 - Sector 28 No Recreation opportunity was afforded to any incarcerated person.
 - Sector 29 Groups 1, 2, and 4 received one Recreation opportunity; Group 3 received none.
 - Sector 30 Group 1 received one Recreation opportunity, and Groups 2, 3, and 4 received none.
 - No groups received additional Rec.
- TLF Mod L Recreation logs for dates 09/03-09/09, 2023
 - Mod L consists of six (6) Sectors 19-24. Mod L Recreation opportunities for the seven (7) day (7) period.
 - Mod L Recreation Logs are not separated by groups and possibly cannot be due to classification case factors (i.e., GP1, AH2, PC3 etc.).

- Sector 19 received no opportunities for yard.
- Sectors 20, 21, 22, 23, and 24 provided one (1) opportunity for recreation.
- Not all incarcerated persons in each of those Sectors were offered recreation.
- TLF Mod K Recreation logs for dates 11/19 – 11/25, 2023
 - Mod K consists of six (6) Sectors 13-18. Mod K Recreation opportunities for the seven (7) day period.
 - All Groups appeared to receive 2 Recreation opportunities. Recreation Logs are not separated by groups and possibly cannot be due to classification . (i.e., GP1, AH2, PC3 etc.).
 - All groups appear to have received one additional Recreation opportunity.
 - However, not all incarcerated persons in each of those Sectors were offered recreation.
- TLF Mod J Recreation logs for dates 11/19 – 11/25, 2023
 - Mod J consists of six Sectors 7-12. Mod J Recreation opportunities for the seven (7) day period.
 - Mod J appears to not have groups by number or letter but by color.
 - Mod J Recreation Logs are not separated by groups and possibly cannot be due to classification case factors.
 - Sixty-eight (68) incarcerated persons were offered recreation in the seven-day period.
 - It is unclear if all of the incarcerated persons housed in Mod J were offered recreation at least once.
- TLF Mod I Recreation logs for dates 11/19 – 11/25, 2023
 - Mod I consist of six Sectors 1-6. Mod I Recreation opportunities for the period of seven days (7) days.
 - Mod I Recreation Logs are partially separated by groups and possibly cannot be grouped due to classification case factors (i.e., GP1, AH2, PC3 etc.).
 - Sectors 1 Group 1, 2, 3, and 4 received at least three (3) Recreation opportunities.
 - Sectors 2 Groups 1, 2, 3, and 4 received at least three (3) Recreation opportunities.
 - Sector 3 Group 3 received 3 Recreation opportunities.
 - Sectors 4, 5, and 6 each received one Recreation opportunity.

As this is the fourth monitoring tour report, the Expert observes the continued difficulties the County experiences in meeting the access to Recreation RP requirements that incarcerated persons receive three (3) hours of recreation per week. Ensuring this RP requirement and the accurate Recreation Logging thereof appear to be especially difficult for CSA and sworn Staff to achieve. The County reports training has occurred yet Staff's success in accomplishing this requirement remains a challenge. OC has reported the implementation of standardized Recreation Logs throughout the facilities. The Expert applauds the County's creation of the standardized Recreation Log. It is hoped this will assist in providing the Expert proof of practice that incarcerated persons are receiving a minimum of three hours of recreation per week.

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 Expert recommends that the County ensure staff document sufficient detailed information to track and log the RP requirements. Additionally, for future monitoring, the Expert requests that the County provide the logs maintained by Staff who supervise the outdoor recreation areas at the CJX "Roof." 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.

In the previous report, the Expert noted the County utilizes classification case factors to establish programming groups (Dayroom/Recreation). Specifically, in Mods/Sectors or Tank celled housing, the County utilizes classification case factors to assign incarcerated persons to a programming group. These groups are limited to a maximum of eight (8) incarcerated persons. Additionally, in the previous report, the Expert reported that it was the Expert's position that the recreation yards have sufficient space to provide recreational opportunities for additional incarcerated persons beyond the current group size. Creating larger groups taking into consideration classification case factors would provide additional recreational opportunities. With fewer groups competing for the recreational yard time, this would assist the County in meeting the RP requirement of three (3) hours per week of recreation time.

The Expert notes that the OCSD Administration is considering programming more than the current limit of eight (8) incarcerated persons at a time during the dayroom and recreation programs. OCSD conducted a pilot program at IRC Mod N where two (2) groups of 8 incarcerated persons participated together in Dayroom and Recreation activities. OCSD also conducted a tour of an adjacent county to review its process and practice in programming multiple incarcerated persons together. During the March 7, 2024, Expert debriefing, OCSD Command staff advised the Expert that direction has been given to revise OCSD policy, allowing for additional incarcerated persons to program together.

The Expert notes the County reported, "We expect finalization of the Guardian RFID contract shortly. This will assist with tracking all out-of-cell time. Once signed, we anticipate a six-month implementation period. In the meantime, OCSD will continue to reinforce to staff the requirements for outdoor recreation and consistent and complete logging of outdoor Recreation time or the reasons outdoor recreation is closed. OCSD will discuss internally the possibility of increasing the group size."

The Expert finds the County continues to not consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. During the monitoring tour, the Expert observed several yards completely empty. In addition, in most cases, the Recreation Log configuration or design does not allow Staff to accurately log sufficient information for the Expert to determine if the incarcerated persons are being provided the required three (3) hours minimum per week of outdoor exercise and/or recreation. Some of the logs do not 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 the logs simply reflect the number of "Takers." Based on this, the Expert finds that the County has partially implemented the RP requirements.

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 OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation does not address these requirements. OCSD should revise the CCOM to include these requirements.

The incarcerated persons interviewed reported they are not offered and provided additional outdoor exercise and/or recreation time beyond three (3) hours per week. The incarcerated persons reported that the recreation yards, at times, remain vacant throughout the day (this is primarily at TLF). Incarcerated persons reported they are not always provided access to outdoor recreation during the hours of 0600 through 2300. A review of the TLF Recreation Logs reflects that out of sixty-eight (68) days, the recreation yards were only opened at 0600 on two (2) days. The Recreation Logs also reflect that on three (3) occasions, the yard closed at 2300 hours or later. Additionally, on sixty-five days, the yards at TLF were not open for the 17 hours they were required to be open.

In a review of the Recreation Logs, the Expert found cases where the outdoor recreation yards were not in use during the required hours of 0600 through 2300.

A summary of the findings is as follows.

Recreation Logs were reviewed for dormitory-style housing at CWJ, CMJ, and TLF recreation opening and closing times. The findings of recreation start and stop times can be found on pages 35 -36 of this report.

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

- CWJ Recreation Logs week of 8/27-9/2/2023,
 - Tank 2 received only one opportunity to go to recreation.
 - Tanks 1, 3, 4, 7, and 8 received two Recreation opportunities.
 - Tank 3 received 5 Recreation opportunities.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 9/3-9/9/2023,
 - Tank 7 received only one opportunity to go to recreation.
 - Tanks 1, 3, 4, 5, and 6 received two Recreation opportunities.
 - Tanks 1, 2, and 8 received additional opportunities for recreation.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 10/08-14/2023,
 - Tank 5 received only one opportunity to go to recreation.
 - All Tanks received at least two opportunities to attend the yard.
 - Tanks 1, 2, 4, 6, 7, and 8 received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 11/19-25/2023,
 - All Tanks received at least two Recreation opportunities.
 - Tanks 1, 3, 4, 5, 6, 7, and 8 received additional opportunities for recreation.
 - The Recreation hours were rotated.
- CWJ Recreation Logs week of 12/17-23/2023,
 - All Tanks received two additional opportunities for recreation.
 - The Recreation hours were rotated.

CMJ Recreation

- CMJ Mod A Recreation logs for dates 8/27-9/2, 2023.
 - Tank 1 received only one recreation.
 - Tanks 2, 5, and 6 received two Recreation opportunities.
 - Tank 6 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 9/3-9/9, 2023.
 - Tanks 5 and 6 received only one Recreation opportunity.
 - Tanks 1 and 2 received two Recreation opportunities.
 - No Tank received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 10/08-10/14, 2023.
 - Tank 1 received only one opportunity to go to recreation.

- Tanks 2, 5, and 6 received two Recreation opportunities.
 - Tank 6 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 1 and 6 received only one opportunity to go to recreation.
 - Tanks 2 and 5 received two Recreation opportunities.
 - Tank 2 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod A Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 5 and 6 received only one opportunity to go to recreation.
 - Tanks 2 and 4 received two Recreation opportunities.
 - Tank 2 had 4 Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 8/27-9/2/2023.
 - Tanks 7, 8, 9, and 10 received two Recreation opportunities.
 - Tank 9 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 9/3-9/9/2023
 - Tanks 7 received only one opportunity to go to recreation.
 - Tanks 8, 9, and 10 received two Recreation opportunities.
 - Tank 10 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 7, 8, 9, and 10 received two Recreation opportunities.
 - Tanks 8 and 10 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 8, 9, and 10 received only one opportunity to go to recreation.
 - Tank 7 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod B Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 8 and 9 received only one opportunity to go to recreation.
 - Tanks 7 and 10 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 8/27-9/2/2023.
 - Tanks 11, 12, 15, and 16 received two Recreation opportunities.
 - Tank 11, 12 and 15 received an additional Recreation opportunity.

- The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 9/3-9/9/2023
 - Tanks 11, 12, 15, and 16 received two Recreation opportunities.
 - Tanks 15 and 16 additional Recreation opportunities
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 11, 12, 5, and 16 received two Recreation opportunities.
 - Tanks 11, 15, and 16 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 11, 12, 15, and 167 received two Recreation opportunities.
 - No Tanks received additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod C Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 11, 12, 15, and 16 received at least 2 additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 8/27-9/2/2023.
 - Tanks 18 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 21 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 9/3-9/9/2023
 - Tank 21 received only one opportunity to go to recreation.
 - Tanks 17, 18, and 22 received two Recreation opportunities.
 - Tanks 17 and 18 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 21 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 18 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 11/19-11/25, 2023.
 - Tank 21 and 22 received only one opportunity to go to recreation.
 - Tanks 17 and 18 received two Recreation opportunities.
 - Tanks 17 and 18 each received 2 additional Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod D Recreation logs for dates 12/17-12/23, 2023.

- Tank 21 received only one Recreation opportunity.
 - Tanks 17, 18, and 22 received two Recreation opportunities.
 - Tank 17 received 1 additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 8/27-9/2, 2023.
 - Tanks 23, 25, and 26 received only one Recreation opportunity.
 - Tank 24 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 9/3-9/9, 2023.
 - Tank 25 received only one Recreation opportunity.
 - Tanks 23, 24, and 26 received two Recreation opportunities.
 - Tank 24 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 10/08-10/14, 2023.
 - Tank 24 received only one opportunity to go to recreation.
 - Tanks 23, 25, and 26 received two Recreation opportunities.
 - No Tanks received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 11/19-11/25, 2023.
 - Tank 25 received no opportunity to go to recreation.
 - Tanks 23, 24, and 26 received two Recreation opportunities.
 - Tanks 23 and 26 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod E Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 23, 24, 25, and 26 received two Recreation opportunities.
 - Tank 24 had an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 8/27-9/2, 2023.
 - Tanks 28, 31, and 32 received only one Recreation opportunity.
 - Tank 27 received two Recreation opportunities.
 - No Tank received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 9/3-9/9, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tank 27 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 10/08-10/14, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.

- Tanks 27, 31, and 32 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 11/19-11/25, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tanks 27 and 28 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod F Recreation logs for dates 12/17-12/23, 2023.
 - Tanks 27, 28, 31, and 32 received two Recreation opportunities.
 - Tanks 27, 28, and 31 received an additional Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 8/27-9/2, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 9/3-9/9, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 10/08-10/14, 2023.
 - Ward C and D receive three Recreation opportunities.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 11/19-11/25, 2023.
 - Ward C and D receive one Recreation opportunity.
 - The Recreation hours were rotated.
- CMJ Mod O Recreation logs for dates 12/17-12/23, 2023.
 - Ward C and D receive one Recreation opportunity.
 - The Recreation hours were rotated.

The Experts review of Central Men's Jail (CMJ) Recreation logs revealed the Recreation areas do not open at 0600 hours, that they are routinely closed by 1530 hours and reopened about 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 4, 5, or 6 hours each day.

The Expert toured the CMJ Roof Recreation areas. I observed two Recreation areas, one large area and the second slightly smaller. I was later informed there is a much smaller Recreation area also located on the roof which is not used. For the purpose of this report, as you step out onto the roof Recreation areas, there is a main large yard on the right and to the left a just slightly smaller yard. For the purpose of identification and explanation, I will refer to the large recreation area as Rec. 1 and the smaller yard as Rec. 2.

The Expert noted the Recreation Logs use different identifiers such as Large Side or Big Side and Small Side when stating where certain Tanks participate in recreation. When reviewing these

Recreation CMJ logs, it appeared only perhaps three to five times was the small side used. The logs almost always referred to Large Side or Big Side; it seemed to the Expert that both references were to the same area, which is Rec 1.

Based on OCSD staff having a challenge in providing access to recreation required by the Settlement Agreement, the Expert queried the Staff regarding their processes for moving the incarcerated person population to and from recreation areas. The Expert was told for safety and security reasons Rec. 2 incarcerated persons must be processed first as these incarcerated persons must move through Rec. 1 to be secured into Rec. 2. Only then could Rec. 1 be utilized for recreation purposes. Additionally, Rec 1 incarcerated persons have to be processed back to their housing areas prior to Rec 2 being processed. The Expert believes a solution can be found by constructing a means to process incarcerated persons to and from Rec 2 without disturbing or closing Rec 1.

The Expert believes if the Rec 2 processing area, which is currently on the left side of Area 1, was retrofitted, then both Rec 1 and 2 could begin recreation time within minutes of each other without risk to safety and security for at least three (3) hours per week distributed over a period of seven days. The Expert also urges the County to start recreation by 0615 in the AM and to consider strategies to reduce the lengthy afternoon closures of the Rec areas. These efforts are important to ensure access to recreation and additional yard access time could also be realized, as required by the Settlement Agreement. The County needs to maximize use of its recreation yards in order to come into compliance with the RP requirement to offer extra outdoor recreation when possible.

TLF

The Expert requested Green Zone Recreation logs for one week in each of the months of August, September, October, November, and December.

- During the five (5-day period of 8/27-8/31/2023, Recreation was offered the following times:
 - C Barracks 0 times
 - B Barracks, Phoenix 1 Time
 - G East and West, Mod O ADA, A Barracks, D Barracks, H-East and West, Tay, and Humvee 2 times.
 - No additional Recreation opportunities were afforded.
- During the seven (7) day period of 9/1 of 9/1 9/7/2023, recreation was offered the following times: Recreation Log dated 9/2 was not produced.
 - Tay and Humvee 0 times.
 - Phoenix and H East 1 time.
 - G West, A Barracks, C Barracks, D Barracks, H East, H West 2 times.
 - G East, Mod O ADA, B Barracks 3 times.
- During the seven (7) day period of 10/08-10/14/2023, recreation was offered at the following times:
 - B Barracks 0 times,
 - G-East, G-West, A barracks, C Barracks, D Barracks, H-East, H west, Tay, Phoenix and Humvee and times.
 - Mod O ADA 3 times.

- During the seven (7) day period of 9/1 of 9/1 9/7/2023, recreation was offered the following times: Recreation Log dated 9/2 was not produced.
 - Tay and Humvee 0 times.
 - Phoenix and H East 1 time.
 - G West, A Barracks, C Barracks, D Barracks, H East, H West 2 times.
 - G East, Mod O ADA, B Barracks 3 times.

TLF Green Sector logs for November and December were produced for two days (or 2 logs) for November and 4 days (or 4 Logs) for December, an insufficient number of logs to collect seven days' worth of data.

The Expert finds staff redirection to supplant shortages continues to affect Staff's ability to provide access to Recreational opportunities per the RP. The Expert reviewed 26 days of Green Sector Recreation Logs, failing to find one day the yard open at 0600 hours, more appropriately, allowing 30 minutes for daylight. This is acceptable under the Remedial Plan to the extent the Green Sector is open consistent with daylight hours. The earliest the area was opened was 0750 hours. Fifteen (15) of 26 days, the Green Sector Recreation area was closed at about noon to redirect Staff.

The Expert notes the PRIDE program is located in the same Mod as the HUMV and Phoenix program who are able to recreate in the Green Sector. The PRIDE program currently does not have access to the Green Sector. The County reports the request to provide PRIDE program participants access to the Green Sector is under consideration.

- TLF Mod R
 - 9/3 - Yard opened at 1100 and closed at 1833.
Unknown takers, Log Incomplete.
 - 9/4 - No Recreation Log provided.
 - 9/5 - Yard opened at 0600 and closed at 1840.
Unknown takers, Log Incomplete
 - 9/6 - Yard opened at 1400 and closed at 2239.
Unknown takers, Log Incomplete.
 - 9/7 - Yard opened at 1450 and closed at 1855.
Unknown takers, Log Incomplete
 - 9/8 - Yard opened at 0637 and closed at 1526.
Unknown takers, Log Incomplete
 - 9/9 - Yard opened at 1627 and closed at 2230.
Unknown takers, Log Incomplete.

The Mod R logs are largely incomplete and fail to reflect the Recreation yard was not in use for long periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary and are not in compliance. A supervisory review of the Mod R Recreation processes is not present.

- TLF Mod Q
 - 10/08- Yard opened at 1717 and closed at 1905 hours.
 - Unknown Takers 1.48 hours.

- 10/09 - Yard opened at 1407 and closed at 1645 hours.
- 8 takers unknown time.
- 10/10 - The yard opened at 0916 and closed at 1110 hours.
- 0 takers and no documented times.
- 10/11 – No Log
- 10/12 - Yard opened at 0654 and closed at 1920 hours.
- Unknown takers 1.39 to 2.19 hours,
- 10/13 - Yard opened at 0800 and closed at 1530 hours.
- Unknown takers .20 to 1.57 hours,
- 10/14 – Yard opened at 0747 and closed at 1125 hours.
- Unknown takers, no time documented.

The Mod Q logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. A supervisory review of the Mod Q Recreation processes is not present.

- TLF Mod P
 - 11/19- The yard opened at 0743 and closed at unknown hours.
 - All Sectors 22 takers 1.30 to 1.55 hours
 - 11/20 - The yard opened at 0622 and closed at 2045 hours.
 - All sectors 29 takers .53 to 2.06 hours
 - 11/21 - Yard opened at 0621 and closed at 1600 hours.
 - All Sectors 18 takers 1.17 to 2.04
 - 11/22 - Yard opened at 0737 and closed at 2230 hours.
 - All sectors 30 takers 1.27 to 2.29 hours,
 - 11/23 - Yard opened at 0620 and closed at 2220 hours.
 - All sectors 38 takers 1.27 to 2.29 hours,
 - 11/24 - Yard opened at 0618 and closed at 1458 hours.
 - All sectors 18 takers .33 to 2.05 hours,
 - 11/25 – Closed for cleaning.

The Mod P logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. A supervisory review of the Mod P Recreation processes is not present.

- TLF Mod O
 - 9/3 - Yard opened at 1214 and closed at 1405 hours.
 - Unknown takers, Log Incomplete.
 - 9/4 - Yard opened at 0656 and closed at 1218 hours.
 - Unknown takers, Log Incomplete.
 - 9/5 - Yard opened at 0746 and closed at 1758 hours.
 - Unknown takers, Log Incomplete.
 - 9/6 - Yard opened at 0700 and closed at 1203 hours.
 - Unknown takers, Log Incomplete.
 - 9/7 - Yard opened at 0823 and closed at 0946.
 - Unknown takers, Log Incomplete.
 - 9/8 - Yard opened at 0600 and closed at 1345.
 - Unknown takers, Log Incomplete.

- 9/9 – Closed for cleaning.

The Mod O logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. A supervisory review of the Mod O Recreation processes is not present.

- TLF Mod N
 - 10/08 - The yard opened at 0650 and closed at 1750 hours.
 - Unknown takers, Log Incomplete.
 - 10/09 - The yard opened at 0700 and closed at 1715 hours.
 - Four takers, Log Incomplete.
 - 10/10 - The yard opened at 0800 and closed at 1630 hours.
 - Unknown takers, Log Incomplete.
 - 10/11 - Yard opened at 1432 and closed at 2250 hours.
 - 15 takers 1.15 to 2.26.
 - 10/12 - Yard opened at 1140 and closed at 1313 hours.
 - 2 takers 1.33 hours.
 - 10/13 - Yard opened at 0700 and closed at 2140 hours.
 - 10 (10) takers .1.30 to 2.16.
 - 10/14 - Yard opened at 0650 and closed at 1306 hours.
 - 7 takers 1.28 to 1.33 hours.

The Mod N logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. Some Logs are incomplete from both the day and evening shifts. A supervisory review of the Mod N Recreation processes is not present.

- TLF Mod M
 - 10/08 - Yard opened at 1142 and closed at 1409 hours.
 - 7 takers .49 hours to 1.35, log incomplete
 - 10/09 Yard opened at 0800 and closed at 01445 hours.
 - 10 takers, log incomplete unknown hours.
 - 10/10 – Log Blank
 - 10/11 - Yard opened at 0650 and closed at 2112 hours.
 - 18 takers 1.07 to 1.43 hours, Log Incomplete, Unknown number of refusals
 - 10/12 - Yard opened at 0645 and closed at 0945 hours.
 - 5 takers 1.30 hours, incomplete log.
 - 10/13 - Yard opened at 0620 and closed at 1307 hours.
 - 3 takers 1.04 hours, incomplete log.
 - 10/14 – Log Blank

The Mod M logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. Some Logs are incomplete from both the day and evening shifts. A supervisory review of the Mod M Recreation processes is not present.

- TLF Mod L
 - 9/03 – No Log

- 9/04 – No Log
- 9/05 - Yard opened at 0727 and closed at 1800.
- Log incomplete, Sector 22 offered recreation no groups Identified.
- 9/06 - Yard opened at 1808 and closed at 2200 hours.
 - 20 takers, 1.15 to 2.28 hours, 2 refusals.
- 9/07 - Yard opened at 0600 and closed at 1609 hours.
 - 5 takers, 22 refusals, 1.39 hours
- 9/08 - Yard opened at 0757 and closed at 1122 hours.
 - 6 takers 1.32 hours, log incomplete, 2 refusals
- 9/09 - Yard opened at 0916 and closed at 2120 hours.
 - 10 takers, log incomplete, 8 refusals

The Mod L logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. Some Logs are incomplete from both the day and evening shifts. A supervisory review of the Mod L Recreation processes is not present.

- TLF Mod K
 - 11/19 – Log is Blank
 - 11/20 - The yard opened at 0600 and closed at 1459 hours.
 - 12 takers, 56 refusals 1.30 hours, log incomplete.
 - 11/21 - Yard opened at 0709 and closed at 1850 hours.
 - 23 Takers, 21 refusals. Log Incomplete.
 - 11/22 - Yard opened at 0745 and closed at 1807 hours.
 - 6 takers, 22 refusals, Log incomplete
 - 11/23 - Yard opened at 0585 and closed at 1904 hours.
 - 12 takers, 36 refusals, 1.24 hours, log incomplete.
 - 11/24 - Yard opened at 0556 and closed at 1134 hours.
 - 2 takers, 27 refused, 1.48 hours,
 - 11/25 - Yard opened at 0800 and closed at 1749 hours.
 - 0 takers, 12 refused, .55 hours SLD,

The logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary. A supervisory review of the Mod L Recreation processes is not present.

- TLF Mod J
 - 11/19 - Yard opened at 0805, and 1933 closed.
 - 3 takers .57 to 1.40 hours, 17 refusals
 - 11/20 - The yard opened at 0856 and closed at 1656 hours.
 - Log Incomplete.
 - 11/21 - Yard opened at 0734 and closed at 1552 hours.
 - 4 takers, 8 refusals, log incomplete
 - 11/22 – Recreation Log Blank
 - 11/23 - Yard opened at 0737 and closed at 1749 hours.
 - 5 takers, 20 refusals, 1.42 hours.
 - 11/24 - Yard opened at 1100 and closed at 1130 hours.
 - Unknown takers, Log Incomplete

- 11/25 - Yard opened at 0731 and closed at 1411 hours.
 - 3 takers 1.32 hours, 8 refusals

The logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary and are not in compliance. A supervisory review of the Mod L Recreation processes is not present.

- TLF Mod I
 - 11/19 - Yard opened at 0754 and closed at 1626 hours.
 - 9 takers, Log Incomplete, 11 refusals
 - 11/20 – Recreation Log Blank
 - 11/21 - Yard opened at 0718 and closed at 1442 hours.
 - 14 takers, Log Incomplete, 24 refusals.
 - 11/22 - Yard opened at 1021 and closed at 1223 hours.
 - Log Incomplete.
 - 11/23 - Yard opened at 0855 and closed at 1512 hours.
 - 6 takers, Log Incomplete, 42 refusals.
 - 11/24 - Yard opened at 0902 and closed at 1558 hours.
 - 8 takers 1.32 – 2.03 hours, 16 refusals
 - 11/25 - Yard opened at 0929 and closed at 1339 hours.
 - 1 takers 3.40 hours, 15 refusals.

IRC

- IRC Mod J
 - 9/3 - Yard opened at 0754 and closed at 1626 hours.
 - 4 takers, log complete, 35 refusals.
 - 9/4 – Recreation Closed Log Blank
 - 9/5 - Yard opened at 1709 and closed at 2206 hours.
 - 2 takers, Log Incomplete, 3 refusals.
 - 9/6 - Yard opened at 1255 and closed at unknown hours.
 - 21 refusals, 0 takers, Log Incomplete.
 - 9/7 – Log is identical to 9/6 Log,
The yard opened at 1255 and closed at unknown hours.
 - 21 refusals, 0 takers, Log Incomplete
 - 9/8 - Yard opened at 1140 and closed at 2125 hours.
 - 15 takers 1.12 – 3.30 hours, 37 refusals
 - 9/9 – Not Accurate, identical to 9/8 Recreation Log.

IRC Mod K

- 9/3 - Yard opened at 0752 and closed at 1236hours.
 - 6 takers, log complete, 43 refusals.
- 9/4 – Yard opened at 0821 and closed at 1235 hours.
 - 5 takers, Log complete, 44 refusals
- 9/5 - Yard opened at 0821 and closed at 1236 hours.
 - Log Incomplete, unable to decipher who had recreation.
- 9/6 – No Log
- 9/7 – Yard opened at 0830 and closed at 1800 hours.
 - 6 takers, 1.45 to 4.10 hours numerous refusals,

- 9/8 - Yard opened at 1200 and closed at 1845 hours.
 - 8 takers 1.45 – 3.08 hours, 22 refusals
- 9/9 – Yard opened at 1510 and closed at 1740 hours.
- 0 takers Log Incomplete
- IRC Mod M
 - 9/3 - Yard opened at 0701 and closed at 1206 hours.
 - 3 takers, .31 to 1.56, log incomplete.
 - 9/4 – Yard opened at 1021 and closed at 1330 hours.
 - 5 takers, 2.58 to 3.28 hours, Log incomplete,
 - 9/5 - Yard opened at 0821 and closed at 1236 hours.
 - Log Incomplete, unable to decipher who had recreation.
 - 9/6 – Log Incomplete; unable to decipher who had recreation.
 - 9/7 – Log Incomplete; unable to decipher who had recreation.
 - 9/8 - Log Incomplete; unable to decipher who had recreation.
 - 9/9 – Log Incomplete; unable to decipher who had recreation.
- IRC Mod N
 - 9/3 - Yard opened at 0701 and closed at 2315 hours.
 - 9 takers, .55 to 4.05, log incomplete.
 - 9/4 – Yard opened at 0710 and closed at 2127 hours.
 - 9 takers, .30 to 2.34 hours, 36 refusals
 - 9/5 - Yard opened at 1710 and closed at 2010 hours.
 - 8 takers, Log Incomplete
 - 9/6 – Yard opened at 0821 and closed at 1236 hours.
 - 0 takers, 25 refusals
 - 9/7 – Log Blank, no activity.
 - 9/8 – Log Blank, no activity.
 - 9/9 – Log identical to 9/8 Recreation log.

The logs reflect the Recreation yard was not in use for extended periods of time, with no documentation of the reason. Recreation Yard opening and closing times vary and are not in compliance. A supervisory review of the Mod L Recreation processes is not present.

The Expert's review noted on multiple dates during this rating period, the yards remain vacant and not in use for extended periods of time. 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.

Regarding the closing of yards for an entire day for cleaning, the Expert continues to note every Mod opens their day with cleaning of the Sector Dayroom by the incarcerated persons who are provided Dayroom access at 0600. The Expert recommends that this same approach be considered for the cleaning of the Recreation yards. This will allow for additional time for the Recreation yards to be available for use.

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. The current use of the Green Sector, ending no later than mid-afternoon on any given day, does not comply with this requirement.

The Expert notes that the County reported, "We expect finalization of the Guardian RFID contract shortly. This will assist with tracking all out-of-cell time. Once signed, we anticipate a six-month implementation period. In the meantime, OCSD will continue to reinforce to Staff the requirements for outdoor recreation to open from 0600-2300 (daylight hours for Green Sector) and consistent and complete logging of outdoor Recreation time or the reason outdoor recreation is closed. OCSD will discuss internally the possibility of increasing the group size. OCSD's policy revisions are currently with County Counsel for review."

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 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. In such cases, the reasons will be thoroughly documented in the guard station daily log by the respective deputy or correctional services assistant. 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."

In a review of the Recreation Logs, the Expert found in very few cases staff logged the reasons 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.

The County reported, "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.*

During the on-site tour, the County reported that on November 2023 OCSD began the rollout of the Electronic Tablets. The County also reported that the rollout of the Electronic Tablets was recently completed. The County further reported that 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. Incarcerated persons interviewed reported they were pleased with the access rotation and the addition of the Electronic Tablets. Some of the concerns reported by the incarcerated persons include:

- Persons who are not electronically knowledgeable in the use of tablets and who have disabilities that affect their vision find it difficult to access features of the Electronic Tablets.
- Staff are either unfamiliar or unable to assist them.
- There is no hands-on orientation or tutorials for the incarcerated persons who have difficulty in accessing the Electronic Tablets.

The Expert recommends that OCSD include in policy and practice written and hands-on tutorials and assistance for the incarcerated persons who require assistance in accessing the Electronic Tablets.

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

Partially 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.*

The County reports that based on classification case factors, incarcerated persons are routinely evaluated for placement within compatible groups. This includes incarcerated persons with higher classification factors and safety and security needs (Protective Custody and Administrative Housing).

Based on this, the Expert finds that the County has adequately implemented the RP requirement. This finding is based on the current County classification practice of reviewing the incarcerated person's classification case factors and evaluating compatibility for out-of-cell activities (exercise/Dayroom) groups. This compatibility review is initially for cellmates who can exercise together then it is expanded to additional cells. Although the County conducts these reviews, the Expert believes the annual classification review process can positively increase the County's ability to provide additional out-of-cell (Dayroom) and

Recreation opportunities). For example, an incarcerated person who is found guilty of any infraction for assaulting another incarcerated person or Staff could be evaluated for a decrease in their classification based on disciplinary-free periods. During the annual classification review, for each period of disciplinary-free conduct, the classification score can be incrementally lowered. This classification enhancement would increase the County's ability to provide more out-of-cell opportunities by creating a larger mix of compatible groupings. This would allow incarcerated persons whose classification scores have been lowered to progress to less restrictive housing while also enhancing the programming opportunities and pro-social interaction with others.

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 OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation does not address these requirements.

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.

In the previous monitoring report, the Expert recommended that the County incorporate these requirements in the OCSD Court & Custody Operations Manual (CCOM). The County reported the policy revisions are currently with County Counsel for review.

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

Partially 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.*

The OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “In housing areas where security concerns, classification restrictions, or separation orders prevent the inmates from using the Dayroom together, Staff shall follow a set schedule to ensure the equitable distribution of Dayroom among inmates or groups. The schedule will rotate on a daily basis to provide a variety of Dayroom times for each inmate or group.”

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 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 housing areas where inmates are separated into groups for security purposes, Staff shall log the start and end times of all offered opportunities for outdoor Recreation and Dayroom in the guard station daily log. The entry will include which cells make up the group.

In module housing areas, Staff shall document the following information on the guard station daily Dayroom 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.

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 found some 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 is 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. The Expert will monitor this in future monitoring tours.

The Expert notes Dayroom and Recreation logs continue to lack sufficient logging identifiers to adequately track access to Dayroom and Recreation. Some of the Dayroom and Recreation Logs only reflect the cell numbers with no incarcerated person identifiers. Listed below are some examples:

CMJ MOD B September 7, 2023, Dayroom Log is an example of what some logs are missing, such as:

- Names
- Who refused
- Who accepted
- Number of hours (time) out of cell

ORANGE COUNTY SHERIFF'S DEPARTMENT

DAYROOM LOG

Central Men's Jail - Module B - Thursday, Sep 07, 2023

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
					TANKS 7 AND 8			
0625 1010					CELLS 3 AND 7	OFFERED // ACCEPTED		3:45
1115 1500					CELLS 4 AND 8	OFFERED // ACCEPTED		3:45
1700 2000					CELLS 1 AND 5	OFFERED // ACCEPTED		
2005 2315					CELLS 2 AND 6	OFFERED // ACCEPTED		
					TANKS 9 AND 10			
0625 1010					CELLS 3 AND 7	OFFERED // ACCEPTED		3:45
1115 1500					CELLS 4 AND 8	OFFERED // ACCEPTED		3:45
1700 2000					CELLS 1 AND 5	OFFERED // ACCEPTED		
2005 2315					CELLS 2 AND 6	OFFERED // ACCEPTED		

CMJ MOD B Recreation Log September 7, 2023. is an example of a log where no information is logged, such as:

- Names
- Who refused
- Who accepted
- Number of hours (time) out of cell

RECREATION LOG

Central Men's Jail - Module B - Thursday, Sep 07, 2023

Start	End	Groups/Cells	Notes	Entered By	Total
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TLF MOD M Dayroom Log September 6, 2023, is an example of a log that only identifies incarcerated person's name, no notation of refusals or who refused. with no staff names, the log is incomplete.

ORANGE COUNTY SHERIFF'S DEPARTMENT

DAYROOM LOG

Theo Lacy Facility - Module M - Wednesday, Sep 06, 2023

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
					SECTOR 25			
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		3:48
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
2000	2300							
2000	2300							
2000	2300							
2000	2300							
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
1113	1415							3:02
1113	1415							3:02
1113	1415							3:02
1113	1415							3:02
					SECTOR 26			
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
1428	1855	1536	1615			B1:CHOW DISTRIBUTION		
2000	2300							
2000	2300							
2000	2300							
2000	2300							
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
0645	1050	730	822	0845		B1:MEDS / B2:COMMISSARY		3:00
1113	1415							3:02
1113	1415							3:02
1113	1415							3:02
1113	1415							3:02

TLF MOD M Recreation Log September 6, 2023, is an example of a log that only identifies the incarcerated person's name, no notation of refusals, or who refused, with no staff names, the log is incomplete.

ORANGE COUNTY SHERIFF'S DEPARTMENT
RECREATION LOG
Theo Lacy Facility - Module M - Wednesday, Sep 06, 2023

Start	End	Groups/Cells	Notes	Entered By	Total:
		SECTOR 26			
		GROUP #4			
		CELL 9: [REDACTED]			
		CELL 11: [REDACTED]			
		CELL 13: [REDACTED]			
		CELL 15: [REDACTED]			
		GROUP			
		CELL 2: [REDACTED]			
		CELL 4: [REDACTED]			
		CELL 6: [REDACTED]			
		CELL 8: [REDACTED]			
		GROUP			
		CELL 10: [REDACTED]			
		CELL 12: [REDACTED]			
		CELL 14: [REDACTED]			
		CELL 16: [REDACTED]			
		GROUP			
		CELL 1: [REDACTED]			
		CELL 3: [REDACTED]			
		CELL 5: [REDACTED]			
		CELL 7: [REDACTED]			

TLF MOD Q Recreation Log September 6, 2023, is an example of a log where no information is logged, such as:

- Names
- Who refused
- Who accepted
- Number of hours (time) out of cell

RECREATION LOG
Theo Lacy Facility - Module Q - Wednesday, Sep 06, 2023

Start	End	Groups/Cells	Notes	Entered By	Total:

TLF MOD R Recreation Log September 6, 2023, is an example of a log that only identifies cells, number of takers and recreation hours.

RECREATION LOG
Theo Lacy Facility - Module R - Wednesday, Sep 06, 2023

Start	End	Groups/Cells	Notes	Entered By	Total:
		SECTOR 55			
1400	1615	1,3,5,7			2:15
		SECTOR 59			
1200	1300	10,12,14,16			1:00
1625	1835	1,3,5,7	5 TAKERS		2:10
2137	2239	2,4,6,8	4 TAKERS (EARLY LOCKDOWN REQUESTED)		1:02
		SECTOR 60			
1900	2030	1,3,5,7	4 TAKERS		1:30

Recreation was open for a total time of 1 hours and 30

TLF MOD N Recreation Log September 5, 2023, is an example of a log where no information is logged, such as:

- Names
- Who refused
- Who accepted
- Number of hours (time) out of cell

RECREATION LOG

Theo Lacy Facility - Module N - Tuesday, Sep 05, 2023

Start	End	Groups/Cells	Notes	Entered By	Total:
		OUTDOOR REC INOPERABLE DUE TO CLOGGED TOILET	OUTDOOR REC INOPERABLE DUE TO CLOGGED TOILET		
Recreation was open for a total time of 0 hours and 0					

TLF MOD N Recreation Log November 23, 2023, is an example of a log that identifies cells, the number of takers, refusals, time, and Staff. However, there are no incarcerated person identifiers, nor is there a means to track the incarcerated persons who refused.

ORANGE COUNTY SHERIFF'S DEPARTMENT

RECREATION LOG

Theo Lacy Facility - Module N - Thursday, Nov 23, 2023

Start	End	Groups/Cells	Notes	Entered By	Total:
0650	0650	SECTOR 32 GROUP 1	REFUSED		
0700	0849	SECTOR 31 GROUP 2	3 TAKERS		1:49
1005	1005	SECTOR 31 GROUP 3	REFUSED		
1010	1219	SECTOR 31 GROUP 4	1 TAKER		2:09
1800	1930	SECTOR 35 GROUP 2	5 TAKERS		1:30
2002	2123	SECTOR 32 GROUP 3	4 TAKERS		1:21
Recreation was open for a total time of 1 hours and 21					

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 County reports, "We expect finalization of the Guardian RFID contract shortly. This will assist with tracking all out-of-cell time. Once signed, we anticipate a six-month implementation period. In the meantime, OCSD will continue to reinforce to staff the consistent and complete logging of dayroom and outdoor Recreation time."

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 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 OCSD believes that the 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 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 Settlement Agreement and informs the analysis of the Dayroom/outdoor Recreation Settlement Agreement 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 OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Security concerns 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 watch commander 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, 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 routinely 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 Settlement Agreement and informs the analysis of the Dayroom/outdoor Recreation Settlement

Agreement 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.

During the previous monitoring tours, the Expert noted that the OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation does not address these requirements. However, the Expert notes that the OCSD Court & Custody Operations Manual (CCOM) 8000 – Inmates with Disabilities now 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.”

Interviews of incarcerated persons during this monitoring tour indicated many people 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 to listen. These interviews largely mirror the interviews with incarcerated people from the second and third monitoring tours; nothing has changed.

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 CWJ, versus no music being available at CMJ 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 this Expert they choose to stay away from jail politics, so they don't go to recreation. There continue to be numerous incarcerated people 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 Remedial Plan 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 Expert notes that the County reported OCSD's implementation of Guardian RFID will assist with tracking the number of refusals to allow for consistent follow-up and referral to CHS when warranted. The Expert notes that, the referral to CHS must be made by OCSD staff who provide and supervise the incarcerated person's access to the Dayroom and Recreation. The County must revise custody policies and ensure Staff is trained on this requirement.

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.*

During the first monitoring tour, the County produced Disciplinary Isolation Logs that reflect the use of the DI cells. The logs reflect the most recent dates the County used the DI as follows:

- IRC – June 7, 2021
- CWJ – November 3, 2020
- TLF – June 22, 2021
- CMF – March 12, 2021

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, OCSD 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 Settlement Agreement 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 Settlement Agreement that memorializes this agreement, to include revision of this remedial plan 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 the 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 OCSD 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.

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.

During the previous monitoring tour, the Expert noted that the Draft Correctional Health Services (CHS), Policy 6602 Health Evaluations for OCSD Inmates 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 draft 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.

The draft 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).

DRC counsel reviewed draft CHS Policy 6602- Health and Mental Health Evaluations for OCSD Inmates who Violate Jail Rules, draft CHS Form 6602-A- MH-Jail Rule Violations, and draft CHS Form 6602-B- RN-Jail Rules Violation Review and provided feedback on September 13, 2023. The County reported that the draft policy and associated forms have not yet been finalized and implemented.

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 on-site monitoring tour, the County shared OCSD's proposed Inmate Discipline – Mental Health process. The County reported that in cases where a staff member observes and/or becomes aware of misconduct the Custody staff write the incident on a disciplinary report and forward the report their respective Housing Sergeant. If the Sergeant approves the disciplinary report, the Notice of Disciplinary Violation/Hearing is issued to the incarcerated person. During the issuance of the Notice of Disciplinary Violation/Hearing, the incarcerated person can waive the twenty-four (24) hour delay. If the incarcerated person does not waive the twenty-four (24) hour delay the disciplinary hearing will be heard by the Housing Sergeant, no sooner than twenty-four (24) hours and no later than seventy-two (72) hours after the incarcerated person is served their Notice of Disciplinary Violation/Hearing. The County reported that the Disciplinary Hearing Report has been revised to include the following:

- “There is reason to believe the inmate’s behavior was unusual, uncharacteristic, or possible manifestation of mental illness; Classification to refer inmate to CHS M/H for Evaluation.”

This Disciplinary Hearing Report would be completed by the Disciplinary Hearing Sergeant. The Disciplinary Hearing Report after conducting the hearing forwards the Disciplinary Packet to the Classification Sergeant who will then enter the referral to CHS MH into a log on a SharePoint site. CHS staff will review the SharePoint site MH referral log and then conducts the review/evaluation as outlined in the CHS Policy 6602- Health and Mental Health Evaluations for OCSD Inmates who Violate Jail Rules. The CHS clinician will forward the Jail Rules Violation Evaluation Form to the Classification Sergeant who will access the sanction based on input from the CHS MH clinician as documented on the information contained in the CHS Form 6602-A- MH-Jail Rule Violations, and CHS Form 6602-B- RN-Jail Rules Violation Review.

The Expert notes that the proposed MH referral process occurs after the Disciplinary hearing and the Disciplinary Hearing Official does not have information of whether the incarcerated persons mental health and/or cognitive/intellectual or adaptive functioning deficits contributed to the rule violation misconduct. The Disciplinary Hearing Official after considering the evidence absent the MH evaluation determines if the misconduct is founded or unfounded. With the Disciplinary Hearing Official not taking the mental health and/or

cognitive/intellectual or adaptive functioning deficits into consideration may impact the incarcerated persons classification and increase the incarcerated persons classification. The Expert recommends 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.

The parties are actively discussing the procedures set forth above. With respect to DRC's review of the proposed procedures, they have 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 has 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.

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.

Post tour, the OCSD reported the following, "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 advises the Remedial Plan 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."

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

Partially Implemented (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 drafted 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 reported in the previous monitoring tour report, 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 implement the CHS policy and develop custody policies and procedures to ensure the RP requirements are met.

The Expert notes the County reported that in collaboration with CHS, OCSD is currently developing a process to address this item of the Remedial Plan. OCSD and CHS are currently engaging constructively with DRC and the Expert team on efforts to resolve this issue.

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

Partially Implemented (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 drafted 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.

The County must develop policies and procedures, including applicable forms, to ensure the RP requirements are met. The Expert notes that the County reported that they will revise the policy to meet the requirement. OCSD and CHS are currently engaging constructively with DRC and the Expert team on efforts to resolve this issue

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

Not 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 policies, procedures, and applicable forms to ensure the requirements are met and those processes are still being drafted.

CHS will revise the policy to meet the requirement. The Expert notes that the County has drafted 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 finalize and implement the draft CHS policy. In addition, 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 drafted 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."

The County must finalize and implement the draft CHS policy. Based on this, the Expert finds that the County has partially implemented the RP requirements.

Partially Implemented (Previous Rating Adequately 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

June 6, 2024

Date