



Agreement Between County of Orange and Disability Rights California

Expert Monitor's Report (Third Round)

Elimination of Harmful Restrictive Housing and Disciplinary Practices

On-Site Review: August 28 -September 1, 2023

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Submitted:

November 27, 2023



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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 Third 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 third round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail (CWJ), and the Intake Release Center & Transportation (IRC). The on-site Monitoring Review was conducted from August 28 through September 1, 2023. 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.

An entrance meeting was conducted with representatives from the County of Orange (Jail ADA Compliance Unit staff and staff from the County Counsel's Office). DRC Representatives were also present during the entrance meeting and during portions of the monitoring tour. An exit meeting was conducted via Zoom on September 7, 2023, with representatives from the County of Orange (Jail Administration and staff from the County Counsel's Office). DRC Representatives were also present during the exit conference.

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." In addition, some areas found as "Partially Implemented" have been found as "Adequately Implemented" during the third monitoring tour. 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 that correlates to their respective job duties.

As this was the third monitoring tour, all elements of the Settlement Agreement, with the exception of the SMU processes, were evaluated for compliance. Although still early in the process, 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 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), provision of recreation opportunities, and in the documentation of access to and/or refusal in both of those two areas. The Expert notes the OCSD uses standardized Dayroom and recreation logs; however, the documentation of the out-of-cell time (Dayroom and recreation yard) is inconsistent and varies from facility to facility and Mod to Mod. It is the Expert's position that the standardization of logging the dayroom and recreation activities would greatly assist OCSD in documenting the provision/offering of Dayroom or recreation and allowing the Expert to measure the County's compliance with the Settlement Agreement's requirements pending the implementation of the "Guardian RFID."

The Expert noted that the staff assigned to Green Sector Recreation are frequently redirected, hampering OCSD's ability to adequately provide access to the required recreation time at Theo Lacy.

Additionally, the Expert believes a supervisory review of the daily activities, i.e., access to the Dayroom and recreation, would help ensure that incarcerated persons are provided and/or offered access to these fundamental requirements throughout the OCJs. The Expert notes that supervisors tour Mods as depicted on the daily logs; however, there must be an emphasis on supervisors reviewing dayroom or recreation logs to ensure the provision and/or offering of the required daily and weekly dayroom and recreation opportunities.

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 standardization of the logging of dayroom and recreation opportunities offered and/or provided.
- Ensure staff complete the logs and logs 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.
- Consider revising the practice of capping eight (8) incarcerated persons in a dayroom or yard setting, consistent with classification 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 call. This process would allow maximum allowance for access to dayroom and recreation but appear to be solely dependent on Deputies comfort level and not OCSD policy requirements.
- 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 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.
- 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.
- 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 - Two (2)
- Partially Implemented - Twelve (12)
- 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 OCS&D 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 OCS&D 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 recognizes that, at times, some mods or Sectors continued to be impacted by COVID-19, which also impacted the ability for the County to provide the required three (3) hours per day of Dayroom. This was due to the need for the OCS&D to mitigate the risks of potentially spreading the virus.

The Expert notes that for the six (6) weeks of Dayroom Logs selected for review, the Dayroom Logs for MOD L (LPS) reflect that in five (5) of the six (6) weeks no incarcerated person received the required three (3) hours of dayroom access (offered or provided). 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 OCS&D Daily Activity Logs, which include the Dayroom for the following weeks:

- December 12-18, 2022
- January 16-22, 2023
- February 13-19, 2023
- March 13-19, 2023
- May 15-19, 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 Mod J 12/17/2022
- IRC Mod N 12/18/2022
- IRC Mod K 12/12/2022
- CMJ Mod O 12/15/2022
- CMJ Mod D 12/15/2022
- CMJ Mod C 12/16/2022
- CMJ Mod C 12/14/2022
- CWJ 2nd Floor 1/16/2023
- CWJ 2nd Floor 1/22/2023
- CMJ Mod D 1/16/2023
- CMJ Mod E 1/16/2023
- CMJ Mod F 1/16/2023
- CMJ Mod O 1/22/2023
- CWJ 2nd Floor 2/17-18/2023
- TLF Mod Q 3/13-17/2023
- TLF Mod P 3/17/2023
- TLF Mod N 3/18/2023
- TLF Mod N 3/15/2023
- TLF Mod I 3/17/2023
- TLF F Barracks 3/15/2023
- CWJ 2nd Floor 3/18/2023
- CMJ Mod O 3/13,16, 18/2023
- CMJ Mod F 3/19/2023
- CWJ 2nd Floor 4/14,11,10/2023
- CMJ Mod O 4/10/2023
- CMJ Mod E 4/10/2023
- TLF Mod P 4/10-16/20123
- TLF Rec logs for Feb, March, April, or May 2023.
- CMJ Rec logs for Dec 2022, Jan, Feb, March, April, and May 2023.

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 55 incarcerated persons.

- 29 reported they are provided three (3) hours of (out-of-cell time) dayroom per day.
- 16 reported they are not provided the required three (3) hours of (out-of-cell time) dayroom per day.
- Ten (10) were housed in a dorm/tank with access to out-of-cell activities during their programming time.
- 44 reported no additional dayroom was offered beyond the required three (3) hours per day.

All 55 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 K, Arrived 12/2022, dayroom two (2) hours.
- TLF Mod K, Arrived 7/2022, Dayroom one (1) to three (3) hours.
- TLF Mod P, Arrived 3/2020, dayroom two (2) hours.
- TLF Mod P, Arrived 6/2018, Dayroom two (2) to three (3) hours.
- TLF Mod Q, Arrived 5/2023 dayroom two (2) to three (3) hours.
- TLF Mod L, Arrived 7/2023 dayroom two (2) to three (3) hours.

- TLF Mod L, Arrived 10/2022, Dayroom two (2) to three (3) hours.
- TLF Mod L, Arrived 11/2018, dayroom two (2) hours.
- TLF Mod N, Arrived 5/2023 dayroom two (2) to three (3) hours.
- TLF Mod J, Arrived 8/2020, Dayroom two (2) hours.

IRC

- IRC Mod K, Arrived 08/2023 dayroom (2) and a half hours.
- IRC Mod K, Arrived 4/2023 dayroom (2) and a half hours.
- IRC Mod N, Arrived 7/2023 dayroom two (2) hours.
- IRC Mod N, Arrived 12/2018, dayroom two (2) hours.
- IRC Mod N, Arrived 10/2019, dayroom shower only (AH-1)
- IRC Mod M, Arrived 11/2018, Dayroom one (1) to three (3) hours.

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

- TLF Mod R Dayroom dated 12/18/2022, Population - 132
 - 13 incarcerated persons received less than three (3) hours of Dayroom.
 - Sectors 55-60 dayroom group commenced at 2025 hours, broke at 2115 hours for medication distribution, recommenced at 2145 hours, and closed at 2340 hours. Total 2.45 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 R Dayroom logs, dated 1/22/2023 Population - 168.
 - 26 incarcerated persons received less than three (3) hours of Dayroom due to staff not operating Dayroom until 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 R Dayroom logs, dated 2/17/23, Population - 118.
 - 18 incarcerated persons were offered or provided Dayroom; however, the dayroom log is incomplete (night shift).
 - Dayroom opened at 0621 hours and closed at 1910 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 3/16/23, Population - 186.
 - None of the incarcerated persons in Mod R received three (3) hours of Dayroom.
 - Dayroom opened at 0907 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 R Dayroom logs dated 4/14/23, Population - 178.
 - The evening shift did not complete the Log.
 - Dayroom opened at 0627 hours and closed at an unknown time.
 - 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 5/20/23, Population - 187.
 - The evening shift did not complete the Log.
 - Dayroom opened at 0633 hours and closed at 2308 hours.
 - There were no refusals nor any self-lockdowns.
 - 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 12/14/2022, Population - 101.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom logs dated 1/21/2023 Population - 167.
 - Six incarcerated persons received about one (1) hour and 43 minutes of Dayroom due to multiple classification groups in Sector 54.
 - 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 02/13/2023 Population - 75.
 - 15 incarcerated persons did not receive three (3) hours of Dayroom. Sector 54 has five classification groups. Sector 55 has five classification groups.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod Q Dayroom logs dated 03/18/2023 Population - 159.
 - Mod Q was empty at 0630 hours and received 159 incarcerated persons through the AM hours.
 - Despite the mass movement, the dayroom program began.
 - The new population received about one (1) hour of Dayroom.
 - The Dayroom opened at 1634 hours and closed at 2152 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 04/10/2023 Population -146.
 - 63 incarcerated persons did not receive three (3) hours of Dayroom.
 - The dayroom log states shortened dayrooms to multiple fights during the day.
 - Dayroom opened at 0649 hours and closed at 2317 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 05/16/2023, Population - 143.
 - 73 incarcerated persons may or may not have received 3 hours of Dayroom as the Dayroom log was incomplete.
 - The Dayroom opened at 0705 hours and closed at 2215 hours.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of Dayroom beyond the required three (3) hours per day.

Note: Mod Q Dayroom Log should be considered as a standardization model log for tracking daily access to out-of-cell or dayroom programming. The way the participants are identified in each group would greatly assist OCSD in identifying out-of-cell time being offered and provided.

- TLF Mod P Dayroom logs dated 12/15/2022, Population - 148.
 - The Dayroom opened at 0642 hours and closed at 2236 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 01/18/2023 Population - 142.
 - Dayroom opened at 0643 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 02/13/2023 Population - 145.
 - Dayroom opened at 0643 hours and closed at 2301 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 03/15/2023 Population - 143.
 - Dayroom opened at 0756 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.

- No Logs were produced for TLF Mod P for April 2023.
- TLF Mod P Dayroom logs dated 05/18/2023 Population - 133.
 - Dayroom opened at 0642 hours and closed at 2240 hours.
 - Dayroom log is missing the evening shift closure times.
 - Evening shift did not complete the Dayroom access totals on the log.
 - The dayroom hours are being rotated.
 - No incarcerated person received additional hours of Dayroom beyond the required three (3) hours per day.

Note: Mod P Dayroom Log is another example of a log that should be considered as a standardization model log for tracking daily access to out-of-cell or dayroom programming. The manner in which the participants are identified in each group would greatly assist OCSD in identifying out-of-cell time being offered and provided.

- TLF Mod O Dayroom dated 12/16/2022, Population - 68.
 - 12 incarcerated persons did not receive three (3) hours of Dayroom due to multiple classification groups in Sector 40.
 - Dayroom opened at 0600 hours and closed at 2330 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 01/16/2023 Population - 72.
 - There was one (1) quarantine, three (3) self-lock downs and two refusals.
 - 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 02/15/2023 Population - 75.
 - Night shift log is incomplete.
 - Dayroom opened at 0600 hours and closed at 2316 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 03/13/2023 Population - 84.
 - Dayroom opened at 0600 hours and closed at 0000 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 04/13/2023 Population - 81.
 - Night shift log is incomplete; three (3) hours of day room was provided /offered.
 - Dayroom opened at 0600 hours and closed at 0100 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 05/16/2023 Population - 84.
 - Dayroom opened at 0600 hours and closed at 2317 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 12/17/2022, Population - 93.
- Dayroom opened at 0600 hours and closed at 2245 hours.
- The dayroom hours are being rotated.
- Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod N Dayroom logs dated 01/20/2023 Population - 153.
 - Dayroom opened at 0612 hours and closed at 2340 hours.
 - The dayroom hours are being rotated.
 - Log indicates one (1) incarcerated person received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod N Dayroom logs dated 02/16/2023 Population - 130.
 - Dayroom opened at 0600 hours and closed at 2308 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod N Dayroom logs dated 03/13/2023 Population - 159.
 - Dayroom opened at 0600 hours and closed at 2338 hours.
 - The dayroom hours are being rotated.
 - Log indicates no additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod N Dayroom logs dated 04/13/2023 Population - 182.
 - Dayroom opened at 0600 hours and closed at 2239 hours.
 - The dayroom hours are being rotated.
 - Log indicates no additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod N Dayroom logs dated 05/16/2023 Population - 186
 - Dayroom opened at 0600 hours and closed at 2333 hours.
 - The dayroom hours are being rotated.
 - Log indicates no additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 12/13/2023 Population - 51.
 - This Log is incomplete by the night shift; it does appear three (3) hours of day room was received.
 - Dayroom opened at 0606 hours and closed at 2258 hours.
 - The dayroom hours are being rotated.
 - Log indicates five (5) incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 01/21/2023 Population - 185
 - Dayroom opened at 0620 hours and closed at 2306 hours.
 - The dayroom hours are being rotated.
 - Log indicates no additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 2/15/2023 Population - 176.
 - Night shift log is incomplete; three (3) hours of
 - dayroom were provided/offered.
 - Dayroom opened at 0645 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 3/14/2023 Population - 164.
 - Night shift log is incomplete; three (3) hours of day room was received.
 - Dayroom opened at 0632 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 4/16/2023 Population - 155.
 - Night shift log is incomplete; (3) hours of day room was received.
 - Dayroom opened at 0645 hours and closed at an unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod M Dayroom logs dated 5/15/2023 Population - 165.
 - Night shift log is incomplete; three (3) hours of Dayroom were received.
 - Dayroom opened at 0750 hours and closed at an unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod L Dayroom logs dated 12/12/2022, Population - 109.
 - 67 incarcerated persons received less than three (3) hours of Dayroom due to multiple classification groups.
 - Dayroom opened at 0700 hours and closed at 2200 hours.

- The dayroom hours are being rotated.
- Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom logs dated 1/17/2023 Population - 99.
 - 81 incarcerated persons received less than three (3) hours of Dayroom due to multiple classification groups.
 - This Log was not completed or closed out by the evening shift.
 - Dayroom opened at 0750 hours and closed at an unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom logs dated 2/15/2023 Population - 88.
 - 73 incarcerated persons received less than three (3) hours of Dayroom due to multiple classification groups.
 - Dayroom opened at 0700 hours and closed at 2330 unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom logs dated 3/14/2023 Population - 145.
 - No incarcerated persons received three (3) hours of Dayroom due to the late dayroom start time. Activity Log indicates medication call, nurse call, and numerous classification groups in the Sector.
 - This Log was not completed or closed out by the evening shift.
 - Dayroom opened at 0820 hours and closed at an unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom logs dated 04/10/2023 Population - 141.
 - 99 incarcerated persons received less than three (3) hours of Dayroom.
 - There are gaps in the dayroom start time for no stated reason.
 - Dayroom opened at 0750 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod L Dayroom logs dated 5/21/2023 Population - 137.
 - 106 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 12/16/2022, Population - 110.
 - Three (3) 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 1/19/2023 Population - 90.
 - Six (6) incarcerated persons received less than three (3) hours of Dayroom.
 - No refusals were recorded.
 - Three (3) incarcerated persons are on quarantine.
 - This Log was complete.
 - Dayroom opened at 0600 hours and closed at 2130 hours.
 - The Dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 2/13/2023 Population - 91.
 - 72 incarcerated persons received less than three (3) hours of Dayroom.
 - No refusals were recorded.
 - This Log was not completed or closed out by the evening shift.
 - Dayroom opened at 0800 hours and closed at an unknown hour.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 3/19/2023 Population - 133.
 - Dayroom opened at 0600 hours and closed at 2210 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 4/12/2023 Population - 154.
 - 68 incarcerated persons received less than three (3) hours of Dayroom or Log was not logged completely by nightshift.
 - This Log was not complete.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod K Dayroom logs dated 5/15/2023 Population - 169.
 - 42 incarcerated persons may have received less than three (3) hours of Dayroom as the Log was not completed by the night shift.
 - This Log was not completed.
 - Dayroom opened at 0600 hours and closed at 2242 hours.
 - The dayroom hours are being rotated.

- Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod J Dayroom logs dated 12/18/2022, Population - 97.
 - 75 incarcerated persons received two (2) hours or less of dayroom numerous classification groups in Sector.
 - Dayroom opened at 0618 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod J Dayroom logs dated 1/19/2023 Population - 72.
 - 28 incarcerated persons received less than three (3) hours of dayroom numerous classification groups in Sector.
 - This Log was not complete.
 - Dayroom opened at 0600 hours and closed at 2245 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod J Dayroom logs dated 2/13/2023 Population - 86.
 - 26 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - This Log was not completed or closed out by the evening shift.
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod J Dayroom logs dated 3/15/2023 Population - 109.
 - 86 incarcerated persons possibly did not receive three (3) hours of Dayroom, numerous classification groups in 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- TLF Mod J Dayroom logs dated 4/11/2023 Population - 144.
 - Four (4) incarcerated persons received less than three (3) hours of dayroom numerous classification groups in Sector.
 - This Log was not completed or closed out by the evening shift.
 - Dayroom opened at 0607 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod J Dayroom logs dated 5/15/2023 Population - 129.
 - 19 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - This Log was complete.
 - Dayroom opened at 0618 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod I Dayroom logs dated 3/20/2023 Population - 66.
 - Seven (7) incarcerated persons received less than three (3) hours of Dayroom.
 - This Log was not completely clear.
 - Dayroom opened at 0602 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 4/15/2023 Population - 70.
 - This Log was complete.
 - Dayroom opened at 0600 hours and closed at 2338 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- TLF Mod I Dayroom logs dated 5/15/2023 Population - 65.
 - 19 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 12/17/2022, Population - 100
 - 16 incarcerated persons received less than three (3) hours of Dayroom.
 - Dayroom opened at 0605 hours and closed at 2313 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 01/19/2023 Population - 113
 - 46 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 02/14/2023 Population - 81
 - 31 incarcerated persons received less than three (3) hours of Dayroom.

- The Dayroom opened at 0600 hours and closed at 2311 hours.
- The dayroom hours are being rotated.
- Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 03/16/2023 Population - 80
 - 30 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 N Dayroom logs dated 04/11/2023 Population - 87
 - Three (3) incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The Dayroom opened at 0602 hours and closed at 2230 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod N Dayroom logs dated 05/16/2023 Population - 88
 - 26 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod L Dayroom logs dated 12/15/2022, Population - 96
 - 26 incarcerated persons received less than three (3) hours of Dayroom.
 - The Dayroom opened at 0600 hours and closed at 2000 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod L (LPS) Dayroom logs dated 01/19/2023 Population - 91
 - 23 incarcerated persons received less than three (3) hours of Dayroom.
 - The Dayroom opened at 0600 hours and closed at 2305 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod L (LPS) Dayroom logs dated 02/13/2023 Population - 91
 - It appears no incarcerated persons received three (3) hours of Dayroom,
 - 29 incarcerated persons received less than three (3) hours of Dayroom.
 - The Dayroom opened at 0814 hours and closed at 1734 hours.
 - The dayroom hours are being rotated.

- Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- IRC Mod L (LPS) Dayroom logs dated 03/15/2023 Population - 86
 - It appears no incarcerated persons received or were offered 3 hours of Dayroom.
 - 31 incarcerated persons received less than three (3) hours of Dayroom (noted is the time log for these incarcerated persons is averaged .30 to 2.55 hours.)
 - Dayroom opened at 0600 hours and closed at 2300 hours.
 - The dayroom hours are being rotated.
 - No incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- IRC Mod L (LPS) Dayroom logs dated 04/10/2023 Population - 96
 - It appears no incarcerated person received or was offered three (3) hours of Dayroom.
 - The dayroom log is incomplete.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- IRC Mod L (LPS) Dayroom logs dated 05/18/2023 Population - 90
 - It appears no incarcerated person received or was offered three (3) hours of Dayroom.
 - 31 incarcerated persons received less than three (3) hours of Dayroom.
 - The dayroom 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 beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 12/14/2022, Population - 56
 - 13 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - Incarcerated persons received less than three (3) 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 beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 1/20/2023 Population - 71
 - 11 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - 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 beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 02/19/2023 Population - 63
 - 29 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom 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 beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 03/16/2023 Population - 74
 - 25 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom 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 beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 04/11/2023 Population - 72
 - 47 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom log is incomplete.
 - Dayroom hours, 0808 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- IRC Mod K Dayroom logs dated 05/21/2023 Population - 74
 - 24 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom log is incomplete.
 - Dayroom hours 0605 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- IRC Mod J Dayroom logs dated 12/12/2022, Population - 74
 - 45 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom log was incomplete.
 - Dayroom hours 0600 to 2345 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod J Dayroom logs dated 01/19/2023 Population - 68
 - 39 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The Dayroom log is incomplete.
 - Dayroom hours 0808 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod J Dayroom dated 02/16/2023 Population - 73
 - 45 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom log is incomplete.
 - Dayroom hours 0600 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod J Dayroom logs dated 03/17/2023 Population - 67
 - 34 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.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod J Dayroom logs dated 04/12/2023 Population - 72
 - 38 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector, numerous classification groups in Sector.
 - The dayroom log is incomplete.
 - Dayroom hours, 0808 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- IRC Mod J Dayroom logs dated 05/16/2023 Population - 98
 - 30 incarcerated persons received less than three (3) hours of Dayroom, numerous classification groups in Sector.
 - The dayroom log is incomplete.
 - Dayroom hours, 0600 to 2359 hours.
 - The dayroom hours are being rotated.
 - Log indicates no incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod A Dayroom logs dated 12/13/2022, Population - 90
 - Three (3) incarcerated persons may have received less than three (3) hours of Dayroom; the dayroom log is not complete by night shift.
 - Dayroom hours, 0600 to 2318 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod A Dayroom logs dated 01/17/2023 Population - 159
 - The dayroom log is not complete by day or night shift.
 - Dayroom hours, 0600 to 2340 hours.
 - The dayroom hours are being rotated.
 - 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 02/14/2023 Population - 153
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates four (4) incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod A Dayroom logs dated 03/15/2023 Population - 159
 - The dayroom log is complete.
 - Dayroom hours, 0610 to 2340 hours.
 - The dayroom hours are being rotated.
 - 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 04/12/2023 Population - 181
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2340 hours.
 - The dayroom hours are being rotated.
 - Log indicates three (3) incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod A Dayroom logs dated 05/17, Population - 167
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2340 hours.
 - The dayroom hours are being rotated.
 - Log indicates six (6) incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod B Dayroom logs dated 12/12/2022, Population - 98
 - Three (3) incarcerated persons received less than three (3) hours of Dayroom.
 - The dayroom log is complete. Dayroom hours, 0600 to 2317 hours.
 - The dayroom hours are being rotated.

- Log indicates incarcerated persons did not receive additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 01/17/2023 Population - 85
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 02/17/2023 Population - 77
 - The dayroom log is incomplete.
 - Dayroom hours, 0608 to 2310 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 03/18/2023 Population - 153
 - The dayroom log is complete.
 - Dayroom hours, 0608 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 04/13/2023 Population - 141
 - 12 incarcerated persons received less than three (3) hours of Dayroom.
 - The dayroom log is complete.
 - Dayroom hours, 0625 to 2310 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod B Dayroom logs dated 05/21/2023 Population - 125
 - 12 incarcerated persons received less than three (3) hours of Dayroom.
 - Closed for count for 1.3 hours in AM and three (3) hours in PM.
 - The dayroom log is complete.
 - Dayroom hours, 0635 to 2000 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod C Dayroom logs dated 12/13/2022, Population - 195
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2325 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 01/17/2023 Population - 203
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2325 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 02/15/2023 Population - 184
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2336 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 03/19/2023 Population - 64
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2325 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 04/12/2023 Population - 196
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2325 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod C Dayroom logs dated 05/19/2023 Population - 200
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2250 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod D Dayroom logs dated 12/18/2023 Population - 107
 - The dayroom log is complete.
 - Dayroom hours, 0640 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod D Dayroom logs dated 01/20/2023 Population - 122
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2250 hours.
 - The dayroom hours are being rotated.

- Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom logs dated 02/13/2023 Population - 103
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom logs dated 03/17/2023 Population - 89
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom logs dated 04/13/2023 Population - 213
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2330 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod D Dayroom logs dated 05/19/2023 Population - 215
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom logs dated 12/13/2022, Population - 76
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2313 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom logs dated 01/21/2023 Population - 114
 - The dayroom log is complete.
 - Dayroom hours, 0615 to 2305 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.
- CMJ Mod E Dayroom logs dated 02/15/2023 Population - 108
 - The dayroom log is complete.

- Dayroom hours, 0600 to 2313 hours.
- The dayroom hours are being rotated.
- Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod E Dayroom logs dated 04/11/2022, Population - 140
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2313 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod E Dayroom logs dated 05/17/2022, Population - 125
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2313 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom logs dated 12/13/2022, Population - 121
 - The dayroom log is complete.
 - Dayroom hours, 0555 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom logs dated 01/19/2023 Population - 94
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2255 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom logs dated 02/13/2023 Population - 101
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2250 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom logs dated 03/14/2023 Population - 85
 - The dayroom log is complete.
 - Dayroom hours, 0555 to 2300 hours.
 - The dayroom hours are being rotated.
 - Log indicates incarcerated persons received additional hours of Dayroom beyond the required three (3) hours per day.

- CMJ Mod F Dayroom logs dated 04/14/2023 Population - 195
 - The dayroom log is complete.
 - Dayroom hours, 0600 to 2326 hours.
 - The dayroom hours are being rotated.
 - 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 has been some improvement in the provision and/or offering of the required three (3) hours of out-of-cell (Dayroom) time. 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 quickly observe 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. It is the Expert's position 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.

The Expert notes that only 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) incarcerated persons regardless of classification score/level. Staff interviewed stated the cap of eight (8) incarcerated person per group is not driven by OCSD policy, but it is the OCSD practice based on the number of incarcerated persons that staff feel safe with being allowed in the dayroom at the same time. The Expert notes that the cap of eight (8) incarcerated person per group is not a cap required by OCSD policy or by Title 15. The number of incarcerated persons allowed in the dayroom or on the recreation yard should be based upon classification factors. Limiting the groups to a maximum of eight (8) limits the ability for the County to ensure the required (3) hours of dayroom time is offered and provided. It is recommended the County establish a policy to ensure standardization of the number of incarcerated persons assigned to specific groups base 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.

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.

The Expert notes that the TLF Mod P and Q Dayroom Logs are precise and document the dayroom activity very well. The information is separated by Dayroom group first, then by Sector number. To enhance this Log even further, the Expert recommends that consideration be given to adding a column to log Dayroom for refusal or acceptance. The Expert realizes there are design nuances, four (4) , six (6) or eight (8) man tanks/cells in a few of the Mods, which might require further design enhancement of the logs. Designed correctly, the logs can be an excellent tool for tracking day-to-day and cumulative weekly Dayroom and out-of-cell activity, pending the implementation of the "Guardian RFID." The logs would also assist the supervisors when conducting the required audits of the logs to ensure access to the Dayroom is occurring.

The Expert notes that the County states they will continue to reinforce to staff the requirements for consistent and complete logging of dayroom time or the reasons the Dayroom was closed. Additionally, the County believes that implementation of the "Guardian RFID" will assist in tracking the out-of-cell (dayroom/program) being offered and provided.

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

Partially Implemented (Previous Rating Partially Implemented)

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

The County states they will continue to reinforce to staff the requirements that dayrooms be open during the hours of 0600 through 2300 (with continuing rotation) and that the reason for any closure be documented.

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:

CMJ

- Mod A 05/21/23 - Dayroom opened at 0630 (closed at 2300)
- Mod B 12/13/22 - Dayroom open at 0610 (closed at 2326)
- Mod B 01/19/23 - Dayroom opened at 0625 (closed at 2310)
- Mod C 05/17/23 – Dayroom open at 0610 (closed at 2310)

IRC

- Mod K 01/21/23 – Dayroom open at 0602 (closed at 2200)
- Mod K 05/18/23 – Dayroom open at 0603 (closed at 2230)
- Mod L 02/16/23 – Dayroom open at 0734 (closed at 2300)
- Mod L 04/16/22 – Dayroom open at 0600 (closed at 1900)
- Mod N 12/12/22 – Dayroom open at 0605 (closed at 2350)
- Mod N 02/17/23 – Dayroom open at 0605 (closed at 2200)
- Mod N 04/14/23 – Dayroom open at 0650 (closed at 2300)

TLF

- Mod R 12/13/22 – Dayroom open at 0600 (closed at 2142)
- Mod R 03/18/23 – Dayroom open at 0642 (closed at 2300)
- Mod Q 03/19/23 – Dayroom open at 0620 (closed at 2343)
- Mod Q 05/18/23 – Dayroom open at 0630 (closed at 2330)
- Mod P 12/18/22 – Dayroom open at 0705 (closed at 2301)
- Mod P 03/16/23 – Dayroom open at 0643 (closed at 2300)
- Mod P 05/20/23 – Dayroom open at 0641 (closed at 2002)
- Mod M 01/21/23 – Dayroom open at 0620 (closed at 2306)
- Mod M 03/18/23 – Dayroom open at 0604 (closed at 2300)
- Mod L 01/21/23 – Dayroom open at 0640 (closed at 2208)
- Mod L 03/18/23 – Dayroom open at 0604 (closed at 2300)
- Mod K 01/21/23 – Dayroom open at 0620 (closed at 2130)
- Mod K 03/18/23 – Dayroom open at 0604 (closed at 2300)
- Mod K 05/20/23 – Dayroom open at 0615 (closed at 2300)
- Mod J 01/21/23 – Dayroom open at 0600 (closed at 2300)
- Mod J 03/18/23 – Dayroom open at 0604 (closed at 2300)
- Mod J 05/18/23 – Dayroom open at 0600 (closed at 2316)
- Sectors 7 and 12 opened at 0730 and 0625 hours.
- Mod I 01/21/23 – Dayroom open at 0620 (closed at 2306)

- Mod I 03/18/23 – Dayroom open at 0604 (closed at 2300)

The Expert interviewed 55 incarcerated people during the monitoring tour. Ten (10) of those interviewed were housed in dormitory housing, and 45 were housed in a celled environment. All 45 incarcerated persons stated that the County rotates dayroom times each day. Forty of the incarcerated persons interviewed stated they are not offered or provided additional access to dayroom opportunities (i.e., a second or additional dayroom session). Two (2) incarcerated persons from TLF and three (3) from IRC stated they are afforded additional access to dayroom opportunities (i.e., a second or additional dayroom session). The Expert's review found two (2) Mods at CMJ and two (2) Mods at TLF, where the Mod Dayroom Logs reflect that additional dayroom time is being 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 notes that only 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) incarcerated persons regardless of classification score/level. Staff interviewed stated the cap of eight (8) incarcerated person per group is not driven by OCSD policy, but it is the OCSD practice based on the number of incarcerated persons that staff feel safe with being allowed in the dayroom at the same time. The Expert notes that the cap of eight (8) incarcerated person per group is not a cap required by OCSD policy or by Title 15. The number of incarcerated persons allowed in the dayroom or on the recreation yard should be based upon classification factors. Restricting the groups to a maximum of eight (8) limits the ability for the County to ensure the required (3) hours of dayroom time is offered and provided. It is recommended the County establish a policy to ensure standardization of the number of incarcerated persons assigned to specific groups base 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.

Although there is a marked improvement in the operation of the dayrooms during the hours of 0600 through 2300, the Expert finds that there are still times when the County is not operating the dayrooms during the hours of 0600 through 2300. Additionally, the documents reviewed reflect four (4) Sectors offer additional dayroom time beyond the three (3) hours per day when the dayrooms are available. The Expert believes that elevating supervisory oversight can increase compliance with this requirement.

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..." OCSD strives to offer additional dayroom time beyond the three (3) hours, but future adequate implementation of this item should not be contingent on OCSD always offering additional dayroom time.

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 Adequately Implemented)

- 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 Adequately Implemented)

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

The County reports that with the end of COVID-19 emergency, programming will resume. However, the Daily Activity Logs do not document the scheduled programming provided for specific incarcerated persons. During future monitoring, the Expert will evaluate this requirement.

Not Assessed (Previous Rating Not Assessed)

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:

- December 12-18, 2022
- January 16-20, 2023
- February 13-19, 2023
- March 13-19, 2023
- April 10-16, 2023
- May 15-21, 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 (Mods AE Barracks, F Barracks, G Barracks, H Barracks, Mods I, K, L, M, N, O, P, Q, and R)

The Expert interviewed 55 incarcerated persons. Of the 55 incarcerated persons, 40 reported they are provided three (3) hours of recreation yard per week, and 15 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 L - One (1) time a week for three (3) hours
 - Mod L - It's been a couple of weeks.
 - Mod L - Provided usually on Sundays.
 - Mod M - One (1) time a week for two (2) hours.
 - Mod M - One (1) time week one (1) to two (2) hours.
 - Mod N – One(1) time a week for two (2) hours.
 - Mod N – Two (2) times a week for one (1) hour.

- Mod Q – Two (2) to three (3) weeks ago.
- Mod P – 45 minutes a week.
- Mod K – Two (2) hours a week

- IRC
 - Mod L – None.
 - Mod N – Provided yard 1.5 hours one (1) time a week.
 - Mod N – Provided yard one (1) to two (2) hours one (1) time a week.
 - Mod N – Provided yard two (2) to three (3) hours one (1) time a week.

Recreation logs were reviewed for dormitory-style housing at CWJ, CMJ, and TLF.

CWJ

- CWJ Second Floor Recreation logs dated 1/17 to 1/21, 2023.
 - It appears recreation was offered to all housed on the second floor.
 - Without knowing how many are assigned and listed on the recreation logs, could not determine who was offered and/or provided recreation.

- CWJ Second Floor Recreation logs dated 1/18/23.
 - Tanks 6, 7, and 8 received more than three (3) hours of recreation (yard).
 - CWJ Second Floor Recreation logs dated 2/13/23.
 - Tanks 2, 3, 4, 5, 6, 7, and 8 all received more than three (3) hours of recreation (yard)

- CWJ Second Floor Recreation logs dated 3/19/23.
 - Tanks 2, 3, 4, 5, 6, 7, and 8 all received more than three (3) hours of recreation (yard)

- CWJ Second Floor Recreation logs dated 4/15/23.
 - Housing Recreation yard was offered to Tanks 3-8 (29 takers).
 - Tanks 3, 4, 5, 6, 7, and 8 all received more than three (3) hours of recreation (yard)

- CWJ Second Floor Recreation logs dated 5/20/23.
 - Recreation yard was offered to Tanks P1, K9 program (4 takers), Tanks 3,4,5 and 6 (8 takers).
 - Tanks 3, 4, 5, 6, 8, and P-13 all received more than three (3) hours of recreation (yard)

CMJ

- CMJ Mod A Recreation logs for dates 1/16 to 1/22, 2023.
 - Tanks 5 and 7 1.5 hours, and Tank 6 1.25 hours

- CMJ Mod B Recreation logs for dates 1/16 to 1/22, 2023.
 - Tanks 7, 8, 9, and 10 recreation opportunities for the seven (7) day period.
 - Tank 7 3.5 hours, Tank 8 1.5 hours, Tank 10 1.18 hours

- Tank 10 (2)
- Tank 9 (1)
- Tank 8 (1)
- Tank 7 (2)

- CMJ Mod B Recreation logs for dates 3/13 to 3/19, 2023.
 - Tanks 7, 8, 9, and 10 recreation opportunities for the seven (7) day period.
 - Tank 8 1.5 hours, and Tank 9 1.55 hours
 - Tank 10 (1)
 - Tank 9 (1)
 - Tank 8 (1)
 - Tank 7 (1)

- CMJ Mod C Recreation logs for dates 1/16 to 1/22, 2023.
 - Tanks 11, 12, 13, 14, 15, and 16 recreation opportunities for the seven (7) day period
 - Tank 13 3.5 hours, Tank 11 2.60 hours, Tank 15 1.50 hours, Tank 14 1.5
 - Tank 11 (2)
 - Tank 12 (1)
 - Tank 13 (3)
 - Tank 14 (3)
 - Tank 15 (2)
 - Tank 16 (0)

- CMJ Mod C Recreation logs for dates 3/13 to 3/19, 2023.
 - Tanks 11, 12, 13, 14, 15, and 16 recreation opportunities for the seven (7) day period
 - Tank 12 1.5 hours, Tank 11 1.65 hours, Tank 16 2.46 hours
 - Tank 11 (3)
 - Tank 12 (1)
 - Tank 13 (1)
 - Tank 14 (1)
 - Tank 15 (1)
 - Tank 16 (2)

- CMJ Mod D Recreation logs for dates 1/17 to 1/22, 2023
 - Tanks 17, 18, 19, 20, 21, and 22 recreation opportunities for the six (6) day period
 - Tank 22 2.7 hours and Tank 21 1.38 hours,
 - Tank 19 (0)
 - Tank 20 (0)
 - Tank 21 (1)
 - Tank 22(2)

 - CMJ Mod D Recreation logs for dates 3/13 to 3/19, 2023
 - Tanks 17, 18, 19, 20, 21, and 22 recreation opportunities for the seven (7) day period
 - Tank 22 1.5 hours

- Tank 20 (1)
- Tank 21 (0)
- Tank 22 (2)

- CMJ Mod E Recreation logs for dates 1/17 to 1/22, 2023
- Tanks 23, 24, 25, and 26 recreation opportunities for the seven (7) day period
- Tank 26 1.55 hours, and Tank 24 1.53 hours
 - Tank 23 received no access to recreate.
 - Tank 24 (1)
 - Tank 25 (1)
 - Tank 26 (1)

- CMJ Mod E Recreation logs for dates 4/11 to 4/16, 2023
 - Tanks 23, 24, 25, and 26 recreation opportunities for the six (6) day period
 - Tank 26 3.01 hours, Tank 23 4.60 hours, Tank 24 1.59 hours, Tank 25 1.5
 - Tank 24 received only one (1) opportunity to recreate during this rating period of seven days.

- CMJ Mod F Recreation logs for dates 1/17 to 1/22, 2023
- Tanks 27, 28, 29, and 30 recreation opportunities for the period of six (6) day period
- Tank 27 1.54 hours, and Tank 28 1.55 hours
 - Tank 27 (1)
 - Tank 28 (1)
 - Tank 29 (1)
 - Tank 30 (1)

- CMJ Mod F Recreation logs for dates 4/10 to 4/16, 2023
- Tanks 27, 28, 29, 30, 31, and 32 recreation opportunities for the seven (7) days period
- Tank 27 and 28 1.75 hours, and Tank 31 1.5 hours
 - Tank 28 (1)
 - Tank 30 (1)
 - Tank 31 (1)

- CMJ Mod O Recreation logs for dates 1/16 to 1/21, 2023
- Mod O Dorm, Mod O Sheltered Living, Mod O, recreation opportunities for the seven (7) day period
 - All incarcerated persons received at least two opportunities.

- CMJ Mod O Recreation logs for dates 4/10 to 4/16, 2023
- Mod O Dorm, Mod O Sheltered Living recreation opportunities for the six (6) day period
 - Ward C received only one (1) opportunity to recreate.
 - The Recreation log for Mod O is difficult to decipher how many incarcerated persons are assigned and who has been offered or had access to recreation.

- TLF Green Zone 12/12 to 12/18, 2022
 - 12/12 No log Provided.
 - 12/13 Rec Offered: G-West, H-West, F-West, H-East
 - All 1.5 hours except H East 1.12 hours
 - 12/14 No log Provided.
 - 12/15 Rec Offered: A, B, C, D, G-East
 - No hours noted
 - 12/16 H-west, H-east, Mod O ADA, HUMV, TAY and Phoenix.
 - No hours noted
 - 12/17, C, D, F-west, G-West, G-East.
 - No hours noted
 - 12/18 No log Provided.
- During this seven (7) day period, recreation was offered the following times: H Barracks East (1 time), West (2 times), G Barracks East (2 times) West (2 times), F Barracks East (1 time) West (2 times), Alpha (1 time), Bravo (1 time), Charlie (2 times), Delta (2 time), Mod O (1 time), HUMV (1 time), TAY (1 time), Phoenix (1 time).
 - 01/16 Closed due to Inclement Weather
 - 01/17 G-East, G-West
 - No hours noted
 - 01/18 ABCD, F-West, H-East, A, B
 - No hours noted
 - 01/19 Staff Reassigned Racial Tension, H-West, C, D, G-West
 - No hours noted
 - 01/20 A&B, F-west, ADA Mod O, HUMV, TAY and Phoenix, G-West.
 - No hours noted
 - 01/21 Staff reassigned staffing levels, HUMV, TAY, and Phoenix.
 - No hours noted
 - 01/22 Staff reassigned, G-West/G-East, F-West.
 - No hours noted
- During this six (6) day period, Recreation was offered the following times: H-barracks East (1 time), West (2 times), G barracks East (2 times) West (3 times), F Barracks East (1 time) West (2 times), Alpha (2 times), Bravo (2 times), Charlie (2 times), Delta (2 times), Mod O (1 time), HUMV (2 times), Tay (2), Phoenix (2). HUMV, Tay, and Phoenix were back-to-back days.

During Staff interviews, the expert discovered one of the most challenging issues for recreation access to the Green Sector is the redirection of assigned staff. Anytime staff are redirected from their assigned positions and primary responsibilities, in this case Recreation Deputies, recreation opportunities for the incarcerated person population are temporarily not being provided. This interruption limits access to recreation opportunities and limits the OCSO of providing access to the Green Sector during the time period required by the RP.

Sabot 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. Sabot requests OCSD consider providing the PRIDE program access to the Green Sector.

The TLF Recreation Logs for the Green Sector were not provided for the following dates.

- February 13-19, 2023
- March 13-19, 2023
- April 10-16, 2023
- May 15-21, 2023

TLF

- TLF Mod R Recreation logs for dates 3/13 to 3/19, 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 3/13, Sector 56 offered 13 cells recreation.
 - On 3/15, Sector 59 offered cells 1, 3, 5, and 7.
 - On 3/16, Sector 59 offered cells 10, 12, 14, and 16.
 - On 3/17, Sector 60 offered Cells 3, Sector 59 offered Cell 5, Sector 57 offered Cell 7, Sector 58 offered Cell 9, and Sector 55 offered Cells 12, 14, and 16.
 - On 3/19, Sector 55 offered 16 cells; Sector 57 offered eight (8) cells.
- TLF Mod Q Recreation logs for dates 4/10 to 4/16, 2023
 - Mod Q consists of six (6) Sectors 49-54. Mod Q recreation opportunities for the period of seven (7) days.
 - Sectors 49 and 50 were offered yard at least twice, with two groups receiving an additional opportunity.
 - Sectors 51 groups were offered recreation once during this rating period, with the exception of group 3, which was offered recreation twice.
 - Sectors 52, 53, and 54 each had one group that was only offered recreation once during this rating period.
- TLF Mod P Recreation logs for dates 3/13 to 19, 2023 (Recreation Log for 3/17/23 was not provided).
 - Mod P consists of six (6) Sectors 43-48. Mod P recreation opportunities for the six (6) day period.
 - Sectors 44 was offered yard at least twice, with two groups receiving an additional opportunity.
 - Sectors 43 two (2) groups, 45 one (1) group, 46 one (1) group, 47 four (4) groups, and 48 two (2) groups were offered recreation once during this rating period. Two (2) groups received three opportunities for recreation.
- TLF Mod O Recreation logs for dates 2/13 to 2/19, 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 the second opportunity, or if any additional.
- TLF Mod N Recreation logs for dates 2/13 to 2/19, 2023
 - Mod N consists of six (6) Sectors 25-30. Mod N recreation opportunities for the seven-day (7) period.
 - Sector 31 two (2) groups, Sector 33 one (1) group, Sector 34 one (1) group, Sector 35 two (2) groups, and Sector 36 one (1) group; all Sectors were offered recreation once during this rating period.
- TLF Mod M Recreation logs for dates 2/13 to 2/19, 2023
 - Mod M consists of six (6) Sectors 25-30. Mod M recreation opportunities for the period of seven days (7) days.
 - Sector 25 has three (3) groups, Sector 26 four (4) groups, Sector 27 one (1) group, Sector 28 three (3) groups, Sector 29 two (2) groups, and Sector 30 four (4) groups. All Sectors were offered recreation once during this rating period. Sector 29, group one (1), was not offered recreation.
 - Two different Logs were utilized during this rating period.
 - Recreation Logs dated 2/16 to 2/18, 2023, were inadequate.
- TLF Mod L Recreation logs for dates 2/13 to 2/19, 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.
 - 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 offered recreation.
- TLF Mod K Recreation logs for dates 3/13 to 3/19, 2023
 - Mod K consists of six (6) Sectors 13-18. Mod K recreation opportunities for the seven (7) day period.
 - Mod K Recreation Logs are not separated by groups and possibly cannot be due to classification.
 - Ninety-one incarcerated persons were offered recreation in a seven-day period.
 - Sectors 13-18 provided one opportunity for recreation; however, not all incarcerated persons in each of those Sectors were offered recreation.
- TLF Mod J Recreation logs for dates 3/13 to 3/19, 2023
 - Mod J consists of six Sectors 7-12. Mod J recreation opportunities for the seven (7) day period.

- Sector 10 is empty.
 - Mod J Recreation Logs are not separated by groups and possibly cannot be due to classification case factors.
 - Twenty-three 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 3/13 to 3/19, 2023
 - Mod I consists 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.
 - Sectors 3, 4, 5, and 6 were offered recreation once during this rating.
- TLF H Barracks Recreation logs dated 12/12 to 12/18, 2022.
 - 12/18 The Recreation log is blank.
 - 12/17 The Recreation log is blank.
 - 12/16 Recreation log 13 takers from West Side, 12 takers from East
 - 12/15 The Recreation log is blank.
 - 12/14 The Recreation log is blank.
 - 12/13 Recreation log 13 takers West Side, 28 takers from the East
 - 12/12 Recreation Log Blank
- TLF G Barracks Recreation logs dated 1/16 to 1/22, 2022.
 - 01/22 Recreation log 2 takers, East and West.
 - 01/21 Recreation log is blank.
 - 01/20 Recreation log East Side 26 takers.
 - 01/19 Recreation log West Side 43 takers.
 - 01/18 Recreation log is blank.
 - 01/17 Recreation log 3 takers West Side, two (2) takers East
 - 01/16 Recreation Log Blank
- TLF F Barracks Recreation logs dated 2/13 to 2/19, 2023.
 - 02/19 Recreation log is blank.
 - 02/18 Recreation log is blank.
 - 02/17 Recreation log is blank.
 - 02/16 Recreation log West Side offered no takers.
 - 02/15 Recreation log is blank.
 - 02/14 Recreation log is blank.
 - 02/13 Recreation Log is blank.
 - F Barracks offered access to Recreation once in a seven-day period to half of the Barrack.
- TLF AE Barracks Recreation logs dated 3/13 to 3/19, 2023.
 - 03/19 Recreation log is blank.
 - 03/18 Recreation log Bravo, Charlie, Delta 70 incarcerated persons

- 03/17 Recreation log Delta 20 incarcerated persons.
- 03/16 Recreation log is blank.
- 03/15 Recreation log is blank.
- 03/14 Recreation log is blank.
- 03/13 Recreation Log is blank.

Alpha Barracks had no opportunity for Recreation during this seven-day period. Bravo, Charlie, and Delta only had one opportunity for recreation.

No TLF Recreation Logs were received for March 2023.

It is difficult for the Expert to determine if the incarcerated persons are being provided the required three (3) hours of recreation per week as required by the RP. The logging of recreation is not standardized, and the logs do not reflect the cumulative time the incarcerated persons are being provided recreation for the 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.

The Expert notes 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. It is 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 the County reported they continue to reinforce to staff the requirements of outdoor recreation and consistent and complete logging of outdoor recreation time. We believe that the implementation of Guardian RFID will assist in this tracking.

The Expert finds the County does not consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. During the monitoring tour, the Expert observed multiple yards completely empty during the monitoring visit. 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.

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.

- CMJ
 - No roof logs were provided during this rating period.
- TLF
 - TLF Green Sector (Note: Pursuant to the Remedial Plan, this recreation area is expected to be in use during daylight hours) – The Monitor notes at no time of year would the Green Sector closing time be in compliance with the RP requirement that the Green Sector be in use during daylight hours.
 - The earliest time the recreation yard was open was 0715, and the latest the recreation yard was open was 1531 hours. The Green Sector is required to be in use during daylight hours.
- TLF Mod R
 - 3/13 - Yard opened at 0620 and closed at 1816.
 - Sector 56 had six (6) takers; Sector 57 had seven (7) takers, 12 cells refused, and four (4) cells not offered.
 - 3/14 - No Recreation Log provided.
 - 3/15 - Yard opened at 1820 and closed at 1947.
 - Sector 59 had nine (9) takers for yard 1.27 hours, 23 incarcerated persons were not offered yard, and the yard was only open for 1.27 hours.
 - 3/16 - Yard opened at 0850 and closed at 1532.
 - Sector 59 had six (6) takers, 23 not offered 1.27 hours.
 - 3/17 - Yard opened at 0855 and closed at 2034.
 - Nine (9) offered, all refused.
 - 3/18 - No Yard offered, no explanation in Activity Log.
 - 3/19 - Yard opened at 0850 and closed at 1532.
 - Sector 55 14 cells offered, four (4) takers 1.39 hours.
 - Sector 57, eight (8) cells offered seven (7) takers 1.17 hours.

The logs reflect the recreation yard was not in use for periods of time with no documentation of the reason. Recreation Yard opening and closing times vary and are not in compliance.

- TLF Mod Q
 - 4/10 Yard opened at 0636 and closed at 2052 hours.
 - 4/11 Yard opened at 0640 and closed at 1733 hours.
 - 4/12 Yard opened at 0820 and closed at 2250 hours.
 - 4/13 Yard opened at 0600 and closed at 2244 hours.
 - 4/14 Yard opened at 0620 and closed at 2015 hours.
 - 4/15 Yard opened at 0615 and closed at 2210 hours.
 - 4/16 Yard opened at 0609 and closed at 2044 hours.

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.

- TLF Mod P

- 3/13 - Yard opened at 0613 and closed at 2140 hours.
- All Sectors 33 takers 1.30 to 2.06 hours
- 3/14 - Yard opened at 0618 and closed at 2136 hours.
- All sectors 26 takers 1.40 to 2.41 hours
- 3/15 - Yard opened at 0644 and closed at 2155 hours.
- All Sectors 34 takers 1.34 to 2.09
- 3/16 - Yard opened at 0615 and closed at 2305 hours.
- All sectors 29 takers .25 to 2.15 hours,
- 3/18 - Yard closed.
- 3/19 - Yard opened at 0627 and closed at 2029 hours
- All sectors 36 takers 1.03 to 2.08 hours

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.

- TLF Mod O

- 2/13 - Yard opened at 1214 and closed at 1405 hours.
- All Refused
- 2/14 - Yard opened at 1430 and closed at 1730 hours.
- Six (6) takers, rest refused 1.0 hour.
- 2/15 - Yard opened at 0745 and closed at 1635 hours.
- Six (6) takers 1.30 hours
- 2/16 - Yard opened at 0750 and closed at 2018 hours.
- 12 takers 1.30 to 1.47
- 2/17 - Yard opened at 1100 and closed at 1615.
- Five (5) takers, 41/1, 42/2 1.30 to 1.55
- 2/18 - Yard closed.
- 2/19 - Yard opened at 0800 and closed at 1435 hours.
- Six (6) takers, 1.0 hours to log incomplete.

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.

- TLF Mod N

- 2/13 - Yard opened at 0940 and closed at 2100 hours.
- 12 takers, .40 to 1.30 hours
- 2/14 - Yard opened at 1120 and closed at 2010 hours.
- Five (5) takers .40 to .50 hours
- 2/15 - Yard opened at 0658 and closed at 2040 hours.
- 41 takers 1.25 to 2.17 hours
- 2/16 - Yard opened at 0655 and closed at 2145 hours.
- 46 takers 1.06 to 2.27
- 2/17 - Yard opened at 0648 and closed at 2202 hours.
- 30 takers 1.30 to 1.58
- 2/18 - Yard opened at 1333 and closed at 2131 hours.
- Six (6) takers .49 hours
- 2/19 - Yard opened at 1120 and closed at 1919 hours.

- 13 takers 1.30 to 1.55 hours

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. Some Logs are incomplete from both the day and evening shifts.

- TLF Mod M
 - 2/13 - Yard opened at 0630 and closed at 1235 hours.
 - 28 takers 0.51 to 2.0 hours, log incomplete
 - 2/14 - Yard opened at 0618 and closed at 0618 hours.
 - Five (5) takers, log incomplete unknown hours. Eight (8) refusals.
 - 2/15 - Yard opened at 0657 and closed at 1910 hours.
 - 14 takers 1.30 hours. Eight (8) refused; the log reveals every inmate received yard.
 - 2/16 - Yard opened at 0600 and closed at 2300 hours.
 - Seventeen takers 1.13 hours, different log design. Unknown number of refusals
 - 2/17 - Yard opened at 0605 and closed at 1220 hours.
 - Ten takers 1.30 hours, incomplete log unknown number of refusals.
 - 2/18 - Yard Closed for cleaning.
 - 2/19 - Yard opened at 1840 and closed at 2010 hours.
 - Eight (8) takers 1.30 hours. The logs reflect the recreation yard was not in use for extended periods of time, with no documentation of the reason.
- TLF Mod L
 - 2/13 - Yard opened at 1133 and closed at 1630 hours.
 - Six (6) takers, 2.04 to 2.42 hours, 10 refusals
 - 2/14 - Yard opened at 1058 and closed at 1205 hours.
 - Three (3) takers 1.04 hours ten (10) refusals
 - 2/15 - Yard closed.
 - 2/16 - Yard opened at 0930 and closed at 1700 hours.
 - Five (5) takers .40 to 2.0 hours, four (4) refusals
 - 2/17 - Yard opened at 2154 and closed at 2310 hours.
 - Four (4) takers 1.16 hours
 - 2/18 - Yard opened at 1523 and closed at 1733 hours.
 - Five (5) takers 2.10 hours, log incomplete, four (4) refusals
 - 2/19 - Yard opened at 1310 and closed at 1920 hours.
 - 10 takers, 1.44 to 2.25 hours, log incomplete, 13 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.

- TLF Mod K
 - 3/13 - Yard opened at 0815 and closed at 2139 hours.

- 3/14 - Yard opened at 1105 and closed at 1245 hours.
 - 29 takers 1.23 to 3.23 hours, log incomplete, four (4) refusals
 - Eight (8) takers, 1.30 hours, log incomplete.
- 3/15 - Yard closed rain.
- 3/16 - Yard opened at 0948 and closed at 1637 hours.
 - 30 takers .39 to 1.55 hours,
- 3/17 - Yard opened at 0715 and closed at 1543 hours.
 - 12 takers 1.36 to 2.00 hours, 18 refused, log incomplete.
- 3/18 - Yard opened at 0748 and closed at 1134 hours.
 - 15 takers, .30 to 2.27 hours, two (2) refused.
- 3/19 - Yard was not opened.

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.

- TLF Mod J

- 3/13 - Yard opened at 1323 and unknown closure.
 - No entries beyond opening time.
- 3/14 - Yard opened at 0939 and closed at 1000 hours.
 - Two (2) takers .21 hours, six (6) refusals
- 3/15 - Yard closed rain.
- 3/16 - Yard opened at 0800 and closed at 1250 hours.
 - Unknown takers “cell 10 accepts” 2.50 hours.
- 3/17 - Yard opened at 1235 and closed at 1515 hours.
 - 11 takers 2.40 to 2.40 hours, four (4) refusals
 - 3/18 - Yard opened at 0845 and closed at 1550 hours.
 - 3/19 - Yard closed due to rain.

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. Additionally, incarcerated persons did not have access to the Mod J Recreation yard as the Logs from 5/15-5/21 reflected the recreation yard was closed for maintenance due to the recreation door having broken glass. The Logs for the week prior and after were not reviewed and the Expert could not determine the length of time the recreation yard was not available. The County must ensure that in cases such as these, the repairs are completed timely.

- TLF Mod I

- 3/13 - Yard opened at 1013 and closed at 1434 hours.
 - Three (3) takers 1.05 to 1.30 hours, 31 refusals
- 3/14 - Yard opened at 0831 and closed at 1517 hours.
 - Seven (7) takers .57 to 1.30 hours, two (2) refusals
- 3/15 - Yard closed rain.
- 3/16 - Yard opened at 1056 and closed at 2002 hours.
 - 13 takers 1.23 to 2.17 hours, 18 refusals

- 3/17- No Log produced.
- 3/18 - Yard opened at 0930 and closed at 1446 hours.
 - 10 takers 1.23 to 1.49 hours, 23 refusals
- 3/19 - Yard opened at 0929 and closed at 1339 hours.

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.

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 notes 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 more time the recreation yards are 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 they will revise the policy to address this requirement, and they will continue to reinforce the requirements of outdoor recreation and consistently complete logging of outdoor recreation time. The County also reports that they believe that implementation of "Guardian RFID" will assist in tracking outdoor recreation.

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 there are some cases where 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 they will continue to reinforce to staff the requirements of outdoor recreation and consistent and complete logging of outdoor recreation time and the reason for any closure.

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

Partially Implemented (Previous Rating Not 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.*

Sabot requests that the County produce for the Expert and DRC counsel review, the schedules, and procedures for distribution of the tablets, as well as current information as to the programming offered on the tablets (including free programming and any pay-required programming).

The County reported that on June 27, 2023, the Board of Supervisors approved the contract amendment with ViaPath adding the tablets to the contract. The contract will provide one (1) tablet for every two (2) incarcerated persons. The County further reports that the current plan is to roll out the tablets starting with the IRC at the end of July. OCSD will take affirmative steps to ensure that electronic tablet programming is accessible to people with disabilities (e.g., vision). The Expert will continue to review the tablet rollout in future monitoring reports.

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

Partially Implemented (Previous Rating Not 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.

Adequately Implemented (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 they will revise the policy to address this requirement.

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 Adequately Implemented)

- 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 almost all the information that is required to be documented. However, there were numerous logs that were not completed with all the required information.

The Expert notes that out-of-cell logs (Dayroom and Recreation) are not being completed with all the required information. Staff are not using incarcerated person identifiers to track the out-of-cell activity. Many of the out-of-cell logs (Dayroom and Recreation) only reflect the cell numbers with no incarcerated person identifier.

Listed below are some examples:

- CMJ
 - CMJ Mod B Dayroom log dated 12/12/22 - Staff are only using identifiers such as cells 1 and 5, 2 and 6 accepted. No Incarcerated person identifiers.
 - CMJ Mod E Dayroom log dated 12/16/22 - Log annotations, Cells 1 and 5, 2 and 6, 3 and 7 with no incarcerated person identifiers.
 - CMJ Mod E Dayroom log dated 04/16/2023 - Log annotations, Cells 1 and 5, 2 and 6, 3 and 7 with no incarcerated person identifiers.
 - CMJ Mod F Dayroom log dated 12/18/22 – Log annotations, Tank 30 offered, all refused, no incarcerated person identifiers. For those who did accept, there is no end time or total time reflected on the log.

- TLF
 - TLF Mod L Dayroom Log dated 04/13/23 - Only identifies incarcerated person's name, no notation of refusals or who refused. The log is incomplete and with no staff names.
 - TLF Mod Q Dayroom Log dated 04/12/23 – Only identifies incarcerated person names, only documents takers, no notation of who refused. The log is incomplete.
 - TLF Mod N, Dayroom Log dated 4/13/23, no staff identifier; according to the log, all 177 inmates accepted dayroom.
 - TLF Mod M, Dayroom Log dated 4/14/23 - No staff identifier.
 - TLF Mod L Dayroom Log dated 04/13/23 - Only identifies incarcerated person names, does not identify takers, no notation of who refused, incomplete, no staff name.

- IRC
 - IRC Mods K Dayroom Log dated 12/15/22 - Does not reflect refusals or who accepted hours are not listed; the log is incomplete.
 - IRC Mod L Dayroom Log dated 4/10/2023 - Log has no staff names, has incarcerated person's names but no times, log is incomplete.

The Expert notes the Recreation logs continue to lack sufficient logging identifiers to adequately track access to Recreation. Many of the Recreation Logs only reflect the cell numbers with no incarcerated person identifiers.

Listed below are some examples:

- TLF
 - TLF Mod Q Recreation Log dated 04/12/23 - Few incarcerated person identifiers, no mention of takers, no mention of refusals, no staff identifier.
 - TLF Mod L Recreation Log dated 04/13/23 - Identifies incarcerated person names takers, but no mention of refusals or who refused.
 - TLF Mod K Recreation Log dated 04/14/23 - Identifies incarcerated person names takers, but no mention of refusals or who refused, no staff identifier, no hourly recreation totals; the log is incomplete.
 - TLF Mod L Recreation Log dated 04/13/23 - Identifies incarcerated person names takers, but no mention of refusals or refused.

- CMJ
 - CMJ Mod E 12/18/2012 dated 12/18/22 - Recreation log is blank.
 - CMJ Mod F, Recreation Log dated 12/18/22 - Log annotates Tank 31 6 takers, no incarcerated person identifiers, log is incomplete.

- IRC

- IRC Mods J Recreation log is missing incarcerated person names, staff names, and completion times; the log is incomplete.
- IRC Mod K Recreation Log dated 12/14/22 - The log is incomplete; no total recreation time received time is listed.

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. Logging out-of-cell time in an Excel spreadsheet is a workload issue, as custody housing unit

staff have multiple duties they must perform during their shift. 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 compliance with this requirement of the RP will be reinforced with the Sergeants. However, in review of the logs that were produced, the Expert notes the required weekly audits are not being conducted and/or logged.

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.

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 tour, 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.”

During the incarcerated person interviews, ten (10) incarcerated persons stated they chose not to go to the yard, for reasons that include: there is nothing to do out there, the balls are flat and its boring. The reasons are currently not documented and need documented,

The Expert suggests a Corrective Action Plan be created to ensure that the recreation yards have pro-social activities, incentives like the ability for incarcerated persons to listen to music on the yard which is currently available at CMJ versus no music being available at TLF. Incarcerated persons who were interviewed requested more outdoor activities such as music, stationary exercise equipment and inflated balls. Other correctional departments create a non-sworn recreation coordinator position that coordinates the recreational activities for the incarcerated person population.

A few of the incarcerated persons stated they chose to stay out of jail politics by not participating in recreation or dayroom. The Expert notes that the Recreation and Dayroom Logs reflect multiple incarcerated persons who have refused recreation and dayroom several times a week. The County did not produce any custody-initiated referrals to CHS staff for assessment and clinical follow-up as required by the RP. Additionally, the Expert did not see any entries in the Daily Activity Logs of OCSD staff referring an incarcerated person to CHS. The Expert notes numerous repeated refusals for recreation and also for the dayroom.

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 CHS has revised the draft of the policy, and that staff are to be trained. However, the referral to CHS must be made by OCSD staff who provide and supervise the incarcerated person's access to dayroom and recreation. The County must revise custody policies and ensure staff is trained on this requirement.

Partially Implemented (Previous Rating Not 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 (Previous Rating Adequately Implemented)

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.

The DRC requests 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.

An example of disproportionate disciplinary practices is an incident the Expert was made aware of during the monitoring tour. The incident occurred in a female housing unit (Mod N), where an incarcerated person was observed "twerking," This behavior caught the attention of several other incarcerated persons who began laughing and escalated the overall volume inside the housing unit. The incident resulted in numerous incarcerated persons receiving disciplinary writeups which resulted in disciplinary sanctions of "Loss of All" privileges. The County must ensure the sanctions match the seriousness of the charges to ensure fundamental fairness is afforded.

The Expert recommends that the County create a disciplinary matrix which identifies egregious behavior or conduct versus minor rule infractions. The 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.

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

- A. *With the deactivation of the Disciplinary Isolation cells, OCSD shall revise its Disciplinary system to instead utilize a SMU. The SMU will be in designated general modular housing unit(s) and serve as housing for people on a temporary housing status for prescribed periods of time, due to a disciplinary violation. SMU will be utilized for only egregious and violent rule violations.*
- B. *OCSD and CHS will implement new procedures to limit the number and length of placements in the SMU, including as set forth below.*

- C. *OCSD shall utilize a disciplinary matrix of penalties that will include alternatives to SMU disciplinary housing status. The matrix shall set forth maximum penalties for each disciplinary violation. SMU disciplinary housing status shall be reserved for offenses involving violence, escape, possession of drugs or weapons, or posing a serious threat to the facility's safety and security or by encouraging others to engage in such misconduct.*
- D. *No SMU disciplinary term for a rule violation will exceed 30 days. Disciplinary SMU placements for violations that arise out of the same episode shall be served concurrently.*
- E. *CHS will be notified prior to the placement of any person in the SMU. A medical evaluation will be conducted within 72 hours prior to a person's placement in the SMU. A mental health evaluation will be conducted within 24 hours prior to a person's placement in the SMU.*
- F. *No person will be placed in the SMU prior to a disciplinary hearing, except in rare cases in which there is a current threat to safety and security of the facility that requires immediate SMU placement.*
 - 1. *Such placement may occur only with approval of the Watch Commander. CHS will conduct a medical and mental health evaluation within eight hours of the placement.*
 - 2. *Placement in the SMU pending a disciplinary hearing will not include the loss of any regular privileges.*
- G. *Upon placement in the SMU, OCSD will provide each individual, in writing and with effective communication accommodations as needed, notice as to the conditions, privileges, expectations, and incentive-based system that applies in the SMU. OCSD staff shall document that this information is communicated effectively to individuals with disabilities affecting communication.*
- H. *Conditions and Incentive-Based System in the SMU*
 - 1. *A person placed in the SMU will be offered a minimum of two (2) hours per day of out-of-cell time, with opportunities for interaction with others (e.g., shared dayroom time) consistent with safety and security needs.*
 - 2. *When a person is placed in the SMU, certain privileges may initially be suspended, as determined at the disciplinary hearing.*
 - 3. *OCSD will develop an incentive-based system to facilitate reinstatement of privileges based on compliance with Jail regulations. The incentive-based system will include consideration – at the Weekly Review (discussed below) – of early discharge from the SMU and/or reinstatement of privileges based on positive behavior, including:*
 - a. *Outdoor recreation*
 - b. *Dayroom time beyond the required two (2) hours per day*
 - c. *Public visiting*
 - d. *Access to commissary items*
 - e. *Access to newspapers, magazines and more than one book (the one book will be in addition to any religious materials, with a process for book exchange promptly upon request)*
 - f. *Access to personal telephone calls*
 - g. *Electronic tablets*
 - h. *Cards or games*
 - i. *Return of personal property items*

4. *OCSD will develop clear rules that are effectively communicated to incarcerated persons held in the SMU that explain under what circumstances a person can achieve early release from the SMU and/or reinstatement of privileges.*
 5. *Any person placed in the SMU will not be denied exercise of religion. OCSD will ensure that people in the SMU may participate in religious programming, absent a specific security concern that is documented.*
 6. *Access to showers will not be restricted in the SMU. Additional showers will be provided upon reasonable request and in cases where personal hygiene and sanitation warrant, including where necessary to accommodate people with disabilities (e.g., extra showers for individuals with incontinence). OCSD will ensure adequate documentation as to the provision of showers to each person in the SMU.*
 7. *Any person placed in the SMU will have normal personal mail/correspondence privileges except in cases where the person has been found to have violated correspondence regulations, in which case correspondence may be suspended for no longer than seventy- two (72) hours without the review and approval of the Administrative Captain.*
 8. *Any person placed in the SMU will have access to the telephone on request to contact an attorney, the courts, or for personal emergencies.*
 9. *Access to legal counsel shall not be restricted as a disciplinary measure.*
 10. *Any person in the SMU will always be permitted one book from the Orange County Jail Library, which can be exchanged for another book promptly upon request.*
- I. Regular Classification Review Process in SMU*
1. *For each person held in the SMU, custody staff will conduct a review at least every seven (7) days (the "Weekly Review"), regardless of any assessed SMU term imposed, to evaluate the person's current circumstances and determine whether the person should be removed from the SMU and/or have some or all privileges reinstated.*
 2. *The Weekly Review will include a face-to-face interview in a private, out-of-cell setting, consistent with individual security needs, to discuss progress and compliance with the SMU-detained person's individual case plan.*
 3. *As part of the Weekly Review, custody staff shall confer with mental health and medical staff about whether the SMU setting and/or denial of privileges/property is causing harm or risk of harm to the individual's well-being and if so, the appropriate steps to address the issue (including removal from SMU or reinstatement of privileges/property (in particular, phone contact/visits with family/loved ones or access to reading/writing/art materials) pursuant to the incentive-based system). Mental health and medical staff input should be documented.*
 4. *Completion of the Weekly Review process will be overseen by the Watch Commander or other Commander-level-or-higher staff.*
 5. *Absent extraordinary circumstances that include a person's persistent failure to comply with facility regulations in a manner that poses a specific threat to safety and security, no SMU placement will exceed thirty (30) days.*
 6. *If a person is held in the SMU for 28 days, the Administrative Captain will conduct a review (the "28-Day Review"), which shall include a face-to-face interview with the person in a private out-of-cell setting (consistent with individual security needs), consultation with mental health and medical staff, and consultation with custody staff in the housing unit.*

7. *If a person is retained in the SMU following completion of a Weekly Review or 28-Day Review, OCSD will document and provide the person with written notice explaining (a) the reasons for retention in the SMU, and (b) clear expectations for how the person may earn reinstatement of privileges and progress to a less restrictive setting. This information will be effectively communicated to the individual consistent with any applicable communication- and/or disability accommodation-related needs.*
8. *Appropriate SMU Review form(s) will be implemented consistent with the provisions set forth herein.*
- J. *Hygiene Items and Writing Supplies*
 1. *OCSD will ensure that persons placed in the SMU receive a welfare pack containing appropriate personal hygiene items and writing supplies.*
 2. *Staff will provide replacement items for all allowable hygiene items and writing supplies promptly upon request, except in cases where the individual is using a particular item improperly.*
 3. *OCSD will ensure complete and adequate documentation of initial and replacement provision of welfare pack items, including all requests and any refusals.*
 4. *Any person placed on SMU restrictions will be provided reasonable access (including promptly upon request) to nail clippers, with appropriate restrictions and supervision based on individualized safety concerns.*
- K. *OCSD shall not restrict access to Inmate Request forms or Grievance forms in the SMU.*
- L. *CHS health care staff will conduct rounds in the SMU at least once per shift, and mental health staff will conduct rounds in the SMU at least once per week.*
 1. *These contacts will include, at a minimum: (a) conversation with each person housed in the SMU; b) visual observation of the person's cell, including the cleanliness of clothing and bed linens; (c) inquiry into whether the person would like to request a confidential meeting with a mental health or medical provider.*
 2. *If a person requests a confidential medical or mental health care contact or staff identify a mental health or medical need warranting follow-up, staff shall arrange for timely evaluation and treatment in an appropriate confidential setting.*
- M. *In recognition of the distinct risks of Restrictive Housing placement in detention, OCSD will not place people with the following risk factors in the SMU absent rare and extraordinary circumstances in which such placement is necessary to address current, specific safety concerns that are documented, with Watch Commander review and approval, and in such cases only for the minimum time necessary to identify an alternative appropriate placement:*
 1. *People diagnosed with Serious Mental Illness or who have an Intellectual or Developmental Disability;*
 2. *People with significant medical or daily nursing care needs, consistent with CHS's clinical input;*
 3. *People who are pregnant, post-partum, who recently had a miscarriage, or who recently had a terminated pregnancy, consistent with CHS's clinical input.*
- N. *Safety checks to maintain the safety and health of the persons in SMU and the security of the facility shall be conducted for all individuals on SMU status at least every 30 minutes, at staggered intervals. Completion of safety checks will be timely documented.*
- O. *Return of Personal Property Taken During SMU Status*

- 1. Any personal property that is taken from an individual who is subject to SMU disciplinary status will be clearly logged and documented, and the personal property will be held in a secure location until returned.*
- 2. Return of personal property should be considered during the period of discipline as part of the incentive-based system.*
- 3. OCSD will return all personal property that was taken during the SMU disciplinary period promptly following the end of the SMU disciplinary period (i.e., within 24 hours). OCSD will document the return of property.*

Not Assessed (Previous Rating Not Assessed)

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

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

The Expert notes that the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy does not include this requirement.

The Expert notes 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 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 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. Once the County has completed any further revisions to these materials and when requested, the Expert will review the policy.

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

Partially Implemented (Previous Rating Not 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 following requirements are not included in the draft policy:

- The requirement for incarcerated persons alleged to have committed a rules violation to be reviewed by a qualified mental health professional for incarcerated persons housed in, or are currently referred for placement in, any designated Mental Health Unit.
- 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.
- The person is on the mental health caseload and may be subject to (a) loss of good time/work time credit as a consequence of the disciplinary violation as charged.
- The requirement for a mental health clinical staff member who is not the treatment provider to complete a Rules Violation Mental Health Review form, indicating that indicates
 - Whether or not the reported behavior was related to mental illness, adaptive functioning deficits, or other disability.
 - Whether the person's behavior is or may be, connected to any of the following circumstances:
 - An acute or otherwise significant psychiatric episode
 - An act of self-harm or attempted suicide
 - A cell extraction related to provision of medical/mental health treatment
 - Placement in clinical restraints or seclusion.
 - The requirement for CHS staff to 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.

Additionally, the Expert notes that the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy does not include these requirements.

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 once reviewed and approved by DRC and the Expert and develop custody policies and procedures 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)

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.*

The Expert notes that the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy does not include this requirement.

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.

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 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

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 adequately implemented the RP requirements.

Adequately Implemented (Previous Rating Not 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 black ink, appearing to read "Julian Martinez", is written over a horizontal line.

Julian Martinez
Director
Sabot Consulting

November 27, 2023

Date