



Agreement Between County of Orange and Disability Rights California

Expert Monitor's Report (Seventh Round)

Elimination of Harmful Restrictive Housing and Disciplinary Practices

On-Site Review: August 25-29, 2025

Produced by:

Sabot Consulting

James Nuehring, Consultant
Julian Martinez, Director

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I. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. The Expert's Monitoring Role and Monitoring Activities

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

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

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

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

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

B. Monitoring Process

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

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

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

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

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

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

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

III. Executive Summary

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

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

The seventh round of monitoring focused on the Theo Lacy Facility (TLF), Central Men's Jail (CMJ), Central Women's Jail (CWJ), Intake Release Center & Transportation (IRC), and James A. Musick Facility (JAMF). The on-site Monitoring Review was conducted from August 25 through August 29, 2025. The Monitoring Review included a review of pre-monitoring documents produced by the County of Orange (OC); on-site observations; interviews of sworn and non-sworn personnel (e.g., housing deputies, HCA CHS healthcare staff (medical and mental health) classification staff; and interviews of incarcerated persons housed at the OC jails.

A meeting was conducted with representatives from the County of Orange (Orange County Jail Administration and Staff from the County Counsel's Office). DRC Representatives were also present during the meeting and during portions of the monitoring tour. An exit meeting was conducted via Zoom on September 11, 2025, with representatives from the County of Orange (Jail Administration and Staff from the County Counsel's Office) and DRC Representatives.

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

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

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

As this was the seventh monitoring tour, all elements of the SA, except for the SMU processes, were evaluated for compliance. The parties previously agreed that the SMU portion of the RP should not be monitored provision-by-provision, because the County has chosen not to maintain an SMU housing designation in its system.

For the seventh round of monitoring, the parties again stipulated that the County has not yet adequately implemented particular Restricted Housing plan provisions. The parties entered into this stipulation, at least in part, because the County has agreed that its prior system for tracking out-of-cell time was not capable of capturing the data necessary to accurately track and demonstrate compliance. The County has activated Guardian RFID in all facilities but data reporting processes are not yet sufficiently implemented to compile clear data.

The Expert conducted a comprehensive review of Guardian RFID data, which includes: All Module Report, Dayroom Report, and Recreation Report for the week June 22-28, 2025. The County reported that, based on Guardian RFID being recently activated in all Facilities, the earlier logs or reports would not have proved useful for this review.

The Expert has the following recommendations that the County will need to adopt if it wants to come into compliance with the implementation of the out-of-cell time requirements, including Guardian RFID tracking of out-of-cell time.

- Sworn supervisory-level staff must review and track the Guardian RFID reporting processes to ensure the RP requirements are being met in their respective areas of supervision. If necessary, conduct follow-up training and, as required by the RP, hold staff accountable for cases of non-compliance.
- Regularly review the classification designation of incarcerated persons in the classification groups to which it is most difficult to provide out-of-cell time, with the goal of reclassifying individuals into less restrictive classifications as soon as doing so and consistent with the system's security needs.
- Consider revamping the classification system to reduce the number of classification levels or otherwise streamline the system. The number of classification levels in the current system makes it extremely difficult to comply with the out-of-cell requirements of the RP; this is especially needed in the mental health units, where the County is typically far out of compliance with the out-of-cell requirements.

The Expert notes the classification system does not appear to allow OCSD to lower a classification level based on a classification review by OCSD Classification staff. I. Factors that should be considered include: whether the incarcerated person received a serious disciplinary action or has remained discipline-free in the past 12 months. Some higher placements are required for custodial reasons. Still, clear guidelines built with input from Classification, PMU, and Mental Health staff would provide consistency and allow for a fair consideration for lowering classification levels.

During this reporting period, Green Sector Recreation Logs were not produced. The Guardian RFID reports do not reflect the exact times the Green Sector was opened. Therefore, the Expert could not determine if the RP requirement of the Green Sector is open during daylight hours. Historically, the utilization of the Green Sector recreation hours has been shortened due to staff redirection.

The Expert notes that the County has implemented the practice (with parallel CHS policy update) for staff to make a meaningful consideration of the relationship of the disability (i.e., 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. It is also noted that OCSD has implemented the practice.

The Expert notes the County has adequately implemented the following practices that reflect or are necessary components of specific RP requirements:

- Providing incarcerated person access to toilet facilities during their dayroom time.
- Rotating the dayroom opportunity daily.
- Documenting circumstances when an incarcerated person is at court or an off-site medical appointment during their scheduled dayroom/recreation yard time.
- Consistent with safety and security needs, maximizing opportunities for incarcerated persons in celled housing to interact with others during the out-of-cell time.
- Ensuring incarcerated persons are offered some opportunities for out-of-cell time during normal daylight hours each week.
- Providing additional programming, including the use of electronic tablets.
- 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.
- Designation of a supervisory-level clinician

The following reflects the overall ratings given for the 24 RP provisions subject to assessment by this Expert:

- Adequately Implemented - Three (3)
- Partially Implemented - Nine (9)
- Not Implemented - One (1)
- Un-ratable - Zero (0)
- Not Assessed - Three (3)
- Monitoring Suspended Based on Previous Findings of Compliance - Eight (8)

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

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

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

PROVISION	REQUIREMENT	CURRENT RATING	PRIOR RATING
I.	SYSTEMWIDE INCREASE OF MINIMUM OUT-OF-CELL TIME		
I.B.1.	<p>Out of cell time (21 hours of dayroom per week)</p> <p>Recommendations: Ensure consistent provision of the required three (3) hours per day in the dayroom or other common area for a total of at least twenty-one (21) hours per week. Ensure supervisors audit the Guardian RFID Dayroom Logs. Continue decreasing the number of groups and increasing the sizes of the groups for all Mods if classification factors allow. Ensure the Dayrooms are consistently operating during the hours of 0600 through 2300.</p>	PI	PI
I.B.1.a	<p>Additional dayroom beyond three (3) hours per day</p> <p>Recommendations: Ensure additional dayroom time beyond the three (3) hours per day is offered when the dayrooms are available in all Mods. Ensure supervisors audit the Guardian RFID Dayroom Logs for RP Compliance through staff compliance.</p>	PI	PI
I.B.1.b.	Access to toilet facilities during dayroom	MS	MS
I.B.1.c.	Documentation of exigent circumstances precluding minimum dayroom time	MS	MS
I.B.1.d.	Scheduled programming in the dayroom included in the three hours per day of dayroom time.	NA	NA
I.B.2.	<p>Three (3) hours per week of outdoors for exercise.</p> <p>Recommendations: Ensure staff consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. Ensure supervisors audit the Guardian RFID Recreation Logs for staff compliance. Continue decreasing the number of groups and increasing the sizes of the groups for all Mods if classification factors allow. Ensure the recreation yards are consistently operating during the hours of 0600 through 2300.</p>	PI	PI
I.B.2.a.	<p>Additional Opportunities for Recreation or Outdoor Exercise</p> <p>Recommendations: Ensure that additional outdoor exercise and/or recreation time beyond the three (3) hours per week are offered and provided as scheduling and classification needs allow. Ensure supervisors audit the Guardian RFID Recreation Logs for staff compliance.</p>	PI	PI
I.B.2.b.	Documentation of exigent circumstances precluding minimum outdoor recreation time	PI	PI

	Recommendations: With the implementation of Guardian RFID, ensure documentation of the reasons that precluded the provision of the minimum outdoor time in the given week.		
I.B.3.	Additional programming, including the use of electronic tablets. Recommendations: Ensure tablets are not used as a behavior management tool unless it is part of the disciplinary process. Provide tablets on a 1 to 1 ratio or, at the very least, ensure every incarcerated person has the opportunity to utilize the tablet daily.	PI	PI
I.C.	Steps to maximize opportunities for interaction with others during dayroom.	MS	MS
I.D.	Accommodations for individual needs regarding time of day for out-of-cell time	MS	AI
I.E.	Out of cell time during normal daylight hours	MS	MS
I.F.	<p>Utilization of an effective electronic system for documenting and tracking the amount of out-of-cell time</p> <p>Recommendations: Ensure the Guardian RFID 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:</p> <ul style="list-style-type: none"> • Dayroom offered for every incarcerated person (date and time including weekly totals). • Dayroom provided for every incarcerated person (date and time, including weekly totals). Dayroom refusals for every incarcerated person (date and time, including weekly totals). • Cases of emergency or security-related events (count, searches, and lockdowns) where the Dayrooms were not open. • Cases where the incarcerated person is at court or an off-site medical appointment. • Scheduled program participation in the dayroom. • Recreation yard offered for every incarcerated person (date and time, including weekly totals). • Recreation yard provided for every incarcerated person (date and time, including weekly totals). • Recreation yard refusals for every incarcerated person (date and time, including weekly totals). • Cases related to exigent circumstances or inclement weather that preclude the provision of the minimum outdoor time in a given week. • Restriction of dayroom and recreation yard access related to infectious disease control. 	PI	PI

I.G.	Electronic audits to ensure that OCSD is offering the required out-of-cell time Recommendations: Ensure supervisory staff conduct and document electronic audits of the Guardian RFID logs at least weekly to ensure that OCSD is offering the required out-of-cell time consistent with the RP provisions.	NI	NI
I.H.	Temporary restriction of dayroom and Outdoor Recreation	NA	NA
I.J.	Referral to CHS when a person refuses out-of-cell time repeatedly (e.g., more than 3 times in one week), and the reason for refusals may be related to mental health, medical, or disability status. Recommendations: Ensure staff make 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.	PI	PI
II.	CLOSURE OF DISCIPLINARY ISOLATION (DI) CELLS AND CENTRAL MEN'S SHELTERED LIVING CELLS TO END HOUSING OF PEOPLE IN AREAS OF EXTREME SENSORY DEPRIVATION AND LACK OF PROGRAM SPACE		
II.A-D	Closure of Disciplinary Isolation Cells	MS	MS
III.	CREATION OF SPECIAL MANAGEMENT UNIT (SMU) STATUS		
III.A-O	Special Management Unit and Status	NA	NA
IV.	PROHIBITION ON DISCIPLINE FOR BEHAVIORS THAT ARE RELATED TO MENTAL HEALTH OR DISABILITY, PROHIBITION ON SANCTIONS THAT POSE RISK OF SERIOUS HAR		
IV.A.	Policies and procedures requiring meaningful consideration of disability in the disciplinary process	AI	PI
IV.B.	Mental Health Review for Rules Violations Recommendations: Continue to monitor and ensure the revisions to OCSD policies and procedures are finalized 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. The Expert notes that the Correctional Health Services (CHS) Policy 6602 Health	AI	PI

	Evaluations for OCSD Incarcerated persons who violate Jail Rules has been implemented.		
IV.C.	Consideration of mental health input in the disciplinary process.	AI	PI
IV.D.	Disability accommodations during the disciplinary process Recommendations: Ensure the Disciplinary Hearing Officer checks the ADA Tracking System and ensures the provision of reasonable accommodations and effective communication during the disciplinary process.	PI	PI
IV.E.1.	Designation of Disciplinary Hearing Officer	MS	MS
IV. E. 2.	Designation of supervisory-level clinician	MS	AI

IV. Findings

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

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

The County reported that Guardian RFID (along with ServiceNow, collectively "Jail Management System" or "JMS") was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. As of August 2025, the County has implemented Guardian RFID, inclusive of tracking reports to accurately track out-of-cell time. The Expert will carefully monitor the implementation and use of Guardian RFID during the next tour. The standardization of documenting out-of-cell time will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

For the seventh round of monitoring, the parties again stipulated that the County has not yet adequately implemented these provisions. The parties entered into this stipulation, at least in part, because the County has agreed that its current system for tracking out-of-cell time is not capable of capturing the data necessary to establish compliance.

Notwithstanding the stipulation, the Expert performed a limited review of the County's compliance with these provisions, including through on-site observation, staff and incarcerated person interviews, and a truncated review of the Guardian RFID, all Module Reports, and Time Type Tracking Reports for Dayroom and Recreation access.

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

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

has an Individual Inmate Activity Log, the cancellation or reduction will also be documented there.”

Conceptually, the policy complies with RP Requirements, though, as the parties have stipulated, the practice has not been implemented with Guardian RFID as of yet. It is unclear how OCSD will report security concerns requiring access to the dayroom or recreation closure. The policy will require further revision consistent with the County's intended practice with the implementation of Guardian RFID.

The County has taken steps to increase the provision of out-of-cell time. This includes the successful process of clustering and increasing group sizes for more effective and additional programming of incarcerated people with similar classification levels and factors.

Additional classification reviews should also be considered to facilitate additional out-of-cell time opportunities. The County has improved out of cell opportunities to meet RP Requirements.

It is the Experts belief that enhancing semi-annual classification reviews could provide the County the ability to increase group sizes and to gain additional out of cell programming opportunities. This more robust classification process would provide an avenue for incarcerated persons to work themselves to lower classification levels, and if their classification level is lowered, this may allow for the incarcerated person to be assigned to a larger group and may provide increased program opportunities, including self-help, education, and access to dayroom/recreation.

When interviewed, staff provided correct responses regarding the RP requirement for daily dayroom access. The Expert's limited review of the dayroom logs, coupled with the incarcerated person interviews, reflects that although improvement has been made, the County is not consistently providing the required three (3) hours of dayroom daily.

The Expert interviewed 95 incarcerated persons housed in dorm and celled living.

- Celled Housing: Fifty-eight (58) reported they are provided with three (3) hours of dayroom time per day, while six (6) reported they are sometimes provided with less than three (3) hours of dayroom time per day.
- Dorm Housing: thirty-one (31) were housed in a dorm/tank with access to out-of-cell activities during their programming time.

All 95 incarcerated persons reported they have access to the dayrooms at different times of the day throughout the week.

The County produced the following OCSD Guardian RFID Reports, All Module Report, and Time Type Tracking Report (Dayroom) and Time Tracking Report (Recreation) for the week of June 22-28, 2025.

The Time Type Tracking Report (Day Room) includes the following columns:

- Inmate

- Current Housing
- Time Type
- Min. Time
- Credit Time
- Time Left
- Time Status
- Total Duration
- Credit Days
- Custody Days

The All Module Report includes the following columns:

- Module Name
- Date & Time
- Scan Loc.
- Scan Type
- Inmate
- Current Loc.
- Officer
- Details

In the Details column, the All Module Report identifies all movement within the Module for a seven (7) day period, and captures the types of movement, such as Dayroom.

The Expert utilized the reports to review Dayroom access. The Expert met with OCSD staff, and staff reported they believe that the data pertinent to this RP requirement will be identified by a separate means of reporting.

The Expert conducted an analysis of the data from the All Module Report and the Time Type Tracking Report (Dayroom) from each Module to determine if incarcerated persons were being provided and/or offered at least three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week. The Expert performed this analysis for every Module at all OCSD Facilities for housing units (non-dorm).

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

The Time-Type-Tracking Dayroom report identifies each incarcerated person in custody. The "Min. Time" column includes the minimum hours of day room required, the "Credit Time" includes the number of cumulative time the incarcerated person was offered/provided dayroom access, the "Custody Days" includes the number of days the incarcerated person was in custody during the seven (7) days and the "Credit Days" column includes the number of days the incarcerated person was offered/provided a minimum of three hours of dayroom. This report does not include any data on refusals. The County will need to ensure refusals are captured and reported for tracking purposes and for the Expert to determine compliance with other RP provisions.

The Expert noted differing numbers between facilities and mods, and therefore will include the percentage of compliance per facility as well as system-wide summarization of compliance with the RP Requirements. It is also noted that the demographics of incarcerated person classifications, as well as medical and/or mental health factors in certain mods, have an impact on the ability of OCSD to provide RP dayroom requirements.

All Jails

This summary consolidates assessment of compliance with the RP requirement of providing/offering at least three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week across CMJ, CWJ, IRC, JAMF, and TLF facilities (celled housing) for the week of June 22 through June 28, 2025.

- Provided/offered 21 hours of dayroom (7-for-7 credit) - 1,503 incarcerated persons (68.1%)
- Not provided/offered 21 hours of dayroom (\leq 6 credits): 706 incarcerated persons (31.9%).

CMJ

This summary consolidates assessment of compliance with the RP requirement of providing/offering at least three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week for CMJ Mods A - F, as well as O and R for the week of June 22 through June 28, 2025.

- Provided/offered 21 hours (7-for-7 credit) - 52, 8 incarcerated persons (62.9%)
- Not provided/offered 21 hours of dayroom 21 hours (\leq 6 credit days): 312 incarcerated persons (37.1%)

CWJ

This summary consolidates assessment of compliance with the RP requirement of providing/offering at least three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week for CWJ Mod I for the week of June 22 through June 28, 2025. CWJ had only one (1) housing unit open as Mod P was closed during this reporting period.

Provided/offered 21 hours (7-for-7 credit days) – Four (4) incarcerated persons (50%)
Not provided/offered 21 hours (\leq 6 credit days) – Four (4) incarcerated persons (50%)

IRC

This summary consolidates assessment of compliance with the RP requirement of providing/offering at least three (3) hours per day in a dayroom or other common area, for

a total of at least twenty-one (21) hours per week for IRC Mods J, K, L, and M, for the week of June 22 through June 28, 2025.

- Provided/offered 21 hours (7-for-7 credit days) - 165 incarcerated persons (70.8%)
- Not provided/offered 21 hours (\leq 6 credits days): 68 incarcerated persons (29.2%)

TLF

This summary consolidates assessment of compliance with the RP requirement of providing/offering at least three (3) hours per day in a dayroom or other common area, for a total of at least twenty-one (21) hours per week for TLF Mods N, O, P, Q, R, M, I, J, and K, for the week of June 22 through June 28, 2025.

Provided/offered 21 hours (7-for-7 credit days) - 804 inmates (80.6%)
Not provided/offered 21 hours (\leq 6 credit days): 193 inmates (19.4%).

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

TLF

- Mod O Sector 37 – GP Dorm (downstairs only)
- A/E Barracks
- F Barracks
- G Barracks
- H Barracks

CMJ

- Module A Tanks 1, 2, 5, and 6
- Module C Tanks 11, 12, 15, and 16
- Module D Tanks 17, 18, 21, and 22
- Module F Tanks 27, 28, 31, and 32
- Module O Ward C and D
- Module R Tank 33, Cells 4 and 5

CWJ

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

JAMF

- Mods F Population 63

Based on the review of the Guardian RFID reports, interviews with staff, and incarcerated persons, the Expert finds OCSD has improved in the offering of at least three (3) hours of dayroom time daily. However, the County does not consistently provide the required three (3) hours per day of dayroom opportunity, for a total of at least twenty-one (21) hours per week in any mod.

The Expert has previously discussed with the County and continues to recommend conducting semi-annual classification reviews. These reviews would provide additional out-of-cell opportunities for incarcerated persons by moving individuals from celled housing to dorm-style housing. This would relieve housing pressures and allow for larger group sizes, thereby meeting and potentially exceeding the RP requirements. While the RP requirements establish a minimum threshold, additional programming opportunities achieved through reduced classification scores or levels can not only assist the County in meeting this threshold, it also will ensure incarcerated persons have access to more comprehensive services. Other county jail systems of similar size maintain fewer classification levels and demonstrate less rigidity regarding co-programming across classification groups.

The Expert has also previously discussed with the County adopting and using a more frequent classifications review, particularly for higher classification individuals, so that incarcerated persons can be stepped down to less restrictive classification groups as soon as safety and security factors allow.

As stated in the previous report, the protocols guiding classification groups and programming in Orange County have a distinctive and profoundly challenging impact on the provision of out-of-cell time in the mental health units, making it nearly impossible to ensure compliance with the requirements of the RP. When incarcerated people are transferred to a mental health unit, they generally retain the classification they had in their prior, non-mental health unit. As a result, the mental health units house individuals who are classified at many different levels. The County has taken only limited steps to program incarcerated people with different classification levels together for out-of-cell time. This policy means that many people in these units must program on their own or with only one or two other incarcerated people, and it further means that there are typically more than four programming groups in the units. As discussed above, when there are a large number of programming groups, it becomes nearly impossible for the County to meet the RP requirements. These small groups have also made it very difficult for the provision of structured group programming for incarcerated people in the mental health units.

Accordingly, the Expert continues to recommend that the County take steps to permit larger programming groups and mitigate classification system complexity and rigidity, especially in the mental health units. The Expert acknowledges that not all incarcerated people in the mental health units will be able to program with each other. But the County will not come into compliance with the RP in those units until it addresses the classification group bottlenecks that currently exist.

The Expert observed in a few mods the closing of dayroom activities for security/safety checks. The Expert observed incarcerated persons having to end their phone calls and other dayroom activities, returning to their cells until these security checks were completed. The security/safety checks and closure of the dayroom are conducted every 25 minutes, and are

to allow a single sworn staff member to conduct the safety/security check. The Expert queried staff assigned to other mods, and their practice is to have the incarcerated persons sit at the dayroom tables or remain on the phone when conducting their security/safety check. The Expert recommends that this process be adopted as a standardized process throughout the facilities where facility or sector design requires staff to enter sectors for safety/security checks. The Expert suggests that OCSD consider, when dayroom activities are in operation, having two (2) sworn staff conduct the safety/security check. This will alleviate the interruptions to the dayroom.

In addition, the incarcerated person interviews bore out the inconsistencies of staff from different teams and/or shifts in the operation of dayroom access. Many state that half of their programming week is really good and the second half is poor, and also variability from the day shift to the evening shift. The Expert has been seeing and reporting on this for numerous monitoring tours. During staff interviews, staff answer correctly to the questions pertaining to the Dayroom or Out of Cell and Recreation programming requirements, yet there are still lapses in programming success. A review of Guardian RFID reports, coupled with incarcerated person interviews, identifies the lack of any schedule as periods of no activity in the dayroom are reported and observed.

On the Expert's last day, while touring several mods at TLF, the Expert found numerous mods with no dayroom or recreation activity occurring.

The Expert noted that the Guardian RFID reflects an 80% compliance rating for access to the dayroom in TLF Mod K. This reflects that this is the single most efficiently operated celled Mod in the OCSD jails. In TLF Mod O, population 57, during the 7-day review period, 46% or (26) inmates received full dayroom credit (7/7 days), 35% or (20) inmates received some credit, 19% or (11) received no dayroom credit at all.

Without supervisory and managerial oversight to ensure consistent operations across modules, achieving compliance will be significantly delayed, if not entirely unattainable.

The programming enhancements of 10 to 12 persons programming together have made a significant improvement in OCSD's ability to meet the RP Requirements of 3 hours of dayroom per day. The Expert is hopeful that as this process moves forward, further effective programming of three (3) hours of access to the dayroom and additional dayroom will be fully realized in all Mods.

Although this is the first monitoring tour using the data from Guardian RFID, it appears the implementation of Guardian RFID will assist the County in providing the Expert with the cumulative data needed for the Expert to measure the County's compliance with the RP requirements.

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 a day, OCSD shall offer another opportunity to use the dayroom to incarcerated people who have 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, the dayroom will be closed for two hours. Incarcerated persons will then be offered dayroom on a recurring two-hour cycle for the remainder of the day. If a pattern develops that an incarcerated person is refusing an offer of dayroom time in an apparent attempt to obtain a specific dayroom time, the incarcerated person will be informed that the specific dayroom time will not be offered and will be given the opportunity to accept the offered time.*

The County reported that Guardian RFID (along with ServiceNow, collectively “Jail Management System” or “JMS”) was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

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

The County produced the following OCSD Guardian RFID Reports, All Module Report, and Time Type Tracking Report (Dayroom) and Time Tracking Report (Recreation) for the week of June 22-28, 2025. The Expert reviewed the Guardian RFID All Module Report and Time-Type-Tracking Dayroom Report, which provides various logging “in and out of cells” for various reasons, i.e., dayroom, work, and medical. The Time Type Tracking Dayroom report only provides a total of dayroom hours for a seven (7) day period.

The Expert found that the start and end times are not captured by the Guardian RFID All Module Report and the Time Type Tracking Report. Previously, the County produced Guard Station Activity Logs that reflected the time the dayrooms were opened and closed. The Expert

met with OCSD staff who believe appropriate modifications to the Guardian RFID reports will provide the opening and closing times for the dayrooms in the future. The Expert analyzed the All-Module Report, specifically the dayroom and recreation start times, and found the data reflected varied dayroom start times from 0605 to 0700 hours and varied end times from 2000 up to 2300 hours.

The Expert noted that 38% of incarcerated persons systemwide received additional dayroom opportunities beyond the required 3 hours per day. This review is not inclusive of dorm-style housing.

Facility-Level Findings

CMJ

- Population: 247 incarcerated persons
- 104 incarcerated persons (42%) received additional access to dayroom.

CWJ

- Population: 8 incarcerated persons
- Additional Access: 3 incarcerated persons (38%)
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IRC

- Population: 233 incarcerated persons
- Additional Access: 74 incarcerated persons (32%)

TLF

- Population: 997 incarcerated persons
- Additional Access: 379 incarcerated persons (38%)

During the incarcerated person Interviews, they reported that the hours of the dayroom vary slightly throughout the week, but they are never opened at 0600 hours, and that once or twice a week, they might receive additional access to the dayroom. The Expert notes that not all incarcerated persons will have the opportunity to have additional access every day because individuals/groups are provided the extra time on a rotational basis.

Based on documents reviewed and incarcerated person interviews, the County is improving; however, it is not consistently providing additional dayroom opportunities. There were more examples of staff providing additional dayroom opportunities at TLF, IRC, and CMJ. CMJ was the lowest performing for additional recreation opportunities. This was consistent with what was reported by the incarcerated persons during the interviews.

The Expert finds OCSD continues to improve on the requirement of providing additional access to out-of-cell (dayroom), opening the dayrooms at 0600 hours, and closing the dayrooms at 2300 hours, absent emergent circumstances. The Expert found that during this rating period, the Guardian RFID reports do not include proof-of-practice for the dayrooms that opened at 0600 hours and closed at 2300 hours. The Expert notes that the

implementation of Guardian RFID is in an early stage, and OCSD is still working out data entry and the system's reporting capabilities. The Expert met with staff, who are knowledgeable with the Guardian RFID program, who reported that OCSD is working on and believes to have a correction for capturing and reporting the opening and closing times of dayrooms. There is a need for supervisory oversight to ensure that additional out-of-cell (dayroom) programming is offered and provided in all facility mods/tanks, and the opening of the dayrooms at 0600 and closing of the dayroom at 2300 as required by the RP. The Expert believes the Guardian RFID will assist the County in providing the Expert with the data necessary for the Expert to measure the County's compliance with the RP requirements.

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

Partially Implemented (Previous Rating Partially Implemented)

- b. *When people are provided dayroom time, OCSD staff will ensure they have ready access to toilet facilities. This may be accomplished by staff opening their cell door promptly upon request (and allow them to return to dayroom after using the toilet/sink), or other appropriate procedure.*

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

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

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

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

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

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

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

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

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

The County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

The County produced the OCSD Guardian RFID Reports, All Module Report, and Time Type Tracking Report (Dayroom) and Time Tracking Report (Recreation) for the week of June 22-28, 2025.

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In the Details column, the All Module Report identifies all movement within the Module for a seven (7) day period, and captures the types of movement, such as Dayroom, Recreation, Medical, Court, etc.

The Expert utilized the reports to review recreation access and additional recreation access. The reports do not clearly identify the actual opening and closing of recreation yards. The All-Module Report does identify the time the incarcerated persons exited their cell and were provided recreation. The Expert met with OCSD staff, and staff reported they believe this RP requirement will be identified by a separate means of reporting.

The Expert conducted an analysis of the data from the All Module Report and the Time Type Tracking Report (Recreation) from each Module to determine if incarcerated persons were being provided and/or offered at least at least three (3) hours per week of outdoor exercise and/or recreation. The Expert performed this analysis for every Module at all OCSD facility housing units.

The Expert also reviewed Mods that house incarcerated persons with Chronic Mental Health needs and Mods that, in previous monitoring tours, have been identified as not providing accurate documentation of the required recreation opportunities. As previously reported, the revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, “Staff shall afford each inmate the opportunity to participate in a minimum of three (3) hours of outdoor recreation per week, distributed over at least two separate days.”

All Jails

This summary consolidates assessment of compliance with the RP requirement of providing and/or offering at least three (3) hours per week of outdoor exercise and/or recreation across CMJ, CWJ, IRC, TLF, and JAMF facilities for the week of June 22 through June 28, 2025.

- Sixty percent (60%) of the OCSD incarcerated person population received three (3) hours of recreation.
- Twenty-five percent (25%) of the OCSD incarcerated person population received less than three (3) hours of Recreation.
- Fifteen percent (15%) of the OCSD incarcerated person population received no recreation – 0 hrs.

CMJ

- Total inmates reviewed: 835
- Met ≥ 3 hours (compliant): 531 inmates (63.6%)
- <3 hours (non-compliant): 304 inmates (36.4%)

CWJ

- Total inmates reviewed: 140
- Met ≥ 3 hours (compliant): 115 inmates (82.1%)
- <3 hours (non-compliant): 25 inmates (17.9%)

IRC

- Total inmates reviewed: 234
- Met ≥ 3 hours (compliant): 94 inmates (40.2%)
- <3 hours (non-compliant): 140 inmates (59.8%)

TLF

- Total inmates reviewed: 1,610
- Met ≥ 3 hours (compliant): 1,289 inmates (80.0%)
- <3 hours (non-compliant): 321 inmates (20.0%)

JAMF

- Total inmates: 66
- Met ≥ 3 hours (compliant): 64
- <3 hours (non-compliant): 2

The Expert interviewed 95 incarcerated persons regarding their access to recreation. Numerous incarcerated persons stated they were offered or provided access to recreation at least twice a week. Some reported receiving three (3) hours on a single day, and some reported receiving or being offered recreation only one (1) time in a period of two (2) weeks.

The Expert reviewed CWJ, CMJ, IRC, TLF, and JAMF Time-Type-Tracking Activity and Mod Recreation Report. This review specifically gathered information regarding RP Requirements of access to three (3) hours of recreation per week and additional recreation opportunities. This report does not fully report the opening and closing times of the recreation yard. This review period spanned June 22-28, 2025.

The Expert analyzed the Guardian RFID Time Type Tracking reports for all OCSD Facility Modules. The Expert found that OCSD is 72% compliant and 28% non-compliant with the RP requirement of offering and providing access to three (3) hours of Recreation.

The Expert finds the County continues to not consistently provide the required three (3) hours minimum per week of outdoor exercise and/or recreation. During the monitoring tour, the

Expert observed recreation yards empty in various Mods. The Expert finds the County has partially implemented the RP requirements.

The County reported Guardian RFID will assist with tracking the number of refusals of out-of-cell time. The All-Module Report does identify inmates who refused dayroom or recreation, and it records this under the details section using the word "Declined." It is not presently clear how OCSD will use this data to track IPs refusing out-of-cell time. The Guardian RFID reports do, however, include the offering of recreation time/opportunities.

Partially Implemented (Previous Rating Partially Implemented)

- a. *OCSD will offer additional outdoor exercise and/or recreation time beyond three (3) hours per week as scheduling and classification needs allow. To do so, OCSD will ensure that all outdoor Recreation areas are in use by incarcerated people from 0600 through 2300 hours daily, except in cases of emergency and as necessary for particular events related to the safety and security of the institution (e.g., counts, searches). For the outdoor space adjacent to the Theo Lacy Barracks (the "Green Sector"), where artificial lighting is unavailable, OCSD will ensure that the Green Sector is in use by incarcerated people during daylight hours, except in cases of emergency and as necessary for particular events related to the safety and security of the institution (e.g., counts, searches). Once every incarcerated person has been offered use of the outdoor Recreation area and, if they choose, used the outdoor Recreation area for three hours per week, OCSD shall offer additional opportunities to use the outdoor Recreation area to incarcerated people who already used the outdoor Recreation area or were already offered the opportunity to use the outdoor Recreation area. OCSD shall make efforts to rotate these opportunities for additional outdoor recreation among the incarcerated people so that everyone can have approximately equal additional outdoor Recreation time. If everyone in the unit or Sector has had an opportunity for outdoor Recreation time and everyone refuses any subsequent offer of additional outdoor Recreation time, outdoor recreation will be closed for two hours. Incarcerated persons will then be offered outdoor recreation on a recurring two-hour cycle for the remainder of the day. If a pattern develops that an incarcerated person is refusing an offer of outdoor Recreation time in an apparent attempt to obtain a specific outdoor Recreation time, the incarcerated person will be informed that the specific outdoor Recreation time will not be offered and will be given the opportunity to accept the offered time.*

The County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

The revised OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation states, "Staff shall afford each inmate the opportunity to participate in a minimum of three (3) hours of outdoor recreation per week, distributed over at least two separate days. Outdoor Recreation will generally be available for use by inmates from 0600 through 2300 hours daily. An exception is Theo Lacy Green Sector, which will operate during daylight hours. Events related to the safety and security of the facility (e.g., counts, searches), emergencies, or

inclement weather, may necessitate the cancellation or reduction of scheduled recreation time. In the event of a cancellation or failure to provide the minimum required opportunities for recreation, the assigned supervisor shall be notified and the reason for the cancellation or failure shall be documented in the appropriate log."

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

The County produced the OCSD Guardian RFID Reports, All Module Report, and Time Type Tracking Report (Dayroom) and Time Tracking Report (Recreation) for the week of June 22-28, 2025. The Expert reviewed the Guardian RFID All Module Report and Time-Type-Tracking Dayroom Report, which provides logging "in and out of cells" for various reasons, i.e., dayroom, work, and medical. The Time Type Tracking Dayroom report only provides a total of recreation hours for a seven (7) day period.

The Expert found that the start and end times are not captured by the Guardian RFID All Module Report and the Time Type Tracking Report. Previously, the County produced Guard Station Activity Logs that reflected the time the recreation yards were opened and closed. The Expert met with OCSD staff who believe appropriate modifications to the Guardian RFID reports will provide the opening and closing times for the recreation yards in the future. The Expert analyzed the All-Module Report, specifically the dayroom and recreation start times, and found the limited data reflected start times from about 0605 hours to about 2245 hours; each Module's recreation hours varied slightly. The opening and closing logs for recreation yards have improved.

The Expert analyzed the Recreation Time Type Tracking reports for all OCSD Facility Modules and the Expert found that 30% of incarcerated persons received access to additional recreation beyond the required three (3) hours per week.

The All Module Reports for facilities CMJ, CWJ, IRC, TLF, and JAMF reflect recreation opening times from about 0605 hours and closing at about 2245 hours. Each Mod's recreation hours varied slightly.

The County did not produce documentation for the Expert to accurately rate the RP requirement for the opening and closing of the Green Sector. The Expert utilized the Guardian RFID All Module Reports for TLF Dorms F, G, and H to determine when the Green Sector recreation yard was opened and closed. The reports reflect that the Green Sector was opened at 0800 hours and was closed anywhere from 1445 to 1600 hours.

The County must continue to 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.

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 County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

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

In a review of the Guardian RFID reports All Module and Time-Type-Tracking Reports (Recreation) detailed in Section A.B.2. above, the Expert found there is no method to log an explanation why a recreation area or yard is not available/operational, only that it is closed.

The implementation of the Guardian RFID will assist the County in providing the Expert with cumulative data to ensure the opening and closing hours for recreation, and to assist the Expert in measuring the County's compliance with the RP requirements. The Guardian RFID program was implemented in January 2025. During the on-site monitoring tour, the Expert confirmed the deployment of the Guardian RFID for security and safety checks.

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

Partially Implemented (Previous Rating Partially Implemented)

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

The County reported that OCSD will remind deputies: 1) to provide additional oversight of inmate workers handing out tablets to ensure every incarcerated person has the opportunity to utilize a tablet daily, and 2) that tablets are not to be taken away unless through the official discipline process pursuant to CCOM 1602.5. OCSD will continue to work with the tablet vendor to ensure compliance with contraction requirements, including tablet counts and maintaining a 2:1 tablet ratio.

The County advised the Expert that there is currently one (1) tablet for every two (2) incarcerated persons. The incarcerated persons alternate access to the Electronic Tablets, such as alternating access during the AM and PM (by tier or sector). The Tablets are collected in the evening and charged during the nighttime hours. The County also reported that all incarcerated persons, with the exception of those housed in the IRC Mods J, K, and L and TLF Mod J Sector 12, have access to the Electronic Tablets unless restrictions are placed due to disciplinary sanctions. For the incarcerated persons housed in the IRC Mods J, K, L and TLF Mod J Sectors 12 (mental health units), access to the Electronic Tablets is determined on a case-by-case basis and with input from mental health staff. The Sabot report on the Rights of People With Disabilities summarizes the access to electronic tablets and staff assistance to people with disabilities in accessing the tablets in Sections E.D., E.E., F.F., and I.D.

During the seventh monitoring tour, the incarcerated person interviews continue to report that in some cases, staff are holding tablets hostage to ensure positive programming, specifically in the dorms, in addition to the marketing/selling of tablet time. Numerous incarcerated persons, specifically those in dorm living, stated that there are not enough tablets to be shared. The Expert could not confirm or refute these claims.

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

The Expert recommends that the County consider providing each incarcerated person a tablet. Processes must be in place to ensure that inoperable tablets are timely repaired or replaced.

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

- 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.).*

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)

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

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

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

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

The County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

With the implementation of Guardian RFID, the existing OCSD Court & Custody Operations Manual (CCOM) 2006 – Recreation policy requires revision to include the Guardian RFID reporting requirements to ensure the following areas are tracked and reportable. The Expert is providing sample language below:

“Open Housing Areas - In housing areas where all inmates in the housing area are allowed access to outdoor Recreation or Dayroom together, Staff shall utilize the Guardian RFID Spartan device and complete entries into the Guardian RFID System for the following areas and to be reported on Guardian RFID Reports.

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

In module housing areas or any housing area where inmates are separated into groups for security purposes, staff shall utilize the Guardian RFID Spartan device and complete entries into the Guardian RFID System for the following areas and report them on Guardian RFID Reports.

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

Inmates with Individual Inmate Activity Logs

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

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

The County currently tracks the out-of-cell time for incarcerated persons using the Guardian RFID. The County is able to produce the following reports: Time-Type-Tracking Dayroom and Time-Type-Tracking Recreation Reports, and All Module Reports. The Time-Type Tracking Reports detail if an incarcerated person received credit for either out-of-cell opportunity, dayroom, or recreation, and the total number of hours dayroom and recreation were offered and/or provided. In addition, the Time-Type Tracking Reports detail if, within the seven days, the County is credited as providing the required daily dayroom hours (one credit per day for 3 hours of dayroom) and weekly recreation hours (1 credit for every 1.5 hours of recreation provided). The County advised the Expert that these reports are still being finely tuned to ensure that all RP Requirements are being met. The Time-Type-Tracking Dayroom and Recreation Reports do not identify when an incarcerated person's dayroom begins or ends, or the several breaks in a dayroom period for operational interruptions. Only the total hours and/or days of credit. The All Module report identifies each time an incarcerated person exits their cell or re-enters their cell, for any reason, including medical, court, visiting, dayroom, recreation, etc.

- Overall Start/End
- Any breaks in Dayroom, unable to determine if breaks are accounted for or not.
- Cells are recorded. Groups are not recorded at this time.
- Notes Entered By
- Total DR Time

The Time-Type-Tracking (Dayroom or Recreation) report includes the following data fields:

- Inmate Name and Booking Number
- Current Housing
- Time Type (ie) Recreation or Dayroom
- Min. Time
- Credit Time
- Time Left
- Time Status (Meets time or RP requirement or does not).
- Total Duration
- Credit Days, i.e., one (1) credit day should be 1.5 hours, two (2) credit days would be no less than 3.0 hours.
- Custody Days, i.e., how long in the housing unit over the seven-day rating period.

The Expert reviewed a sampling of Guardian RFID-generated All Module Reports and Time-Type-Tracking Dayroom and Recreation Reports produced for the rating period of June 22-28, 2025. This is the first round of these reports being generated and reviewed to determine the County's compliance with dayroom and recreation access. Based on the review, the Expert noted improvement in the reporting or recording of access to Dayroom and Recreation opportunities.

The Expert noted the Guardian RFID report does provide information regarding access to dayrooms and Recreation, but does not include the opening and closing of dayrooms and recreation yards. The Guardian RFID All Module report identifies the individual incarcerated person's dayroom start time, or the actual time the incarcerated person was recorded exiting their cell, or the Guardian RFID device was activated by staff.

During the Seventh Monitor tour, the Expert met with the County's Guardian RFID subject matter expert, who provided the Expert with an overview of Guardian RFID and was able to answer questions posed. The Guardian RFID Subject Matter Expert advised that the Guardian program is very robust and very fluid, and he believes that as the Expert reviews Guardian data, any needed alterations to gain additional information can be completed.

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 Guardian RFID electronic tracking system documents and tracks the amount of out-of-cell time that each incarcerated person in custody receives each day and over a seven-day period. The Expert was advised by the Guardian RFID Subject Matter Expert that OCSD can provide a report for IPs refusing Recreation and or Dayroom

three or more times. The Expert has not seen that report as of yet, as Guardian RFID is newly implemented and OCSD is still manipulating the program for the best product regarding RP requirements.

- 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.
- Scheduled program participation in the dayroom
- 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.

The Expert notes that the implementation of the Guardian RFID will further assist the County in providing the Expert with data to measure the County's compliance with the RP requirements. The Guardian RFID program was fully implemented in June 2025. During the on-site monitoring tour, the Expert confirmed the deployment of the Guardian RFID in most facets of tracking incarcerated persons' movement.

Based on this, 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 County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

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

The County did not produce documentation of supervisory electronic audits to ensure that OCSD is offering the required out-of-cell time consistent with the RP requirements. The Expert finds the County is not conducting the required weekly electronic audits. Specifically, the Expert finds that in cases where mods do not meet all RP requirements, there is no documentation of supervisory staff taking corrective action to correct the deficiencies.

The implementation of the Guardian RFID will assist the County in providing the Expert with data to measure the County's compliance with the RP requirements. The Guardian RFID program was implemented in January 2025 for safety checks and in June 2025 for all incarcerated person movement. During the on-site monitoring tour, the Expert confirmed the deployment of the Guardian RFID. The County must ensure there is a process in place for the County to conduct electronic audits at least weekly to ensure that OCSD is offering the required out-of-cell time consistent with the provisions, and supervisory Staff regularly review the data for quality assurance and take steps to address any deficiencies.

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

Not Implemented (Previous Rating Not Implemented)

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

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

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

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

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

Note: This section offers clarifications as to the scope of other requirements in the SA and informs the analysis of the dayroom /outdoor recreation SA requirements. The narrative is provided only as contextual considerations in assessing the implementation of IV.A.1, IV.A.1.a

(Dayroom), IV.A.2, and IV.A.2.a (outdoor recreation). Based on this, a Compliance rating is not warranted.

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

The County reported that JMS was previously rolled out for tracking safety and security checks, outdoor rec, and dayroom, and has expanded to include out-of-cell time, to include individual tracking. This standardization will assist OCSD with compliance with the Remedial Plan. OCSD will continue to conduct audits and address deficiencies with training.

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

During a previous monitoring tour, the Expert noted that this provision relates in part to ADA RP Section IX.E.2 ("The ADA Compliance Unit shall interview incarcerated persons with disabilities on a monthly basis. If during the interview, the ADA Compliance Unit discovers that a person with a disability has refused offers for outdoor Recreation three times in a row or has refused offers for dayroom three times in a row, the ADA Compliance Unit shall inquire and document the reason(s) for the refusal...."). Section IX.E.2 is covered in OCSD Policy 8000 (at p. 19), while this provision (RH RP Section IJ) ("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.") 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, it does not appear that referrals are being made and tracked for incarcerated persons who are not designated as disabled and who

refuse out-of-cell time when the refusals may be related to their mental health status. Further policy/training development may be warranted regarding this provision. The Expert will need to evaluate the Guardian RFID reports in future monitoring to determine if the Guardian reports track the refusals.

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

During this seventh monitoring tour, with the exception of referrals that are made by the ADA Unit Staff for disabled incarcerated persons, the Expert found Staff are not tracking which incarcerated persons are refusing, how many times an incarcerated person refuses recreation, and whether incarcerated persons were referred to CHS when the refusals were related to their mental health, medical, or disability status. Based on this, the Expert finds that the County has partially implemented the RP requirements insofar that a policy has been established, but that policy has not been implemented at this time.

Partially Implemented (Previous Rating Partially Implemented)

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

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

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

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

C. Creation Of Special Management Unit (SMU) Status

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

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

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

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

Egregious Offense 1st Offense

Assault on Staff (Code Alpha)	30 Days LOA
Creating a Disturbance	30 Days LOA
(Egregious &/or Results in large scale-multi inmate disturbance)	
Possession of Drugs or Weapons	10-15 Days LOA
Assault – Multiple Suspects / One victim	15 Days LOA
Assault – Mutual Combat	10 Days LOA

Egregious Offense 2nd Offense

Assault on Staff (Code Alpha)	30 Days LOA, Loss of Good Time
Creating a Disturbance	30 Days LOA, Loss of Good Time
(Egregious &/or Results in large scale-multi inmate disturbance)	
Possession of Drugs or Weapons	10-15 Days LOA, Loss of Good Time
Assault – Multiple Suspects / One victim	15 Days LOA, Loss of Good Time
Assault – Mutual Combat	10 Days LOA, Loss of Good Time

Major Jail Rule Offense 1st Offense

Disrespect to staff (egregious)	15-20 Days LOA
Failure to obey a directive (egregious)	10-15 Days LOA
Tampering with a security device (egregious)	10-15 Days LOA
Tampering With a Security Device (I.D. Card)	10-15 Days LOA
Unauthorized Movement (egregious)	7-10 Days LOA
Destruction of Jail Property (egregious)	7-10 Days LOA
Possession of contraband (egregious)	5-10 Days LOA
Court Refusal	5-10 Days LOA

Major Jail Rule Offense 2nd Offense

Disrespect to staff (egregious)	30 Days LOA, Loss of Good Time
Failure to obey a directive (egregious)	15-20 Days LOA, Loss of Good Time
Tampering with a security device (egregious)	20-30 Days LOA, Loss of Good Time
Tampering With a Security Device (I.D. Card)	15-20 Days LOA
Unauthorized Movement (egregious)	10-15 Days LOA
Destruction of Jail Property (egregious)	10-15 Days LOA
Possession of contraband (egregious)	10-15 Days LOA
Court Refusal	10-15 Days LOA

Minor Jail Rule Offense 1st Offense

Disrespect to staff (simple)	7-10 Days LOA
Creating a Disturbance (Simple)	5-10 Days LOA
Destruction of Jail Property (simple)	5-10 Days LOA
Lying to staff (egregious)	5-10 Days LOA
Hoarding medication	5-10 Days LOA
Tampering with a security device (simple)	5-10 Days LOA
Unauthorized Communication (Including Kites)	5-10 Days LOA
Lying to staff (simple)	3-5 Days LOA
Unauthorized Movement (simple)	3-5 Days LOA

Failure to obey a directive (simple)	3-5 Days LOA
Possession of contraband (simple)	3-5 Days LOA

Minor Jail Rule Offense 2nd Offense

Disrespect to staff (simple)	10-15 Days LOA
Creating a Disturbance (Simple)	10-15 Days LOA
Destruction of Jail Property (simple)	10-15 Days LOA
Lying to staff (egregious)	10-20 Days LOA
Hoarding medication	10-15 Days LOA
Tampering with a security device (simple)	10-15 Days LOA
Unauthorized Communication (Including Kites)	10-15 Days LOA
Lying to staff (simple)	5-10 Days LOA
Unauthorized Movement (simple)	5-10 Days LOA
Failure to obey a directive (simple)	5-10 Days LOA
Possession of contraband (simple)	5-10 Days LOA

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

privileges, expectations, and incentive-based system that applies in the SMU. OCSD staff shall document that this information is communicated effectively to individuals with disabilities affecting communication.

H. Conditions and Incentive-Based System in the SMU

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

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

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

Not Assessed (Previous Rating Not Assessed)

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

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

The County reported that CCOM 1602.5 is being finalized after review by DRC and Sabot.

OCSD and CHS have implemented a mental health review process to comply with the Remedial Plan's requirement of mental health assessments for discipline for people with mental health disabilities or who have an Intellectual/Developmental Disability. OCSD has modified the Sergeant's Disciplinary Hearing Report form to include the following checkboxes:

11. There is reason to believe the inmate's behavior was unusual, uncharacteristic, or a possible manifestation of mental illness. Classification to refer inmate to CHS M/H for evaluation.
12. Inmate is (ID) Intellectually Disabled or (DD) Developmentally Disabled. Refer to daily ADA Tracking List. Classification to refer inmate to CHS M/H for evaluation.
13. (EC) Form Required. Refer to the daily ADA Tracking List.

CHS continues to follow its policies for mental health evaluations in relation to disciplinary hearings, including ensuring, whenever possible, that such evaluations occur in a private/confidential setting.

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

The Expert reviewed 25 cases and found the OCSD is following this practice and documenting this in the Disciplinary Hearing Report, Section 11.

In only 10 of the 25 cases reviewed, when there was reason to believe the incarcerated person's behavior was unusual, uncharacteristic, or a manifestation of mental illness, the Classification Sergeant referred the case to mental health for an evaluation.

Whether or not discipline is to be assigned, the Classification Sergeant updates the write-up in Automated Jail System (AJS) by entering the discipline or lack thereof as

appropriate, as well as the status to reflect the outcome. Once this is updated, they print a copy to be placed in the incarcerated person's file, with a copy returned to the housing location.

The Correctional Health Services (CHS), Policy 6602 Health Evaluations for OCSD Incarcerated persons who violate Jail Rules states, "Correctional Health Services (CHS) clinical Staff evaluate patients who are found guilty of a jail rule violation in Orange County Sheriff Department's (OCSD) disciplinary process will have regular access to Correctional Health Services (CHS) clinical Staff to ensure the patient's assigned discipline is not contraindicated based on the patient's general and mental health conditions. CHS clinical staff will conduct an initial, as well as ongoing, health evaluation during a patient's period of discipline. CHS will take steps to ensure meaningful consideration in the disciplinary process of whether a patient's behavior is related to their mental health or cognitive disability, the efficacy of disciplinary measures versus alternative interventions, and the impact of disciplinary measures on the health and well-being of the patient."

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

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

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

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).

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

Adequately Implemented (Previous Rating Partially Implemented)

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

1. *The person is housed in, or is currently referred for placement in, any designated Mental Health Unit.*
2. *The Disciplinary Hearing Officer or other jail staff have reason to believe the person's behavior was unusual, uncharacteristic, or a possible manifestation of mental illness, including where referral for CHS evaluation is warranted.*
3. *The person is on the mental health caseload and may be subject to (a) Special Management Unit (SMU) placement, or (b) loss of good time/work time credit as a consequence of the disciplinary violation as charged.*
4. *If any of the above criteria is met, a mental health clinical staff member who is not the treatment provider for the patient shall complete a Rules Violation Mental Health Review form, indicating:*
 - a. *Whether or not the reported behavior was related to mental illness, adaptive functioning deficits, or other disability.*
 - b. *Whether the person's behavior is, or may be, connected to any of the following circumstances:*
 - i. *An acute or otherwise significant psychiatric episode*
 - ii. *An act of self-harm or attempted suicide*
 - iii. *A cell extraction related to provision of medical/mental health treatment*
 - iv. *Placement in clinical restraints or seclusion.*
 - c. *Any other mitigating factors regarding the person's behavior, disability, and/or circumstances that should be considered.*
 - d. *Whether particular disciplinary sanctions should be avoided in light of the person's mental health disability or intellectual disability, treatment plan, or adaptive support needs (e.g., the potential adverse mental health impact of denial of phone contact/visits with family members).*
 - e. *CHS staff will consider issues of brain development and psychosocial development for young adults (generally, anyone 24 years old or younger) as part of this evaluation, including as they relate to the appropriateness of discipline for the behavior and the potential adverse impacts of particular disciplinary sanctions.*

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

The County reported that OCSD is finalizing CCOM 1602.5 after review by DRC and Sabot.

OCSD and CHS have implemented a mental health review process to comply with the Remedial Plan's requirement of mental health assessments for discipline for people with mental health disabilities or who have an Intellectual/Developmental Disability.

The Expert interviewed CHS Staff and the Classification Sergeant regarding the mental health/developmentally disabled/intellectually disabled disciplinary process. Numerous questions were directed toward both CHS staff and the Classification Sergeant, and staff responses were found to align with the CHS policy and OCSD practice. Staff were able to walk the Expert through the process of mental health staff being informed of a pending disciplinary action for review and the actions following the notification. This process is new and will continue to be monitored.

The Expert conducted a review of OCSD Rule Violations and CHS MH documentation of OCSD Jail rule Violations by incarcerated persons produced by the County. This review consisted of 25 completed Jail Rule Violations.

The Expert reviewed twenty-five disciplinary cases dating from January 1, 2025, through June 30, 2025.

- Of the 25 cases reviewed, CHS found three (3) cases where the incarcerated person's behavior may have been a result of mental health concerns.
- Of the 25 cases reviewed, the Disciplinary Sergeant identified 10 cases where the behavior was unusual or uncharacteristic.
- In all 25 cases, the Classification Sergeant followed the advisement of CHS reviewing staff regarding the penalty phase. In three (3) cases, there were no penalties, and in 22 cases, all privileges were revoked.

It is the Expert's opinion that there is a concern within the Mental Health Units, where incarcerated persons receiving mental health treatment at both the acute and chronic levels of care may not be receiving sufficient clinical attention in relation to their behavior and disciplinary patterns. In one case, an incarcerated person in the Mental Health Program, possibly at the acute level of care, was involved in an assault. The incident narrative provided no context or explanation regarding what led to the altercation, how it occurred, or the extent of injury involved. Custody staff proceeded in accordance with the Mental Health staff's review of the incident, which concluded that the incarcerated person's actions were not the result of a mental illness. A disciplinary hearing was conducted the following day, during which the charges were sustained and all privileges were revoked. This outcome represents an additional detriment to an individual already enrolled in the Mental Health Program, where loss of privileges can further exacerbate isolation, withdrawal, and overall mental health decline. Correctional Health Services (CHS) ultimately reaffirmed the position that the incarcerated person's behavior was not related to mental health.

The Expert finds this conclusion deeply concerning. It is unclear how CHS determined that the incarcerated person's behavior was unrelated to their mental health condition. The mental health staff did not factor in whether the incarcerated person had a longstanding history of assaultive behavior toward staff, making the incident consistent with prior conduct, or if the behavior was sudden, uncharacteristic, and potentially symptomatic of mental health instability. The absence of such context calls into question the adequacy of CHS's review

and the depth of their clinical assessment. Furthermore, CHS staff cannot make a qualitative review with sparse information regarding the incident.

The Expert recognizes that OCSD refers Incarcerated persons to CHS in an abundance of caution, and therefore, not all behaviors are necessarily related to the incarcerated persons mental health. Additionally, CHS clinicians make this determination when reviewing the cases referred by Custody staff as required by this provision. It is important that the County's MH Review explains why an identified rules-violating behavior is *not* mental health-related. The County must also focus on avoiding discipline particularly in the mental health program units. The Expert will conduct further analysis of these issues in the next monitoring round,

Based on the document review, the Expert finds that CHS QMHP staff are conducting an MH assessment according to CHS Policy 6602 Health Evaluations for OCSD Incarcerated persons who violate Jail Rules and the RP requirements.

The Disciplinary/Classification Hearing Officials are following the practice of reviewing and following the mental health clinician's advisement or recommendations and/or taking into consideration the incarcerated persons' cognitive/intellectual or adaptive functioning deficit.

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

Adequately Implemented (Previous Rating Partially Implemented)

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

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

The County reported that CCOM 1602.5 is being finalized after review by DRC and Sabot.

OCSD and CHS have implemented a mental health review process to comply with the Remedial Plan's requirement of mental health assessments for discipline for people with mental health disabilities or who have an Intellectual/Developmental Disability. OCSD's policy revisions have been reviewed by DRC and will be shared soon with the Expert.

As detailed in Section D. A. above, the Expert notes that the County has implemented CHS Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The policy includes the RP requirements. Additionally, the revisions to the OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy have been approved and are in place.

Based on the document review, the Expert finds that CHS QMHP staff are conducting an MH assessment as required by CHS Policy 6602 Health Evaluations for OCSD Incarcerated persons who violate Jail Rules and the RP.

The Disciplinary/Classification Hearing Officials are following the practice of reviewing and following the mental health clinician's advisement or recommendations and/or taking into consideration the incarcerated person's cognitive/intellectual or adaptive functioning deficits when determining the penalty phase of a disciplinary hearing.

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

Adequately Implemented (Previous Rating Partially 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.*

The County reported that CCOM 1602.5 is being finalized after review by DRC and Sabot.

During previous monitoring tours, 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 is to check the ADA Tracking System and ensure the provision of reasonable accommodations and effective communication during the disciplinary process.

The Expert notes that the County has implemented CHS Policy 6602 Health Evaluations for OCSD Inmates who violate Jail Rules. The 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 Expert also notes that OCSD has modified the Sergeant's Disciplinary Hearing Report form to include a check box for Effective Communication:

13. (EC) Form Required. Refer to the daily ADA Tracking List.

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

Partially Implemented (Previous Rating Partially Implemented)

Recommendations:

- Revise OCSD Court & Custody Operations Manual (CCOM) 1602.5 – Discipline Policy to 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 the provision of reasonable accommodations and effective communication during the disciplinary process.
- Provide proof-of-practice with the adjudicated rules violation documents

E. Supervision and Oversight of Disciplinary Processes

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

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

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

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

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

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

V. Signature

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



December 29, 2025

Julian Martinez
Director
Sabot Consulting

Date