



# San Diego County Sheriff's Department

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*William D. Gore, Sheriff*

March 9, 2021

Susan N. Youngflesh, Board Chairperson  
Citizens' Law Enforcement Review Board  
555 West Beech Street, Suite 505  
San Diego, CA 92101-3819

**CLERB CASE NUMBER: 18-080**

Dear Chairperson Youngflesh,

The Sheriff's Department welcomes and supports the Citizens' Law Enforcement Review Board's (CLERB) independent review of complaints alleging improper actions by members of this organization and in-custody deaths. We continuously strive to respond with professionalism and concern to the citizens we serve and the CLERB process provides invaluable input to that end.

On January 25, 2021, CLERB recommended policy changes related to San Diego County Sheriff's Department Detention's Policy and Procedure Section J.4 *Enhanced Observation Housing (EOH)*. CLERB specifically recommended the below changes:

- 1. It is recommended that the SDCS revise its DSB P&P Section J.4, entitled, "Enhanced Observation Housing," as well as its DSB SDCJ Green Sheet Section J.4.C.1, also entitled, "Enhanced Observation Housing, to mandate that inmates housed in EOH be offered Recreation Yard time. Though the DSB P&P states that "showers, dayroom, social phone calls, and recreation yard time will be offered in accordance with Title 15 guidelines," through CLERB's investigation, it appears that this policy is not practiced and not feasible given the layout of the facility's recreation yard. Per Title 15, Rec Yard time will be offered twice per week, for a total of 3 hours. Though the "typical stay" in the EOH module is less than three days, this might not always be the case as it is the medical staff's discretion as to when an inmate is cleared to return to their usual housing.*

Current DSB P&P section J.4 (dated October 5, 2020) specifically precludes inmates in EOH from attending recreation yard time; the policy states, "Access to personal property, recreation yard time or social visits is not permitted." The Detention Services Bureau (DSB) policy language referenced in the CLERB recommendation related to the offering of recreation yard time to EOH inmates was revised on June 27, 2017 and has not been allowed in EOH housing since that time.

CLERB #18-080  
Policy Response

The use of EOH falls under the Sheriff Department's Inmate Safety Program (ISP) as an available housing option for those inmates who present an elevated risk for suicide and need closer monitoring and assessment by both sworn and mental health staff. At the San Diego Central Jail (SDCJ), the use of the recreation yard by an inmate in ISP/EOH would require constant monitoring of that inmate by sworn staff. SDCJ's staffing resources will not allow for such constant monitoring of recreation yard use regardless of the inmate's housing status.

Section 1065 of Title 15 (*Exercise and Recreation*) does specify the requirement for a minimum of three hours of exercise each week. However, it also states, "Such regulations as are reasonable and necessary to protect the facility's security and the inmate's welfare shall be included in such a program." Due to the distance of the recreation yard from the EOH housing module and the monitoring requirements for those inmates in the EOH safety program, DSB P&P section J.4 was updated in 2017 to not offer certain programming (including exercise/recreation) to protect the welfare of the inmates in EOH. The Board of State and Community Corrections (BSCC) conducts biennial inspections of our facilities to determine compliance with Title 15 standards. Part of this inspection includes reviewing our policies and procedures and comparing the contents against relevant regulations included in Title 15 to ensure each minimum standard required by regulation is addressed in policy. The final report for the 2016-2018 inspection cycle indicated, "No issues of non-compliance with Title 15 regulations were identified," at SDCJ. The final report for the 2018-2020 inspection cycle also did not indicate any non-compliance issues related to the Title 15 minimum standard for exercise/recreation.

Based on staffing resources being unable to constantly monitor the exercise/recreation areas at SDCJ to ensure inmate health and safety and the BSCC indicating our compliance with the Title 15 standard, we feel our policy is appropriate as currently written and we will continue our current practice of not allowing the use of the recreation yard by inmates in EOH housing.

In closing, we appreciate the time and effort of the Citizen's Law Enforcement Review Board. I would like to thank you for your service to the Citizens of San Diego County and the policy recommendations. It is our goal to provide the "Highest quality public safety services" to everyone in San Diego County.

Sincerely,

WILLIAM D. GORE, SHERIFF



Scott Amos, Lieutenant  
Division of Inspectional Services  
Office of the Sheriff