

Exhibit B

Face Covering and Physical Distancing Follow-up Monitoring

Introduction

In October 2020, the Office of the Inspector General (the OIG) issued a public report regarding the California Department of Corrections and Rehabilitation's (the department) compliance with face covering and physical distancing requirements for staff and incarcerated persons. The report identified frequent noncompliance by both staff and incarcerated persons, lax enforcement efforts by departmental supervisors and managers, and questioned the prudence of loosening of face covering requirements in June 2020. In response to the report, United States District Court Judge Jon Tigar invited the OIG to conduct follow-up monitoring at the department's prisons to observe and report whether staff and incarcerated persons have come into compliance with the department's current requirements. Below are the results of our monitoring activities between March 7, 2021, and April 6, 2021.

Unannounced Monitoring Visits and Video Review

Our staff conducted unannounced visits at 18 prisons and one juvenile facility. These visits focused on face covering and physical distancing compliance among staff and incarcerated persons. Our staff visited various locations throughout each prison visited. Additionally, where possible, we reviewed a sampling of video recordings from the prisons with usable footage. Although most staff, incarcerated persons, and youths adhered to the department's requirements, we still observed significant noncompliance at several prisons and juvenile facilities. Our most significant observations are detailed on the next page.

Based on our observations we assigned each prison two ratings, one for staff's compliance and one for the incarcerated population's compliance. The ratings are defined on the next page, at the end of the table. For reference, we have also included the prisons' active cases and vaccination rates for staff and the incarcerated population, as reported on the department's website.

Facility	Staff Face Covering Compliance		Incarcerated Population Face Covering Compliance		Active Cases (according to the department's website as of April 14, 2021)		Vaccination Rates (according to the department's website as of April 14, 2021)	
	March 2021	Change from January 2021	March 2021	Change from January 2021	Staff	Incarcerated Persons	Staff	Incarcerated Persons
California Correctional Institution	Partial Compliance	▼	Partial Compliance	▲	11	1	26%	38%
California Institution for Women	Full Compliance	No Change	Partial Compliance	▼	4	0	47%	65%
California State Prison, Corcoran	Substantial Compliance	▼	Full Compliance	▲	3	0	35%	58%
California State Prison, Los Angeles County	Significant Noncompliance	▼	Significant Noncompliance	No Change	3	0	40%	30%
California State Prison, Solano	Partial Compliance	No Change	Significant Noncompliance	No Change	4	1	43%	38%
Centinela State Prison	Substantial Compliance	No Change	Significant Noncompliance	▼	13	1	56%	48%

Facility	Staff Face Covering Compliance		Incarcerated Population Face Covering Compliance		Active Cases (according to the department's website as of April 14, 2021)		Vaccination Rates (according to the department's website as of April 14, 2021)	
	March 2021	Change from January 2021	March 2021	Change from January 2021	Staff	Incarcerated Persons	Staff	Incarcerated Persons
Central California Women's Facility	Substantial Compliance	▼	Significant Noncompliance	▼	6	0	41%	50%
Correctional Training Facility	Full Compliance	No Change	Significant Noncompliance	▼	7	1	55%	66%
Deuel Vocational Institution	Full Compliance	▲	Partial Compliance	▼	8	0	44%	62%
Folsom State Prison	Substantial Compliance	No Change	Significant Noncompliance	▼	8	0	46%	45%
High Desert State Prison	Substantial Compliance	▲	Partial Compliance	▲	4	0	19%	44%
Ironwood State Prison	Full Compliance	No Change	Full Compliance	No Change	3	0	35%	42%
Kern Valley State Prison	Full Compliance	▲	Substantial Compliance	No Change	4	0	31%	50%
Mule Creek State Prison	Substantial Compliance	▲	Partial Compliance	▲	3	0	39%	80%
North Kern State Prison	Full Compliance	No Change	Significant Noncompliance	▼	4	1	36%	41%
Pleasant Valley State Prison	Substantial Compliance	▼	Significant Noncompliance	▼	4	1	26%	26%
R.J. Donovan Correctional Facility	Full Compliance	▲	Significant Noncompliance	No Change	7	1	46%	72%
Sierra Conservation Center	Substantial Compliance	▼	Significant Noncompliance	▼	1	0	31%	55%
O.H. Close Youth Correctional Facility	Full Compliance	▲	Significant Noncompliance	No Change	0	Not reported	43% (all DJJ)	Not reported

Compliance Rating Definitions – Staff

Full Compliance	Zero non-compliant individuals observed without face coverings or improperly wearing face coverings
Substantial Compliance	Typically, three or fewer non-compliant individuals observed without face coverings or improperly wearing face coverings
Partial Compliance	Typically, 4 to 10 non-compliant individuals observed without face coverings or improperly wearing face coverings
Significant Noncompliance	Many non-compliant individuals (more than 10) observed without face coverings or improperly wearing face coverings.

Compliance Rating Definitions – Incarcerated Persons

Full Compliance	Zero non-compliant individuals observed without face coverings or improperly wearing face coverings
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Substantial Compliance	Typically, five or fewer non-compliant individuals observed without face coverings or improperly wearing face coverings
Partial Compliance	Typically, 6 to 10 non-compliant individuals observed without face coverings or improperly wearing face coverings
Significant Noncompliance	More than 10 non-compliant individuals observed without face coverings or improperly wearing face coverings

Additional factors that could influence a rating other than the number of non-compliant individuals:

- Total number of individuals in the location. For example, two non-compliant individuals in a location among 150 total people was viewed more favorably than two non-compliant individuals in a location among three total people.
 - If staff was observed quickly correcting the incarcerated persons who were not properly wearing face coverings.
 - Physical distancing among non-compliant individuals. For example, if we observed three separate individuals not properly wearing masks outside and far away from other people, that was viewed more favorably than three individuals not properly wearing masks in close proximity to each other.
 - Number of locations visited. We instructed staff to visit at least five locations, but many visited more than five. For example, if we visited 10 locations and saw five non-compliant individuals, that was viewed more favorably than visiting five locations and observing five non-compliant individuals.
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Significant Observations

Below are our staff's additional significant observations from both our visits focusing on face covering and physical distancing compliance, as well as from our staff during our other routine monitoring activities:

- **High Desert State Prison (March 9, 2021):** As the OIG has previously reported at other facilities, we observed four incarcerated culinary workers failing to wear their face coverings correctly. Three incarcerated persons wore their masks below their noses, and one wore a handkerchief (which is not an approved face covering). Prison staff who were present in the culinary did not direct the incarcerated persons to don their face coverings properly.
- **Sierra Conservation Center (March 17, 2021):** The OIG observed significant noncompliance by incarcerated persons at this facility, including roughly 20 incarcerated persons who did not have masks on at all. According to prison staff, this group of incarcerated persons were part of the firefighter training program, and as such were exempt from the face covering requirement while training. However, prison staff were unable to provide documentation of an approved exemption. In addition, California Correctional Health Care Services' current guidance does not exempt incarcerated persons from wearing face coverings during such training.
- **Multiple Institutions:** The OIG observed significant noncompliance by incarcerated persons at 11 of the 19 institutions that we visited.
 - At Folsom State Prison and Pleasant Valley State Prison, we witnessed at least 50 incarcerated persons not wearing their face coverings correctly.
 - At the following five prisons, we observed more than 20 incarcerated persons to be out of compliance with face covering requirements:
 - Correctional Training Facility
 - Folsom State Prison
 - North Kern State Prison
 - Pleasant Valley State Prison
 - Sierra Conservation Center
 - Of the 11 institutions that received Significant Noncompliance ratings among the incarcerated population, four prisons received the same rating compared to our last visit, and seven received lower ratings compared to our prior visits.

Review of Disciplinary Actions

Related to the department's face covering and physical distancing requirements, we requested and received copies of disciplinary actions taken by the department's prisons and youth facilities against staff, as well as corrective actions and rules violation reports issued by prisons to incarcerated persons, for noncompliance from February 24 through March 31, 2021. The actions are summarized below by facility and type of action:

Prison	STAFF					INCARCERATED POPULATION	
	Verbal Counseling	Written Counseling	Letters of Instruction	Referrals for Investigation or Punitive Action	Punitive Actions	Corrective Counseling	Rules Violation Reports
Avenal State Prison	6	1	0	0	0	3	1
California City Correctional Facility	4	0	1	0	0	3	0
California Correctional Center	0	0	0	0	0	0	12
California Correctional Institution	2	0	0	0	0	3	0
California Health Care Facility	0	0	1	0	0	0	0
California Institution for Men	0	0	0	0	0	16	3
California Institution for Women	0	1	0	0	0	0	4
California Medical Facility	0	0	1	0	0	0	0
California Men's Colony	8	3	0	0	0	0	0
California Rehabilitation Center	5	0	0	0	0	0	1
California State Prison, Corcoran	7	0	2	0	0	3	1
California State Prison, Los Angeles County	7	0	0	0	0	3	0
California State Prison, Sacramento	11	0	2	0	0	1	1
California State Prison, Solano	0	1	3	0	0	0	3
California Substance Abuse Treatment Facility and State Prison, Corcoran	6	0	0	0	0	1	1
Calipatria State Prison	2	0	0	0	0	8	5
California State Prison, Centinela	0	0	0	0	0	0	1
Central California Women's Facility	0	6	0	0	0	0	0
Chuckawalla Valley State Prison	0	0	0	0	0	3	0
Correctional Training Facility	2	1	0	0	0	0	0
Deuel Vocational Institution	16	0	0	0	0	5	0
Folsom State Prison	0	0	0	0	0	0	0
High Desert State Prison	0	0	1	0	0	0	4
Ironwood State Prison	2	0	0	0	0	0	0
Kern Valley State Prison	1	0	0	0	0	0	0
Mule Creek State Prison	8	0	10	0	0	0	0
North Kern State Prison	8	0	0	0	0	0	0
Pelican Bay State Prison	1	0	0	0	0	0	0
Pleasant Valley State Prison	5	0	0	1	0	0	0
Richard J. Donovan Correctional Facility	0	3	3	0	0	4	0
Salinas Valley State Prison	0	0	0	0	0	0	0
San Quentin State Prison	2	0	0	0	0	0	5
Sierra Conservation Center	7	2	0	0	0	20	3
Valley State Prison	2	3	0	0	0	0	0
Wasco State Prison	0	3	0	0	0	1	1
Totals	102	24	24	1	0	74	46
N.A. Chaderjian Youth Correctional Facility	1	0	0	0	0	182	22

Prison	STAFF					INCARCERATED POPULATION	
	Verbal Counseling	Written Counseling	Letters of Instruction	Referrals for Investigation or Punitive Action	Punitive Actions	Corrective Counseling	Rules Violation Reports
O.H. Close Youth Correctional Facility	0	0	0	0	0	54	0
Pine Grove Youth Conservation Camp	0	0	0	0	0	0	0
Ventura Youth Correctional Facility	0	0	0	0	0	8	38
Totals	1	0	0	0	0	244	60

Repeated Violations

During this reporting period there were only eight staff members that reoffended. The eight staff members were from five different prisons and included both custody and non-custody staff. None of the eight had more than two instances of noncompliance, and a letter of instruction was the highest level of discipline imposed.

Self-Monitoring Documentation (Noncompliance Tracking Logs)

On October 27, 2020, the department issued directives that regional health care executives and associate directors, or their designees, must conduct visits to observe compliance with face coverings and physical distancing within 30 days, and on a 120-day interval thereafter. In our January 13, 2021, report the OIG reviewed and analyzed the department's compliance with these requirements through November 26, 2020. Subsequently, the OIG received and analyzed the department's compliance documentation through March 26, 2021, 120 days from the initial 30-day deadline. We found three adult facilities provided incorrect compliance monitoring checklists, while one juvenile facility failed to provide any documentation of compliance. In addition, two adult facilities provided only *one* compliance monitoring checklist for the entire compliance period but did submit other incorrect monitoring checklists.

In our review of the department's compliance checklists, we determined the specificity with which compliance was documented varied substantially among the prisons. For instance, several prisons did not report the exact number of staff or incarcerated persons found to be out of compliance with facial covering and physical distancing mandates. In those cases, the OIG approximated the instances of noncompliance based on notes in the documentation. The limitations with the department's data made a precise analysis of its compliance with facial covering and physical distancing requirements impossible. However, in the almost 2400 checklists submitted, individual prisons documented approximately 470 instances of staff and 857 instances of incarcerated persons noncompliance with facial covering requirements, in addition to approximately 795 instances of noncompliance with physical distancing requirements. Based on the submitted documentation, most prisons within the department appear to have been in substantial or partial compliance with facial covering and physical distancing requirements during the November 27, 2020, through March 26, 2021 compliance period.