



**JAIL CONDITIONS CLASS ACTION
UPDATE – DECEMBER 2024**

Murray v. County of Santa Barbara

U.S. District Court for the Central District of California
Case No. 2:17-cv-08805-GW-JPR

Thank you for contacting us about conditions in the Santa Barbara County jails. We receive a lot of mail from people in Santa Barbara County's jails, and this letter is the most efficient way for us to respond with information about the status of the class action case while we continue to focus on efforts to improve conditions.

While we represent all individuals currently incarcerated in Santa Barbara County Jail (Southern Branch Main Jail and Northern Branch Jail), we cannot represent you in an individual lawsuit or help you with your criminal case.

BACKGROUND ON THE *MURRAY V. COUNTY OF SANTA BARBARA* CASE

Disability Rights California and its co-counsel, Prison Law Office and King & Spalding (Plaintiffs' class counsel), filed a class action lawsuit in December 2017 in federal court. The case is called *Murray v. County of Santa Barbara*, Case No. 2:17-cv-08805-GW-JPR (C.D. Cal.).

After negotiations, the parties reached a settlement to address identified problems with the conditions, policies, and practices at the Santa Barbara County Jail, as described in our lawsuit. The terms of the settlement agreement are described in a document called the Stipulated Judgment. The Stipulated Judgment includes a 56-page document called the "Remedial Plan." The Remedial Plan explains what the County and the Sheriff's Office must do to fix the issues described in the lawsuit.

On February 2, 2021, the federal court approved the settlement and the Stipulated Judgment. Under the Stipulated Judgment and Remedial Plan, the County is required to:

- (1) Provide adequate medical, mental health, and dental care.
- (2) Greatly reduce the use of solitary confinement, and eliminate its use for people with serious mental health needs.
- (3) Provide substantially more out-of-cell time to everyone housed in cells, outdoor recreation time, and in-cell programming (e.g., tablets) to everyone in custody.

- (4) Improve its suicide prevention practices.
- (5) Provide people with disabilities reasonable accommodations and meaningful access to the jails' programs, services, and activities.
- (6) Ensure that the jail facilities meet physical accessibility requirements.
- (7) Implement a sanitation plan to address problems with environmental health and safety conditions for people in custody.

You may ask for a copy of the *Murray* Remedial Plan by speaking to a Jail staff member or by filling out an Inmate Request Form. You may also send us a request for a copy of the *Murray* Remedial Plan, or any other case documents.

The County's compliance with the Stipulated Judgment is being monitored by court-designated subject matter experts and by Plaintiffs' class counsel. We, along with the subject matter experts, conduct monitoring tours of the jail facilities to assess current conditions.

You do not need to do anything to join or be added to the lawsuit. All people incarcerated in Santa Barbara County Jail (either at the Southern Branch Main Jail or the Northern Branch Jail) are class members in the case.

This case does not seek money damages for any class member, and none will be awarded. This means that no person will receive a financial benefit through our case. The settlement does not affect your ability to sue for money damages if you have been harmed or to petition for a writ of habeas corpus. If you would like to file your own lawsuit about problems in the Jail, you should file and "exhaust" a grievance about your problem. That means that you should complete the Jail grievance process to try to resolve your issue.

Under the Stipulated Judgment, the County was required to complete its implementation of the Remedial Plan by July 1, 2023. In December 2022, the County notified Plaintiffs' class counsel that it would not complete implementation of Remedial Plan requirements by the July 1, 2023 deadline.

In August 2023, following further negotiations, the parties submitted to the *Murray* federal court a Stipulation, which was approved by court order, that includes additional deadlines and requirements, including as to (a) drug/alcohol withdrawal monitoring and treatment protocols, (b) activation of Specialized Mental Health Units to provide treatment to people with mental health needs, (c) access to inpatient level of mental health care, (d) reducing the use of solitary confinement-type housing, particularly for people with mental health needs, (e) improvements to the disability tracking and accommodations system, (f) disability accessibility improvements, (g) improvements to sanitation, clothing provision,

and food service, (h) increases to out-of-cell and outdoor recreation time, and (i) ensuring sufficient staffing to provide adequate health care services.

You may ask for a copy of the August 2023 *Murray* Stipulation & Order on these topics by speaking to a Jail staff member or by filling out an Inmate Request Form. You may also send us a request for a copy of the August 2023 *Murray* Stipulation & Order.

Case documents are also available online at:

<https://www.disabilityrightsca.org/cases/murray-v-county-of-santa-barbara>.

Unfortunately, we are unable to represent you or any other class member in an individual lawsuit for money damages against the jail. We are also unable to assist you with any criminal court case.

MONITORING JAIL CONDITIONS

Plaintiffs' class counsel (Disability Rights California, the Law Office of Aaron J. Fischer,¹ the Prison Law Office, and King & Spalding), and the court-designated subject matter experts are monitoring Santa Barbara County's compliance with the Remedial Plan. The subject matter experts conduct jail site visits and issue annual compliance reports, which are public documents posted on our case page and available upon request. If you would like copies of any of the most recent reports, please write to us to request them. Summaries of the status of our monitoring are below.

We rely on people in the jails to tell us about problems we should investigate. If you are experiencing issues related to conditions at the jail, we suggest that you first try to address the problem by submitting a request form or a grievance. If you continue to have problems related to the issues in our case, please write to our office and let us know.

Disability Rights California - Legal Advocacy Unit
Attn: *Murray v. County of Santa Barbara* Jail Case Team
1831 K Street
Sacramento, CA 95811-4114

We cannot promise that we can fix the problem, but we will always review what you send to determine if there is anything we can do.

¹ Aaron Fischer has moved his practice from DRC to the Law Office of Aaron J. Fischer. He remains in his role as co-counsel on this case. Please continue to reach out to DRC for any updates, questions, or concerns.

Medical Care

The medical care expert in the case has found that the County and its jail health care services provider (Wellpath) have not implemented all medical care provisions of the Remedial Plan. The medical care expert has focused in particular on the lack of adequate oversight of Wellpath's health care services by the County, lack of provider-patient confidentiality, inadequate staffing to deliver timely medical and dental care, treatment of chronic medical conditions, drug/alcohol withdrawal monitoring and treatment, and discharge planning.

The August 2023 court-ordered Stipulation sets deadlines and requirements for the County and Wellpath to improve the jail's drug/alcohol withdrawal monitoring and treatment protocols and requires that the County complete a health care services staffing analysis, with a staffing plan to be implemented thereafter.

Our recent work on medical care issues has focused in part on improving access to the Medication Assisted Treatment (MAT) program. The MAT program at the jail has grown considerably, although it still does not have the capacity to meet the needs of the entire jail population.

We are also working to improve treatment for people with chronic conditions, including hepatitis, diabetes, asthma, HIV/AIDS, and more. If you have concerns about the treatment you are receiving for a chronic medical condition, we would like to hear from you.

Mental Health Care

The mental health care expert has reported that Santa Barbara County Jail has made some progress related to mental health treatment since the Remedial Plan went into effect, including the rollout of specialized Behavioral Health Units (BHUs) for men and women with mental health treatment needs.

In July 2023, a men's BHU was activated in the Southern Branch Jail, Northwest Module A. A women's BHU was also activated in the Northern Branch Jail, F Module. Additional men's BHUs have been opened in Northwest Module C and Module D, and in the Northern Branch Jail, J Module.

The August 2023 court-ordered Stipulation requires the County to implement a plan to serve all individuals who meet clinical criteria for placement in a BHU. We are also working to ensure that people housed in the BHUs receive mental health treatment and services consistent with their individual needs and as required by the *Murray* court orders. This work is still ongoing.

The Stipulation also requires the County to ensure access to inpatient level of mental health care to those people who need it. It also requires that the Jail stop housing people with serious mental illness meeting criteria for BHU placement in restrictive housing units. Implementation of these requirements is still ongoing.

Dozens of Southern Branch Jail solitary confinement cells have been closed and as of August 2023, the County has removed all people from the Southern Branch Jail's lower Northwest Isolation housing unit, which had for years housed people with serious mental health needs in solitary confinement-type conditions.

Americans with Disabilities Act (ADA) Compliance

To implement Remedial Plan requirements related to the ADA, the County has assigned staff to serve as ADA Coordinator and ADA Facility Deputy.

If you have a disability and need a reasonable accommodation, assistive device, or help accessing programs, services, and activities at the jail, you may submit an ADA Request for Accommodations form. The ADA staff member contacts are:

Custody Deputy II Aaron Gray, ADA Facility Designee
Santa Barbara County Main Jail
Phone Number: 805-681-4223

Custody Deputy II Eric Cohen, ADA Coordinator
Northern Branch Jail
Phone Number: 805-554-3114

The County must provide people with disabilities the opportunity to participate in programs, services, and activities at the jail, consistent with similarly-situated people who do not have a disability. This includes classes, programs, recreation, jobs, and more.

Any person who needs help to effectively communicate, including help with reading and writing or the assistance of a sign language interpreter, are legally entitled to it.

There are deficiencies with respect to accessibility and safety for people with disabilities at the Southern Branch Jail. The County must complete remediation of accessibility deficiencies in the Inmate Reception Center and the South Dorm by no later than April 2027. This includes accessibility compliance of cells, showers, public restrooms, visiting (for the public and incarcerated population), and toilets for the incarcerated population, as well as an ADA path-of-travel to the public parking. The County must also remedy accessibility issues in the recreation areas, including by installing accessible workout equipment systemwide.

We do not expect the County to complete ADA-related remediation of the Southern Branch Jail's South, West, East, Central, and Back Central housing units, as the County

has stated that those units will be closed as part of its long-term Jail system plans. The County is required not to house people with ADA accessible housing needs in any of the housing units in West, East, Central, Back Central, and Northwest (unless the person consents to be housed in one of these units), and will ensure that all people with ADA accessible housing needs are provided accessible housing and equitable access to the Jail's programs, services, and activities.

We are working to ensure that Jail custody and health care staff appropriately identify and reasonably accommodate people with disabilities.

Restrictive Housing, Discipline, and Custody Operations

The *Murray* case has helped to change restrictive housing, disciplinary, and other custody practices at the Jail. The Remedial Plan requires that every person be provided a bed and has ended the practice of having some people sleep on the floor due to overcrowding. Dozens of Southern Branch Jail solitary confinement cells have been closed and as of August 2023, the County has removed all people from the Southern Branch Jail's lower Northwest Isolation housing unit. Disciplinary procedures have been modified such that solitary confinement is no longer used as a disciplinary sanction.

The subject matter experts and Plaintiffs' class counsel are continuing to monitor Restrictive Housing units with limited out-of-cell time and programming.

Access to adequate outdoor recreation time continues to be significant problem, which is the subject of close monitoring. The County was required to modify the Southern Branch Jail main yard area, to provide more access to outdoor recreation time. This modification is expected to be completed in early 2025. Workout equipment (including ADA-accessible equipment) must be installed in all recreation yards facility-wide.

Under the court orders in the case, the County must keep dayrooms operational and in continual use without interruption throughout each day from 6:00am to 10:00pm at the Southern Branch Jail and from 07:00am to 9:00pm at Northern Branch Jail, except in cases of emergency and as necessary for particular events related to the safety and security of the institution. Every person must be allowed out of their cell, and have the opportunity to shower, every day.

Sanitation and Cleanliness

Maintaining adequate environmental health and safety conditions at the Jail is a high priority. Under the Remedial Plan and August 2023 Stipulation, the County needs to implement a sanitation plan at both the Southern Branch Jail and the Northern Branch Jail, to ensure that all Jail facilities maintain appropriate cleanliness. The requirements include:

- a) Daily access to supplies and equipment for prisoners to conduct cleaning and disinfection of housing units, including floors, toilets, sinks, and showers, with a cleaning chemical that sufficiently eliminates pathogens found in living and common areas
- b) Weekly inspections of housing units, including floors, toilets, sinks, and showers by jail staff, with prompt steps to address identified cleaning and disinfection needs
- c) Daily cleaning of intake, health care clinics, kitchen, laundry and other common areas, such as hallways and the tunnel
- d) Weekly cleaning of visitation rooms and classrooms, and more frequently as needed
- e) Biweekly (i.e., every other week) power washing of shower areas
- f) Weekly cleaning of cell bars, windows, and lights
- g) Quarterly cleaning of fans and air vents, and more frequently as necessary to ensure that they are clean and free of mold, mildew, and/or accumulation of dirt and dust

We are monitoring compliance with these important cleaning requirements.

We have also long been aware of the unsanitary conditions in the Southern Branch Jail's South Dorm shower/washing/toilet areas. Pursuant to the August 2023 Stipulation and Order in the case, the County was required to complete a renovation of those areas to address environmental health and safety deficiencies. That work has now been completed.

Hot Food Delivery and Meals

Many people in custody at the Jail have shared concerns about the quality and nutritional value of the meals that are provided. The *Murray* case does not directly address all access of food service. However, we urged the County to change its jail food vendor in an effort to improve nutrition and food service at the jail. The County did change its food vendor in Fall 2024.

The *Murray* case does require that hot food be “served hot to the greatest extent practicable.” We are aware that this does not always occur. The County is required by the *Murray* court orders to address this problem, including by utilizing warming carts and equipment to keep food warm during transport to the housing units and by modifying serving procedures.

Clothing Provision and Exchange

People in custody have complained about the lack of adequate clothing, problems with clothing exchange processes, and the lack of warm clothing. We have pressed for improvements in these areas.

As of September 2023, as required by the August 2023 Stipulation and Order, the Jail had increased the amount of clothing (including undergarments) provided to each person at each clothing. In addition, the court order requires that any person may reasonably request exchange of clothing or bed linens, and that staff must complete the exchange promptly and in all cases by the end of the shift

As of May 2023, following our advocacy on the issue, the County issues sweatshirts to every person in custody at the Jail to provide cold weather clothing. The court order requires that sweatshirts may be exchanged based on the regular clothing exchange procedures *and* upon reasonable request.

Jail Population Reduction Measures to Improve Conditions

The Stipulated Judgment in *Murray* recognizes that jail population-related stressors pose operational challenges to the County's ability to comply with the Remedial Plan requirements. If the size of the Jail's population prevents timely and sufficient implementation of and compliance with the Remedial Plan, the County and Plaintiffs' class counsel must confer regarding measures to safely reduce the jail population. Such discussions are currently in progress.

We and our co-counsel will continue to advocate for jail population reduction in order to reduce crowding, improve conditions and health care services in the jails, and reduce excessive and harmful incarceration rates.

DEPARTMENT OF STATE HOSPITALS (DSH)

The *Murray* case does not cover issues related to DSH or the transfer of patients to DSH. However, in a case known as *Stiavetti v. Clendenin*, the California Supreme Court ruled that the State has violated the due process rights of people found incompetent to stand trial (IST) who have waited for long periods to go to DSH.

If you have been found IST and are not receiving the mental health care you need while you are waiting to go to DSH, please write to our office. We cannot promise that we will be able to help, but we will always review what you send to see if there is anything we can do to help you access mental health care while you're in the jail.

CALIFORNIA PRISONS

The *Murray* lawsuit also does not cover issues related to California prisons or transfer to California prisons. However, the Prison Law Office and other firms are working to improve conditions in California prisons through other class action lawsuits. You can write to the Prison Law Office or to us for more information about those lawsuits.

Prison Law Office
General Delivery
San Quentin, CA 94964

INDIVIDUAL ACTION

If you would like to file your own lawsuit about problems in the jail, you should “exhaust” the grievance process regarding the problem. That means that you should go through the entire Jail grievance process to try to resolve your issue.

We cannot represent you in an individual lawsuit, and we cannot provide legal assistance regarding any criminal court case.

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We hope this document is informative and useful for you. Please take care.