



**PRISON LAW OFFICE**



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March 1, 2022

Rick Heyer  
Supervising Deputy County Counsel  
County of Sacramento

Ann Edwards  
County Executive  
County of Sacramento

Eric Jones  
Deputy CEO  
County of Sacramento

Matthew Petersen  
Chief Deputy, Correctional Services  
Sacramento County Sheriff's Office

Sandy Damiano  
Director  
Adult Correctional Health

Dear Mr. Heyer, Ms. Edwards, Mr. Jones, Ms. Damiano, and Chief Petersen:

We write to bring your attention to dangerous and degrading conditions of confinement in the Sacramento County Main Jail and to call for urgent remedial action.

As class counsel in *Mays v. Sacramento*, we recently became aware that due to ongoing jail overcrowding, the Sacramento Sheriff's Office (SSO) has been unable to move people from the booking loop to the housing units in a timely manner. The return to pre-pandemic population levels, even as pandemic-related quarantine safety protocols persist and strain the Main Jail's facility management, has led to a horrifying and dangerous situation for *Mays* class members. Rather than being processed expeditiously following arrival at the jail, dozens of people are spending several days at a time sleeping on concrete floors in filthy, below-ground holding cells that are not intended for human habitation. While there, they are denied basic medical and mental health care, even while experiencing serious mental health needs or active withdrawal from substance use. Just two weeks ago, a man with alcohol substance use disorder died on his third day in the booking loop.

These conditions are unlawful and result directly from unacceptably high population levels in the Jail. As outlined in this letter, the SSO is failing to provide safe and humane conditions of confinement at current population levels, and the County must act with haste to redress the situation by reducing the jail population and enhancing health care services for those who remain in the jail.

**Conditions of Confinement Are Unacceptable**

People in the jail are being held in windowless, basement holding cells for multiple days after they arrive at the jail. The holding cells are freezing cold and filthy, with used toilet paper, old utensils, and used undergarments crumpled on the floor. People booked into the jail reported

that they are issued a single set of outer garments, including just one short sleeve shirt. One woman described sleeping for three nights on a concrete floor wedged between two dirty mattresses to stay warm. Others reported sleeping on the freezing concrete floor with no mattress or blanket in a crowded holding cell shared with as many as 20 people.

People report that the holding cells reek of feces and vomit. Many of the people in the holding cells are experiencing withdrawal from alcohol and other substances. They report that they vomited and defecated repeatedly for days as their bodies suffered through withdrawal. One woman reported that so many people in the holding cell were vomiting that they had to use cups to hold their vomit until the toilet was available. The toilets have flushing restrictions, so feces and vomit pile up in the toilet. No one is permitted to shower while held in the booking loop holding cells.

There are no books, no television, no radio, and no writing materials available to people in the booking loop holding cells. Many people report that they simply stared at the concrete floor and walls for hours waiting for the time to pass. Several people reported that deputies failed to provide some meals while they were in the booking loop. People told us that they were treated “like animals” when they asked the deputies passing by how long they would remain in the holding cells or how they could access the health care services they needed. One woman reported that the deputies told her there was simply no space for her in the jail, so she would remain in the crowded holding cell until a space opened up in the jail’s regular housing units.

There is no justification for these degrading and dangerous conditions. With essential COVID protocols bumping into the nearly highest jail population levels since the early days of the pandemic, the crowding and excessive lengths of stays in the booking loop has made the situation dire. Immediate remedial action is necessary.

### **The County is Denying People Essential Medical Care**

People in the booking loop holding cells are not receiving necessary medical or mental health care, regardless of their repeated requests. This dangerous situation is the consequence of serious health care staffing deficits that have become even more acute recently, the lack of minimally adequate space in the booking loop to deliver basic health care, and the overcrowding-driven bottleneck that keeps people in the booking loop for many days at a time.

In one case, a man with serious mental health needs reported that he asked custody staff “at least ten times a day” if he could see mental health staff. He repeatedly informed them that he needed medication to treat his psychiatric condition. Rather than facilitate access to care, custody staff in the booking loop reportedly told him that it was not their job to schedule mental health appointments for him.

In another instance, confirmed by the Jail’s own medical records, a woman reported to jail officials at the time of booking that she had significant quantities of heroin and methamphetamines in her system. The intake nurse informed her that she would be monitored and would receive intake medications within 24-48 hours. Instead, the woman was placed into a holding cell in the booking loop for three days. During that time, she was sweating, vomiting, and defecating constantly. She reports that her bones were aching and she wanted to crawl out of her skin. Medical records confirm her report that she did not see a nurse or other health care staff once during that period of time. Instead, she went through severe withdrawal with no medical

supervision or monitoring. She reported that three other women in the holding cell were experiencing severe withdrawal symptoms as well.

The stakes of these failures are profound. A man in his late thirties died earlier this month in the Main Jail booking loop. While the official cause of death has yet to be determined, medical records indicate that he reported a significant ongoing alcohol substance use disorder at the time of intake. Despite knowledge of this condition, no health care staff member documented any assessment of the patient for days. He remained in the booking loop without any documented medical attention until he died two days later in a holding cell, under circumstances consistent with untreated alcohol withdrawal.

Even before the recent overcrowding-driven reliance on the booking loop for housing, the court-appointed medical experts in this case reported that the County is failing to adequately monitor or treat people going through substance use withdrawal. They noted that “untreated or inadequately treated substance abuse withdrawal predictably results in preventable suffering, and patients are at risk of hospitalizations and death.” Madeleine LaMarre & Karen Saylor, Monitoring Report of the Medical Consent Decree (Oct. 4, 2021), ECF No. 149-1 at 11. They criticized the use of the booking loop for monitoring substance use withdrawal, noting that it is “completely unacceptable,” “dirty,” and “dehumanizing.” *Id.* at 18. The failure to adequately treat this high-risk population is patently unlawful. *See* Consent Decree, Sec. VI.A, C, N (requiring sufficient healthcare staffing, ready access to health care, regular nursing assessments for people experiencing detoxification in the first five days, and the provision of medication interventions to treat withdrawal syndromes).

It is difficult to imagine a more dangerous situation. Staffing deficits and population challenges do not justify the failure to provide basic, life-saving care to people who are in an exceptionally high-risk state.

### **Immediate Action is Necessary**

The County must act to remedy these conditions immediately. In particular, the County must take the corrective actions outlined below.

#### *Medical Care for Persons at Risk of Withdrawal from Alcohol, Benzodiazepines, and Opiates*

With respect to the severe deficits in the provision of care to people experiencing withdrawal from substances, Plaintiffs’ counsel demands the following:

- (1) The County must provide 24/7 nursing staffing to the booking loop. Nurses must make regular rounds of all holding cells in which people are being held and must be readily available to people who need care. If the current staffing resources available to the Jail are not sufficient to meet this nursing demand, the County must redeploy resources immediately.
  
- (2) Because the County has demonstrated its inability to comply with basic protocols regarding monitoring people who are experiencing detox, it must revise its policies to initiate the detoxification regimen for all patients with alcohol, benzodiazepine, and opiate substance use disorder, independent of CIWA and COWS score at intake. A first dose of medication should be administered while the patient is in booking. Nurses must conduct a CIWA and/or COWS assessment within 6 hours of intake.

Immediate Action to Address Dangerous and Inhumane Conditions, Main Jail Booking Loop  
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- (3) A medical provider must evaluate all persons with substance use disorder within 24 hours of arrival at the Jail.
- (4) Nurses must monitor persons with substance abuse disorder according to the severity of withdrawal and in accordance with the Standardized Nursing Procedure.
- (5) Nurses must identify and use dedicated space in the booking loop or elsewhere in the jail to do assessments of people who are experiencing detox.
- (6) The County must produce within 90 days a plan to expeditiously establish a dedicated detox monitoring unit in the Main Jail.
- (7) The County must develop a quality assurance system to review its practices with respect to detoxification, including through sampling medical charts of patients who are identified as having substance use disorder at intake. The County must generate a monthly report on its findings, to be provided to Plaintiffs' counsel and the court-appointed medical experts.
- (8) The County must produce a monthly report of all people who are identified as: (a) having substance use disorder, and/or (b) experiencing detox at the time of intake so that Plaintiffs' counsel and the court-appointed medical experts can independently monitor compliance with detoxification protocols.

If the County is unable to produce a plan to address these deficits with urgency, Plaintiffs' counsel will invoke the court to enforce our clients' rights to life-saving medical care. We and the court-appointed medical experts are available to discuss these demands and a plan for implementation.

*Booking Loop Conditions and Population Pressures*

As noted, the dangerous situation in the Jail is a direct result of unacceptably high population levels. As of February 25, 2022, the overall census of the Sacramento County Jail was 3,399. This stands in contrast to the total population of 2,500 in the summer of 2020. With the ongoing need to maintain quarantine and isolation units to protect people from transmission of COVID-19 and significant, persistent staff shortages in custody and health care, the Jail simply cannot safely and humanely house a population of this magnitude. *See* Ltr. from A. Fischer & M. Mendelson, Demand for Action to Combat COVID-Omicron Surge (Jan. 13, 2022).

To address this situation, the SSO should take the following measures:

- (1) **Early release criteria:** The SSO has reinstated its policy of releasing people with 90 days or less remaining on their sentences. This is a welcome development, and to our understanding has led to the early releases of more than 300 people. But with the high booking rates and enormous backlogs in criminal courts, the 90-day early release policy does not go far enough to address the magnitude of the crisis. The SSO must act promptly to expand its release plan, for example by releasing people who meet certain criteria with less than 180 or 270 days remaining on their sentence.

- (2) **Booking restrictions:** The Sheriff’s January 13, 2022 letter to the County’s local law enforcement agencies on “COVID-19 Related Arrestee Booking Temporary Restrictions” appears, based on the County’s data, to have had little to no effect on the number of new arrivals coming into the jail’s booking loop. The Sheriff’s Office should further narrow its criteria for accepting new bookings – for example, by considering all arriving individuals for immediate diversion rather than booking, consistent with the emergency “zero bail” policy that was in effect earlier in the pandemic.
- (3) **Release authority:** The Sheriff’s Office, with its community partners and sister agencies, achieved substantial population reduction in the early months of the pandemic. These efforts undoubtedly mitigated the level of COVID-19 infections and adverse health outcomes for people incarcerated in the jail system. The Sheriff retains its authorities, including pursuant to Government Code section 8658, to reduce the jail population to address an emergency situation endangering the lives of incarcerated people, as we see today in the booking loop and throughout the jail system. The Sheriff must exercise this authority to prevent suffering and deaths.
- (4) **Booking loop cap:** As a backstop to prevent the conditions present today, the SSO should institute a firm cap on the number of people who can be held in the booking loop. The booking area was not designed for human habitation and may not serve as a *de facto* housing unit. Plaintiffs’ counsel is available to discuss a specific cap on the booking loop occupancy and the procedures for its implementation.

As class counsel, we are cognizant of the particular challenges facing jail administrators at this time and aware of the hard work of the jail staff and leadership to meet the needs of people in the jail. Nonetheless, the time has come for a more robust response to the unacceptable conditions in the Sacramento County Jail. We request a written response from the County on this important matter no later than March 8, 2022.

Sincerely,

/s/ Margot Mendelson

Margot Mendelson

Patrick Booth

**Prison Law Office**

/s/ Aaron Fischer

Aaron Fischer

**Law Office of Aaron J. Fischer**

cc: Madeleine LaMarre, Court-Appointed Expert, Medical Care  
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