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July 29, 2022

Eric Jones
Deputy CEO
County of Sacramento

Dear Mr. Jones,

We write to bring your attention to class counsel's recent monitoring report regarding restrictive housing practices in the Sacramento County Jail. The report, which is attached, was filed with the court on July 19, 2022. It documents persistent and severe problems with the County's practices with respect to the use of solitary confinement. In particular, the report describes egregious failures to provide out-of-cell time and outdoor recreation to people in the Main Jail's restrictive housing units. It also documents the widespread, long-standing, and unlawful use of solitary confinement for people with serious mental illness.

These deficiencies are long-standing. We first approached Sacramento County years ago in large part because of the Sheriff's Office's extraordinary overuse of solitary confinement and its systemic practice of subjecting people with serious mental health needs to prolonged isolation. Now, nearly three years after the parties submitted a negotiated Consent Decree to the federal court, the Sheriff's Office's lack of progress toward remediation in this area is profoundly troubling. We want to ensure that you and other County leaders are aware of these problems, both because of the seriousness of the legal violations involved and because of the critical implications for broader questions relating to the jail population, the jail physical plant, and the vision for the jail system's future. The County cannot move beyond court oversight until it addresses its excessive reliance on solitary confinement. Indeed, in the absence of substantial and timely progress in this area, costly enforcement litigation is likely.

As detailed in Section V of the report—which we strongly encourage you to read—the dangerous overuse of solitary confinement in the Sacramento County Jail is inextricably tied to the excessive jail population. Many people live in conditions of solitary confinement simply because of the chronic lack of sufficient mental health placements to meet the needs of the population. Some people cycle repeatedly between the acute mental health units and solitary confinement placements on 8 West, where they decompensate until they require acute mental health treatment again. In some cases, people spend months or years in solitary confinement simply because they are afraid to share a cell with others. Due to jail overcrowding, the Main Jail fails to provide single cell housing options outside of solitary confinement and certain intensive mental health units. This practice is outside the norm of functional criminal detention systems and undermines necessary progress away from the overuse and misuse of solitary confinement. Similarly, the persistent lack of out-of-cell and outdoor recreation time reflects the

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inadequacy of the space at the Main Jail for the population it detains. The County's abject failure to provide constitutional conditions of confinement underscores the urgency of jail population reduction measures.

These failures also reflect significant structural deficiencies in the Sacramento Sheriff's Office (SSO). The constant rotation of staff, even high-level officers, between patrol and corrections means that no one in the SSO has taken ownership over Consent Decree compliance. New jail leaders scarcely have time to gain an understanding of the Consent Decree and its implications for jail practices and conditions before they are rotated out of the jail. Under the current system, the primary responsibilities for addressing the broken system of restrictive housing fall on a classification sergeant, who does not have the authority to address the magnitude of the problems presented. Higher level jail leadership has had limited engagement with the Consent Decree, and even if they did, they too rotate frequently in and out of the Jail. In our experience in numerous carceral systems, this structure is a recipe for failure, and will serve to prolong the period of federal court oversight of the Sacramento County Jails in *Mays*.

We reiterate that the SSO must create a permanent position to handle Consent Decree compliance and oversee the major changes needed. Other counties have done this with success. The SSO needs stable leadership to set expectations, engage in long-range planning, report progress and setbacks, and hold custody staff accountable to the County's legal obligations.

As County leadership considers a plan for achieving compliance with the *Mays* Consent Decree—including the analyses in the "Main Jail Capacity to Meet the Consent Decree" report, the Sacramento County Jail population management study, and the report on hygiene and environment of care in the jail system—we urge you to consider carefully the implications of the restrictive housing monitoring report.

We appreciate your attention to these critical issues. We are available at your convenience to discuss any aspect of our report.

Sincerely,

Margot Mendelson
Margot Mendelson
Patrick Booth
Prison Law Office

Aaron Fischer
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Law Office of Aaron J. Fischer

cc: Rick Heyer

Encl.: Second Restrictive Housing Report, *Mays v. County of Sacramento*