



PRISON LAW OFFICE



September 1, 2022

Dear Sacramento County Board of Supervisors:

As class counsel in *Mays v. Sacramento*, we write to provide information regarding the *Mays* lawsuit in advance of the public workshop regarding plans for the Sacramento County Jails, to be held on September 14, 2022.

The *Mays* Consent Decree requires certain minimum conditions in the Sacramento County Jails (“the Jails”), consistent with the requirements of the U.S. Constitution, the Americans with Disabilities Act, and relevant state statutes. The Consent Decree sets forth detailed standards with respect to the provision of medical care and mental health care, the treatment of people with disabilities, and the use of restrictive housing (also known as solitary confinement). Among other things, Sacramento County must ensure that the Jails are safe for and accessible to people with disabilities, that people in the Jails have access to adequate mental health care and medical care, that health care is provided in an appropriate confidential treatment setting, and that people are not subject to prolonged and damaging solitary confinement. These conditions are set forth in the [Consent Decree](#), which is publicly available along with [other key documents in the case](#).

Despite efforts to revise policies and improve practices consistent with Consent Decree requirements, conditions in the Jails remain deplorable. Nationally recognized subject matter experts, appointed by the federal court, have opined extensively about the inadequacies of the Jail physical plant and operations. In particular, public reports have documented that:

- People incarcerated in the Jails lack sufficient access to basic [medical care](#) and [mental health care](#). The Jails do not have sufficient health care staff to meet the needs of the current population. Health care appointments take place in settings that lack necessary confidentiality. Given chronic space deficiencies, patients routinely meet with health care staff at cell front and in areas where custody staff and other incarcerated persons can easily hear and observe the communications.
- The Jails subject people to [prolonged, harmful solitary confinement](#), including people with serious mental illness, a direct violation of the Consent Decree.
- The Jails lack sufficient accessible housing for people with [disabilities](#). As a result, people with disabilities are unable to access basic programs and services in the Jails.
- The jail facilities are [filthy and unsanitary](#).

In October 2021, *Mays* class counsel initiated the dispute resolution process, the precursor to federal court enforcement, regarding the County's persistent failure to comply with core terms of the mental health and suicide prevention provisions of the Consent Decree. After extensive negotiation, the parties entered into a [legally enforceable Memorandum of Agreement](#) to resolve some of the identified compliance issues. Among other things, the County agreed to expand mental health treatment and programming in the Jails and implement critical suicide prevention practices. Other items remain unresolved, as the County lacks a plan to meet Consent Decree requirements.

The County must set a course for Consent Decree implementation. The County has agreed, by October 15, 2022, to establish a plan for jail population reduction measures, including funding and an implementation schedule, to be developed with input from community stakeholders. The County also agreed, by December 21, 2022, to develop a plan for addressing the physical plant deficiencies that prevent compliance with the Consent Decree. If the County fails to meet these benchmarks, we are prepared to pursue enforcement litigation in federal court.

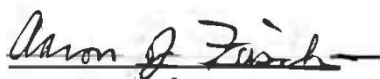
It is important to note that, while remediation of physical plant deficiencies is essential, the *Mays* Consent Decree does not require the County to build additional jail beds or engage in any particular form of construction. It requires the County to meet minimum conditions for the people it chooses to incarcerate. The County is free to determine the manner in which to comply with those legal obligations. The court-appointed neutral experts and class counsel have repeatedly called for jail population reduction, including in [reports](#) and [letters](#) regarding unacceptable conditions of confinement. Significant and sensible reduction of the jail population is a critical step toward compliance with the Consent Decree and resolution of the *Mays* litigation.

We appreciate the efforts of all parties to address the urgent deficiencies in the Sacramento County Jails. The input and recommendations of the County's consultants on jail population reduction opportunities and physical plant remediation are foundational to charting a path forward. We look forward to seeing the County's plans as required by the aforementioned Memorandum of Agreement.

Sincerely,



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