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February 28, 2023

Rick Heyer
Sacramento Supervising Deputy County Counsel
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Lisa A. Travis
County Counsel

**Re: *Mays v. County of Sacramento* Denial of Cold-Weather
Clothing Despite Multiple Winter Storms**

Dear Mr. Heyer:

We write to underscore that Disability Rights California (“DRC”)—as the Protection and Advocacy system for the State of California and as co-counsel in the *Mays v. County of Sacramento* lawsuit—is extremely concerned about the Sacramento Sheriff’s Office’s (“SSO”) continued refusal to provide adequate clothing to the people in the Sacramento County Jail.

Despite this past week’s “powerful and cold” winter storm that brought record cold temperatures to Sacramento,¹ and the fact that “[a]nother winter chill will slam Sacramento with low temperatures, wind and rain this week,”² the SSO’s position is that additional cold weather clothing is

¹ Hector Amezcua, *Cold winter storm brings wind, rain to Sacramento, snow across Northern California*, Sacramento Bee (Feb. 24, 2023), <https://www.sacbee.com/news/weather-news/article272591874.html>

² Hanh Truong, *Sacramento temps to drop below freezing as more rain blasts capital city*, Sacramento Bee (Feb. 27, 2023),

“unwarranted.”³ In order to protect the health and safety of the people at the jails—including hundreds of individuals with disabilities who are at increased risk of harm—we once again request that the County provide people at the Jails with cold-weather clothing.

As set forth in the February 6, 2023 Letter from the Prison Law Office and the Law Office of Aaron J. Fischer, the Sacramento Sheriff’s Office refuses to provide individuals at the jails with cold-weather clothing such as a sweatshirt, a jacket, and a long-sleeve shirt. With only a short sleeve t-shirt to wear in near freezing temperatures, numerous individuals report feeling extremely cold and refusing out-of-cell and outdoor recreation time because of inadequate winter clothing. For individuals subjected to solitary confinement, this denial of appropriate clothing leads to extended segregation and increased feelings of isolation and sadness.

Despite the “unseasonably cold weather,” the SSO’s position is that it does not believe that the current frigid conditions “necessitate the expenditure of providing every inmate in the custody of SSO cold weather garments as part of their standard clothing issue.”⁴ This stance is appalling, particularly given that providing sweatshirts for people in jails is a relatively low-cost item and that, as of last year, the Sheriff’s Inmate Welfare Fund had more than \$11 million. Moreover, this position is entirely out-of-step with the actions of other detention facilities, which have responded to DRC’s concerns by agreeing to buy warm clothing for their detainees immediately.

The SSO must provide people in the jails with weather-appropriate clothing immediately. Denying people the means to stay warm in jail is cruel and inhumane, akin to denying adequate nutrition or opportunities for hygiene.

Based on the SSO’s refusal to provide weather-appropriate clothing, DRC has concluded that there is probable cause to find that abuse and/or neglect of people with disabilities has or may have occurred, as those

https://www.sacbee.com/news/weather-news/article272615076.html?ac_cid=DM768282&ac_bid=-2045758621.

³ Letter from Rick Heyer, Supervising Deputy County Counsel, to Margot Mendelson, Legal Director (Feb. 24, 2023).

⁴ *Id.*

terms are defined in DRC's authorizing statutes and regulations.⁵ Moreover, as co-counsel for the *Mays* class members, we are prepared to move forward with the dispute resolution process and to bring this urgent issue to the attention of the federal court.

Sincerely,



Jennifer Stark
Managing Attorney

cc: Sheriff Jim Cooper
Undersheriff Mike Ziegler
Eric Jones, Deputy County Executive for Public Safety and Justice
Clerk for the Sacramento County Board of Supervisors

⁵ The Protection and Advocacy for Individuals with Mental Illness (“PAIMI”) Act defines probable cause as “reasonable grounds for belief that an individual with mental illness has been, or may be at significant risk of being subject to abuse or neglect.” 42 C.F.R. § 51.2. The PAIMI Act and the Developmental Disabilities Assistance and Bill of Rights (“PADD”) Act regulations also contain definitions of abuse and neglect. See 42 C.F.R. § 51.2; 45 C.F.R. § 1326.19.