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VIA EMAIL ONLY

February 6, 2023

Rick Heyer
Sacramento County Counsel
heyerr@sacounty.gov

**Re: *Mays v. County of Sacramento*
Dispute Notice re: Temperature and Clothing Issues**

Dear Rick:

We are disappointed by the County's response to our concerns about the inadequate provision of clothing to people in the Sacramento County Jail. In our initial correspondence, we reported two serious issues related to clothing at the jails. First, people in the Jails are issued only one pair of clothes, which does not include any long-sleeve t-shirt, jacket, sweatshirt, or thermal clothing. People are provided only one short-sleeve t-shirt, one pair of pants, one pair of socks, and one or two pairs of underwear. We wrote that, with so few clothes, many people at the Jails report being extremely cold and, among other issues, refuse out-of-cell and outdoor recreation time as a result. These practices exacerbate the Sheriff's Office's chronic noncompliance with the *Mays* Consent Decree provisions regarding restrictive housing and out-of-cell time. Second, and relatedly, we reported that the Jails' laundry exchange process is unacceptable and degrading. Because people are issued only one pair of clothes, they must strip completely naked to exchange their dirty clothes for clean clothes. The process is humiliating and unsafe. We requested that the Sacramento Sheriff's Office (SSO) provide cold-weather clothing and more sets of clothes to people at the Jails to remedy these issues.

As described below, the County's response to both requests was inadequate and fails to address the issues we raised. We once again request that the County provide people at the Jails with cold-weather clothing and more sets of clothes. Continuing to deny people basic necessities is unacceptable, and if the SSO cannot resolve these fundamental problems, we will seek enforcement on these issues by proceeding through the dispute resolution process outlined in the *Mays* Consent Decree.

I. The Sacramento Sheriff's Office Must Provide People with Cold-Weather Clothing

The lack of cold-weather clothing is worsening the SSO's pervasive and long-standing solitary confinement problem. As you know, the Remedial Plan requires that most people receive at least 17 hours of out-of-cell time each week. Sec. VIII.B.1. In reality, many people at

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the jail are offered far fewer than 17 hours each week and instead spend much of their lives locked inside of their cells. *See* Doc. 156-1, Plaintiffs’ Second Restrictive Housing Report (July 19, 2022) (finding that the SSO is not compliant with the Remedial Plan’s out-of-cell time requirement and that “[m]any people in restrictive housing units ... live in conditions of substantial isolation and sensory deprivation.”). But even with so few opportunities to be outside of one’s cell, people frequently decline offers to go to outdoor recreation because the space is extremely cold and the SSO fails to provide weather-appropriate clothing. People are forced to choose between extended periods of isolation in their cells or being outside on a cold, concrete recreation yard with no sweatshirt, no long-sleeve shirt, and no undershirt. The provision of out-of-cell time under such conditions is illusory, and will not be counted for purposes of remedial plan compliance.

In response to our previous correspondence, the SSO explained that the buildings at the Main Jail and Rio Cosumnes Correctional Center (RCCC) are temperature-controlled and that maintenance on the temperature system is regularly conducted when people submit complaints. However, that response is inadequate for several reasons.

Most apparently, the temperature-control systems in the buildings do not apply to spaces outside of the buildings, including outdoor recreation spaces. When we visited the Main Jail on January 12, 2023, we heard dozens of reports throughout the facility, from both staff and incarcerated people, that people forego their outdoor recreation time because they are too cold to go outside in only a t-shirt. For example, Deputy Conley, who works on 3 West, told us that many people are too cold to spend any amount of time in the outdoor recreation space, and he is even cold when working inside the building. People in the jail who refuse outdoor time are not offered extra dayroom time to compensate for their lack of out-of-cell time. Instead, they merely receive less time out of their cell.

Additionally, the SSO’s response about the temperature-control system is inconsistent with the many reports we received about the frigid temperature in the building. During our visit in January 2023, numerous staff members and incarcerated people throughout Main Jail reported that the temperature inside the building is in fact very cold, despite the temperature-control settings. Incarcerated people reported that they are too cold in the dayroom, in their cells, and in the program areas, and that having a long-sleeve, thermal shirt, sweatshirt, or jacket would make a significant difference.

While we understand that the SSO intends the temperature in the building to be at a particular level at all times, that system is not working and people are extremely cold. That is unsurprising given the fact that the building is over thirty years-old and frequently in disrepair. The SSO’s response even acknowledged that temperature fluctuations are possible in the building and can be the result of several factors, including blocked air vents in cells. In other words, the temperature-control system in the building is insufficient to ensure that class members are subjected to unacceptably cold conditions. Instead of relying on a decades-old ventilation

system to maintain a specific temperature throughout the entire building at all times, the SSO should provide people with a sweatshirt or long-sleeve shirt when it is cold outside.

The SSO continues to have a serious problem with people being locked inside of their cells for far too long, in clear violation of the Remedial Plan. The lack of cold-weather clothing is making the situation worse, and the SSO can take steps to address this significant problem by simply issuing people cold-weather clothes.

II. The Sacramento Sheriff's Office Must Provide People with Additional Sets of Clothes Because the Current Laundry Exchange Process is Unacceptable

The process by which people have to exchange their dirty clothes for clean clothes at the jail is inhumane, degrading, and creates an unsafe environment for people at the jail. With only one set of clothes, people must take off their pants and underwear, wrap themselves in only a towel or blanket, and exchange their dirty clothes for clean ones. In some units, the clean laundry is dropped off at each person's cell door. In that situation, a person must be completely naked from the waist down in a cell with their cellmate, who also is completely naked from the waist down.

In other units, laundry exchange happens in the dayroom. People must leave their cells without any pants or underwear and walk through the dayroom, wrapped only in a blanket, to receive their clean clothes. Some people reportedly do not cover themselves in anything to walk through the dayroom and instead are nude from the waist down to collect their clean clothes. Many people reported feeling unsafe around a large group of people who are partially or completely undressed, especially because they are also required to be undressed at the time. This process creates an environment that is humiliating and dehumanizing, and could also provoke sexual violence.

Apart from the cruelty and dangerousness of the laundry exchange process, it is also impractical. People reported that their single set of clothes becomes dirty throughout the week and they are not able to exchange them mid-week. People also reported that laundry exchange is sporadic. Without notice, laundry exchange is frequently canceled. Sometimes people go several weeks without receiving clean laundry, or they receive an incomplete set of laundry with several missing items. In response to us raising this issue, the SSO explained that laundry exchange is skipped at times when resources are not available to conduct laundry exchange or when emergent events are occurring, but that the exchange should occur as soon as possible. Again, that is not an adequate solution to this problem.

These issues can be resolved by providing people with extra sets of clothes.* If people had several sets of clothes, they would not have to completely disrobe in front of an entire

* Sacramento County would not be alone in issuing incarcerated people several sets of clothing at a time. The California Department of Corrections and Rehabilitation, for example, issues people three pairs of jeans, three outer-shirts, four undershirts, six pairs

housing unit to receive clean clothes. Also, provision of more sets of clothes will help to avoid situations where class members are forced to remain in filthy clothing, including when urgent situations arise that might delay timely laundry exchange.

Please inform us no later than February 20, 2023 as to whether the SSO will provide the people it incarcerates with weather-appropriate clothing and additional sets of clothes. If the SSO elects not to provide *Mays* class members with these basic necessities, we will move forward with the dispute resolution process and bring this issue to the attention of the federal court.

Sincerely,

Patrick Booth
Margot Mendelson
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