



PRISON LAW OFFICE



August 25, 2023

VIA EMAIL

Ann Edwards
County Executive Officer
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Eric Jones
Deputy County Executive for
Public Safety and Justice
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Dear Ann and Eric,

As class counsel in the *Mays v. Sacramento* litigation, we write to express our great concern about the County's failure to develop a timely plan to meet the acute mental health needs of people in the Sacramento County Jails. For the reasons set forth below, we demand that the County set forth a plan within 30 days to transfer people who require acute or intensive mental health care to community health care settings outside the jail facilities to receive the care they need.

As you know, the County has failed for years to provide timely access to acute mental health care for patients in the Sacramento County Jails. The system is plagued by chronic delays in access to care, particularly for people experiencing an acute psychiatric crisis. At any given time, there is a lengthy waitlist of people who meet the criteria for acute mental health treatment. As of today, mental health staff have determined that 31 people living in the jails need acute mental health care but are prevented from receiving that care due to inadequate capacity. Some of those patients have been waiting for more than two weeks to receive the inpatient care they require. These chronic backlogs result in delays throughout the jail mental health care system. At present, 21 more patients have been waiting for intensive outpatient mental health treatment, some of whom have been waiting more than two months.

Sacramento County has been and remains in direct violation of the *Mays* Consent Decree, which requires the County to provide timely access to inpatient mental health care to patients in the jails. *See Mays* Remedial Plan Section VII.G.1 (“[T]he provision of clinically indicated treatment to any [patient] requiring inpatient level of care shall be initiated within 24 hours.”). In a forthcoming report, the *Mays* court-appointed expert in suicide prevention found that none of the patients identified as needing inpatient psychiatric care are placed in appropriate acute mental health care beds within 24 hours of identification.

As the County is aware, the acute mental health care unit in the Main Jail (the “2P” unit) is woefully inadequate to meet the needs of the people incarcerated in the jails. It lacks space for clinically appropriate group therapy or confidential individual treatment and was described by the court-appointed mental health expert as more reflective of a solitary confinement unit than an inpatient treatment unit. *See* Mental Health Expert’s Third Round Report, Dkt. 166-1 at 34.¹

The parties have an unresolved legal dispute regarding the County’s failure to provide adequate and appropriate access to acute mental health care to people who are incarcerated in the jails. Well over a year ago, the parties entered into a Memorandum of Understanding (MOU) acknowledging that “continued use of the Main Jail 2P unit as the Acute Psychiatric Unit makes impossible provision of acute level of care in an adequate therapeutic milieu with appropriate treatment space, consistent with relevant Consent Decree requirements.” Dkt. 153-2 at 12 (May 27, 2022). In particular, the MOU provides that “[t]he County will examine all possible methods to deliver acute psychiatric care to *Mays* class members, including in community facilities.” *Id.* Under the terms of the MOU, class counsel expressly reserved the right to pursue enforcement proceedings before the federal court should the County fail to present an adequate plan for timely remediating the violation.

The County initially reported that it intended to expand access to acute mental health care by renovating the Main Jail to relocate and expand the acute mental health care unit. In May of this year, we wrote to express concern about delays in the implementation of that plan. Earlier this month, we were informed that the project had been removed from the Board’s September calendar with no plan to revisit the item.

At present, the County has presented no plan for addressing the dangerously inadequate mental health resources in the jail. In the meantime, *Mays* class members continue to experience preventable and, in many cases, permanent harm due to the County’s failure to provide adequate mental health care. The County’s failure to address this longstanding problem is dangerous and inhumane. It violates the *Mays* Remedial Plan and the parties’ May 2022 Memorandum of Understanding.

Having failed to present a plan to ensure access to acute levels of mental health care to people in psychiatric crisis, **the County must now, within 30 days of the date of this letter, produce a plan to provide these treatment resources in the community.** This measure was expressly contemplated in the parties’ MOU and was endorsed by the court-appointed mental health care expert in an April 2023 report filed with the *Mays* court. *See* Dkt. 166-1 at 15 (“Until adequate psychiatric inpatient treatment can be provided in the jail, it is incumbent upon the Defendants to seek out psychiatric treatment in the community, whether through County Mental Health or private providers, where patients can be placed. Many of the patient population requiring acute care cycle between the community and jail placement. These patients are no greater a threat, in general, than psychiatric patients placed in many community facilities.”).

¹ Monitoring reports by the *Mays* court-appointed expert reports and other key documents in the litigation are available here: <https://www.disabilityrightsca.org/cases/mays-v-county-of-sacramento>

The County may elect to reopen mental health treatment beds at the Sacramento Mental Health Treatment Center or contract with another health care facility to provide care to patients who require acute level mental health care. The County must produce a plan to ensure timely placement of patients awaiting care in the jails in appropriate offsite inpatient care facilities and a timeline for implementation of the plan. **Please provide this plan within 30 days.** At that time, class counsel will determine whether it is necessary to move for enforcement in the federal court on this matter.

Thank you for your attention to this serious issue.

Sincerely,

Margot Mendelson
Patrick Booth
Prison Law Office

Aaron J. Fischer
Law Office of Aaron J. Fischer

Jennifer Stark
Disability Rights California

cc: Rick Heyer, Deputy County Counsel
Mary Perrien, Court Expert
Lindsay Hayes, Court Expert