PRISON LAW OFFICE

Aaron J. Fischer
LAW OFFICE

Disability
Rights
California
California's protection & advocacy system

October 6, 2023

VIA EMAIL

Eric Jones
Deputy County Executive for Public
Safety and Justice
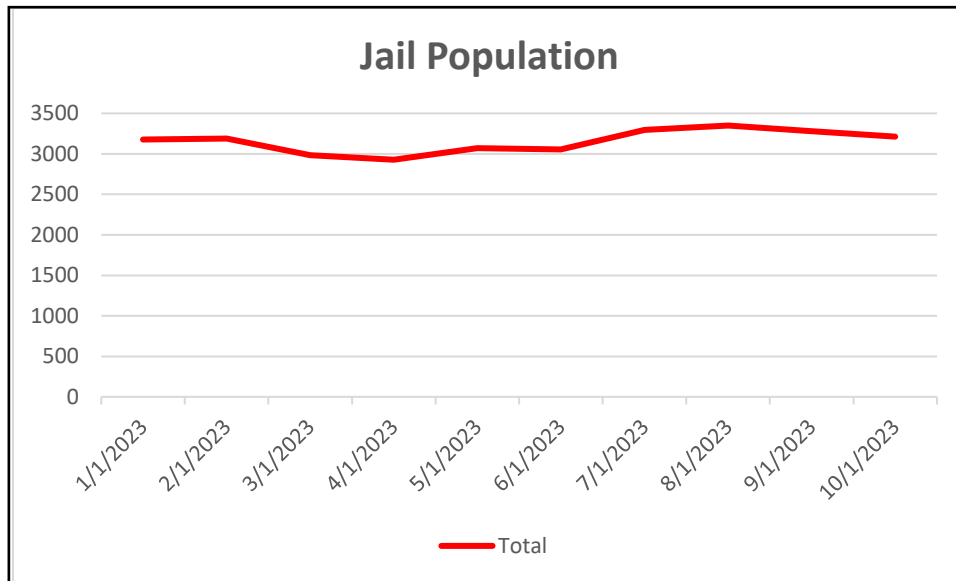joneser@saccounty.gov

Dear Mr. Jones,

As *Mays* class counsel, we write to address concerns about the projected cost of the Main Jail annex and Sacramento County's failure to reduce the size of the jail population as an essential component of *Mays* Consent Decree implementation, despite its stated commitment to doing so.

We recognize that the estimated cost of the proposed annex has risen markedly since the Board of Supervisors initially approved the plan in December 2022. We share the concerns expressed by community members regarding the projected cost of jail renovations. As we have stated, the *Mays* Consent Decree does not require any particular form of construction or specific amount of investment in the jail facilities. Instead, it requires the County to provide for certain basic human needs of the people it incarcerates, consistent with the protections of state and federal law. In particular, the jails must provide: (1) access to adequate mental health and medical care, in confidential and clinically appropriate settings, including during the booking process; (2) accessible facilities for people with disabilities; and (3) space for out-of-cell recreation, including access to adequate outdoor space.

The County is currently in violation of the *Mays* Consent Decree, as it continues to incarcerate people in facilities that do not meet these basic requirements of the Consent Decree. These violations harm our clients by incarcerating them in dangerous and inhumane conditions. The County must devise and implement a plan to remediate these deficiencies in a timely manner, but it is free to determine the manner in which to comply with its legal obligations.

Ultimately, the County will not be able to meet its legal obligations without meaningfully reducing the size of the jail population. At core, the County has failed to meet the obligations of the *Mays* Consent Decree because the needs of the population chronically and substantially outstrip the jail's staffing and space resources. Class counsel, federal court-appointed subject matter experts, and independent consultants have all identified excessive population as a cause of dangerous and illegal conditions in the jails.

In December 2022, the County committed to implementing measures aimed at significantly reducing the jail population. The County's strategy to reduce the population involved funding over 30 different programs. However, since that time, the jail population has remained essentially constant:

Jail Population

We are concerned about the County's failure to reduce the population over the last ten months despite its apparent commitment to doing so. We request an update about the status of the jail population reduction efforts, including the following information:

1. Which of the 30+ programs that the Board agreed to fund in December 2022 are fully funded? Which programs are not fully funded? When will all the programs be fully funded?

2. Which of the programs are currently in operation? What is the timeline for implementation of the remaining programs?

3. What are the current barriers to reducing the population in the jails?

4. Has the County established benchmarks to ensure that the jail population is reduced as intended?

5. Who is overseeing, coordinating, and managing the jail population reduction efforts?

The County committed to providing quarterly status reports on its Jail Population Reduction Reports. However, as of today, the County's Public Safety and Justice web page has only a Q1 2023 report. These quarterly reports need to be timely completed and posted for public review.

Please respond to the questions above within 30 days. We look forward to hearing back from you.

Sincerely,

Margot Mendelson   Aaron J. Fischer   Jennifer Stark
Patrick Booth   Law Office of Aaron J. Fischer   Disability Rights California
Prison Law Office

       cc: Rick Heyer, Deputy County Counsel
                Sacramento County Board of Supervisors
                Mays Court-appointed experts