

# Inmate-Patient Advocacy in California County Jails

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*April 12, 2018*

## Slide 2

### Laws You Should Know

- **Prison Litigation Reform Act**
  - Exhaustion Requirements
    - Exceptions. Even if you think there is an exception, use the jail grievance system!!
  - Requires physical injury for damages
  - Limits on injunctive relief
  - **Americans with Disabilities Act (ADA)**, Title II (42 U.S.C. § 12132) and Title III (42 U. S. C. § 12188)
  - **Section 504 of the Rehabilitation Act**, 29 U.S.C. § 794
  - California Government Code § 1135
  - **8<sup>th</sup> Amendment to the U.S. Constitution**
  - **14<sup>th</sup> Amendment to the U.S. Constitution**
  - **Article I, Section 7 of the California Constitution**
  - **Article I, Section 17 of the California Constitution**

**Title 15 of the California Code of Regulations**

## Slide 3

### Common Issues

- Overuse and misuse of isolation and solitary confinement
- Deficiencies in provision of mental health and medical treatment
- Discriminatory practice

## **Slide 4**

### **Mental Health Services in Jails**

#### **LPS designated units (CTC)**

“Inmate-patients will be afforded such rights as are commonly afforded to medical/mental patients and are consistent with jail or prison policies and procedures.” 22 CCR § 79799(a)

#### **Competency Services**

- In LPS units
- Jail Based Competency Treatment Programs

#### **Outpatient Level Services**

## **Slide 5**

### **CTC Specific Patients' Rights**

1. Right to be fully informed of these rights and of all rules and regulations governing inmate-patient conduct.
2. Right to be fully informed of facility services
3. Right to be informed of his/her medical condition and be afforded an opportunity to discuss treatment with a physician
4. Right to informed consent
5. Right to be informed of and provided access to grievance forms
6. Right to be free from mental and physical abuse
7. Right to be free from unnecessary seclusion and restraint and emergency medication
8. Right to confidential treatment
9. Right to be treated with consideration, respect, and dignity
10. Right to refuse ECT
11. Right to refuse psychosurgery
12. Right to review medical records, unless specific criteria is met
13. Right to be free from discrimination

22 CCR § 79799

## **Slide 6**

Image Description: Mental Health Patients' Rights flyers in five languages posted on a bulletin board.

## **SLIDE 7**

### **PRA Access Authority**

#### **LPS designated jail units:**

- Clear investigative, monitoring, and training authority.

#### **General population jail mental health services:**

- Clear training authority.
- -Strong argument for investigative and monitoring authority.

## **Slide 8**

### **PRA Advocacy in Jail – What You Can Do!**

- Advocate for adequate mental health services.
- Train jail staff on mental health law.
- Refer abuse complaints.

## **Slide 9**

### **Disability Rights California**

*Celebrating 40 Years of Advancing an  
Inclusive and Barrier-free California*

[www.disabilityrightsca.org](http://www.disabilityrightsca.org)

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