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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

LORENZO MAYS, RICKY
RICHARDSON, JENNIFER
BOTHUN, ARMANI LEE, and
LEERTESE BEIRGE on behalf of
themselves and all others similarly
situated,

Plaintiffs,

v.

COUNTY OF SACRAMENTO,
Defendant.

Case No. 2:18-cv-02081 TLN KJN

CLASS ACTION

JOINT STATUS REPORT

Judge: Hon. Kendall J. Newman

Complaint Filed: July 31, 2018

1 On April 27, 2020, the parties filed a Stipulation informing the Court that, in
2 light of the disruption to operations in the Sacramento County Jail facilities (the
3 “Jail”) caused by the COVID-19 pandemic, the parties agreed to postpone scheduled
4 on-site monitoring visits by the Court Experts and Plaintiffs’ counsel. The parties
5 jointly sought the Court’s leave to extend the deadlines for the Court Experts’ first
6 reports on Defendant’s compliance with the mental health, medical, and suicide
7 prevention components of the Remedial Plan. The parties requested leave to
8 subsequently file a status report that would provide further information to the Court
9 about the status of monitoring and would propose a modification to the Court Expert
10 reporting deadlines described in the Consent Decree.

11 The Court granted the request to extend the deadlines and directed the parties to
12 file a status report on or before June 24, 2020, as to the issues above. Dkt. 119. The
13 parties, having conferred and, with input from the Court Experts, provide the
14 following status report.

15 **I. Framework and Deadlines to Apply to First Monitoring Report**

16 1. The COVID-19 pandemic made it unfeasible for the Court Experts to
17 complete their monitoring duties and to produce their first monitoring reports on the
18 timeline contemplated in the Consent Decree.

19 2. Based on current circumstances relating to the COVID-19 pandemic, the
20 Sheriff’s Department anticipates that it will be feasible to arrange for on-site
21 monitoring by Court Experts who are able to travel to the Jail and Plaintiffs’ counsel.
22 However, one or more of the Court Experts who reside out of state have indicated that
23 depending on how the circumstances of the COVID-19 pandemic develop in the
24 coming weeks and months, they may not be able to travel to the Jail to conduct on-site
25 monitoring in the near-term.

26 3. The parties and the Court Experts have conferred regarding a modified
27 monitoring process for purposes of the Court Experts’ first monitoring reports.
28

1 Accordingly, the parties jointly seek the Court's approval of the following parameters
2 for completion of the first monitoring reports by the Court Experts:

- 3 a. The Court Experts and Plaintiffs' counsel who are able to travel to the
4 Jail for on-site monitoring will be permitted to do so, within modified
5 parameters as agreed upon by the parties and as consistent with
6 operational and public safety needs related to the COVID-19 pandemic.
- 7 b. Defendant will provide the Courts Experts and Plaintiffs' counsel with
8 remote access to class members' Jail electronic health records (including
9 medical and mental health records) to allow for remote individual records
10 review.
- 11 c. The Court Experts and Plaintiffs' counsel will request production of
12 individual class member Jail custody records as they deem necessary for
13 their monitoring role. Defendant will produce such records within seven
14 (7) calendar days of the request.
- 15 d. Defendant will arrange for a virtual tour of the facilities to accommodate
16 the Court Experts who are unable to do an on-site monitoring visit. The
17 virtual tour will be made available to all Court Experts and Plaintiffs'
18 counsel.
- 19 e. Defendant will timely produce documents, data, and other information
20 requested by the Court Experts and Plaintiffs' counsel.
- 21 f. The parties will work cooperatively to ensure that the Court Experts and
22 Plaintiffs' counsel are able to conduct interviews of custody and health
23 care staff and confidential, voluntary interviews of class members.
- 24 g. The Court Experts will prepare a draft written report on Defendant's
25 efforts to meet the terms of the Consent Decree, as set forth in the
26 Court's Order re: Joint Request for Appointment of Court Experts (Dkt.
27 117, ¶ 4) no later than **October 7, 2020**.

- h. The parties will provide written comments or objections to the Court Experts' draft reports no later than **October 21, 2020**.
- i. The Court Experts will issue their final reports no later than **October 28, 2020**. The parties will promptly file a Joint Status Report with the final reports.
- j. Where there is a conflict between the aforementioned provisions and the provisions in the Court's Order re: Joint Request for Appointment of Court Experts (Dkt. 117), the provisions set forth above shall control for purposes of the first monitoring report. All other provisions in the Court's previous orders remain in effect.
- k. Absent further court order, the monitoring and reporting provisions set forth in the Consent Decree and the Court's Order re: Joint Request for Appointment of Court Experts (Dkt. 117) will apply to all monitoring after completion of the first monitoring reports.

4. Defendant will complete and file its first status report on its progress toward compliance with the Consent Decree by **July 20, 2020**, as consistent with Paragraph 12 of the Consent Decree.

5. Plaintiffs' counsel, consistent with their monitoring authority under the Consent Decree and their role in reporting on Defendant's compliance with the components of the Remedial Plan pertaining to restrictive housing, ADA/disability, and discipline and use of force for people with mental health and intellectual disabilities (Consent Decree ¶¶ 23-24), will complete their first report on or before **October 28, 2020**.

II. Dispute Resolution Process and Agreement Reached on Certain COVID-19 Policies

6. Since the filing of the parties' last report to the Court (Dkt. 118, Apr. 27, 2020), Defendant has continued to provide regular updates and data to Plaintiffs'

1 counsel. The parties have conferred by teleconference on a regular basis to discuss
2 the County's response to the COVID-19 pandemic as it relates to the health, safety, and
3 rights of *Mays* class members. The parties agree that the issues set forth in the *Mays*
4 Complaint and the *Mays* Consent Decree generally cover the County's response to the
5 COVID-19 pandemic as it impacts *Mays* class members.

6 7. On May 27, 2020, Plaintiffs' counsel sent to Defendant a Notice of
7 Dispute about two alleged deficiencies regarding Defendant's COVID-19 response:
8 first, the failure to require custody staff to wear face coverings in the Jail facilities;
9 and second, the denial of showers and access to phones to class members subject to
10 the mandatory seven-day intake quarantine period for new arrivals and to the fourteen-
11 day quarantine period for people who live in celled housing and have symptoms or
12 possible exposure to COVID-19.

13 8. Consistent with the Dispute Resolution provisions set forth in the
14 Consent Decree (Section G), the Court Experts on medical care (Michael Rowe, M.D.
15 and Madeleine LaMarre MN, FNP-BC) prepared an expert report, dated June 8, 2020,
16 regarding the face coverings dispute.

17 9. Following a video conference mediation with Magistrate Judge Cousins,
18 the designated dispute resolution mediator (Consent Decree ¶ 34) on June 15, 2020,
19 the parties reached an agreement resolving the face coverings dispute and providing a
20 framework for further discussions on the conditions for class members in COVID-19-
21 related quarantine. The Memorandum of Agreement is attached to this Joint Status
22 Report.

23 10. Defendant will continue to provide regular updates and data regarding the
24 COVID-19 situation and response at the Jail, and the parties will confer on the matter
25 on a regular basis. Defendant will provide all relevant policies and procedures, and
26 COVID-19 class member data, to Plaintiffs' Counsel and the Court Experts. The
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28

1 Court Experts will participate in conferences between the parties regarding these
2 matters, as appropriate.

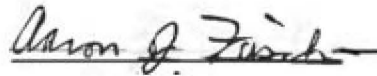
3 **III. Other Remedial Plan Implementation Activities**

4 11. Defendant continues to produce requested data and information pursuant
5 to the Consent Decree, to allow for monitoring to proceed in a manner consistent with
6 precautions necessary during the current public health emergency.

7 12. The parties continue to confer regarding the revision and development of
8 Defendant's operational policies to ensure that they reflect the requirements of the
9 Remedial Plan. The parties agree to invite the participation of the Court Experts in
10 that process, in order to enhance efficiency in the Remedial Plan implementation
11 process.

12
13 The parties request the Court approve the modified framework and deadlines
14 for the first monitoring reports of the Court Experts, as set forth in Paragraph 3(a)-(k)
15 herein and in the Proposed Order, attached herewith.

16 Respectfully submitted,

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18 Dated: June 24, 2020

19

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Attorney for Plaintiffs

21 

22 Dated: June 24, 2020

23

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26 Dated: June 24, 2020

27

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