

MAYS V. SACRAMENTO COUNTY SETTLEMENT AGREEMENT

FACT SHEET

(SEPTEMBER 2019)

Disability Rights California, Prison Law Office, and Cooley LLP have reached an agreement with Sacramento County to address deficient and dangerous conditions in the Sacramento County Jail. The settlement has been preliminarily approved by the federal court. People held in Sacramento County Jail are being provided notice of the settlement. The court has set a hearing for December 6, 2019, to consider final approval of the settlement. The following are key points from the Settlement Agreement.

Sacramento County has agreed to remedy illegal and dangerous conditions in its jails, including those related to the treatment of people with disabilities, the provision of mental health and medical care, suicide prevention, and the use of solitary confinement.

Reduction of the jail population should be part of the solution. The large population of people in jail has made many of the problems inside the jail worse. Safely reducing the number of people in jail will make improvements easier, and less expensive, to achieve. It will reduce the amount of money and resources that are required, allowing the County to spend more of its budget on important community-based services.

In the Settlement Agreement, the County agreed that a “reduction in jail population is a cost-effective means” to comply with constitutional and other legal requirements at issue in the case. The County has agreed that “population reduction of the jails will facilitate compliance” with the Settlement Agreement, through measures that are “designed to promote public safety through evidence-based programs.”

While the Settlement Agreement requires changes to the jail’s physical plant – for example, to provide adequate health care treatment space and disability-related accessibility features – it does not provide for added bed capacity in the jail system.

Sacramento County has agreed to address deficiencies regarding the treatment of people with disabilities, including:

1. Implement a system to identify and track the needs of people with disabilities,
2. Expand access to jail programs and services for people with disabilities, including recreational and vocational opportunities,
3. Improve the process for people with disabilities to submit grievances and to receive timely responses,
4. Rebuild or retrofit parts of the jail so that people with disabilities are able to get around safely (e.g., a person who uses a wheelchair may need supportive bars in the shower in order to bathe safely), and
5. Develop policies and training for staff to provide effective communication to people with special needs (e.g., a deaf person may require a sign language interpreter)

MAYS V. SACRAMENTO COUNTY SETTLEMENT AGREEMENT

FACT SHEET

Sacramento County has agreed to address deficiencies regarding access to mental health services, including:

1. Ensure that health care is provided in a confidential setting,
2. Provide women with equal access to mental health care for women,
3. Keep people with serious mental illness out of solitary confinement,
4. Provide increased access to group and individual counseling,
5. Provide individual treatment planning,
6. Include mental health staff in any disciplinary process in order to avoid punishing people for behavior related to a mental illness, and
7. Include mental health staff in use-of-force decisions in order to avoid the use of force whenever possible.

Sacramento County has agreed to address deficiencies regarding access to medical services, including:

1. Enhance timely access to routine, chronic, and specialty care,
2. Develop a chronic disease management program,
3. Create proper detoxification treatments for people experiencing withdrawal in jail, and
4. Develop policies and procedures to ensure appropriate transgender and gender nonconforming health care.

Sacramento County has agreed to address deficiencies regarding suicide prevention, including:

1. Place limits on the use of safety and holding cells for suicide precautions,
2. Expand suicide prevention training for custody and health care staff,
3. Prohibit the use of classrooms and other unsafe settings for observing people at high risk of suicide, and
4. Expand treatment planning and post-discharge protocols.

Sacramento County has agreed to address deficiencies regarding the use of solitary confinement, including:

1. Limit the use of segregation and other forms of restrictive housing, with limits on the duration of placements and the criteria for placement,
2. Establish a minimum amount of out-of-cell time for people in the jail, including at least 17 hours per week for all people not subject to discipline for a violation of jail rules,
3. Expand access to phones, visitation, religious services, and commissary for people in restrictive housing units,
4. Implement regular check-ins by health care staff for any person placed in a restrictive setting, and
5. Provide increased privileges for people in disciplinary detention to reduce the level of isolation and deprivation.

MAYS V. SACRAMENTO COUNTY SETTLEMENT AGREEMENT

FACT SHEET

Sacramento County has agreed to gather and publish the following data on a quarterly basis:

1. The number of people with mental illness booked into jail; their average length of stay; the percentage of people connected to treatment; the recidivism rates for people with mental illness; the total number of people in jail with a mental health need; the number of people who were receiving mental health services at the time of booking; and the number of sentenced and unsentenced inmates in custody.
2. For sentenced people in the jail, the nature of the convictions, length of sentence(s), and level of mental health care.
3. For unsentenced people in the jail, the nature of the charges, length of pre-trial detention, and level of mental health care.

Plaintiffs' attorneys will continue to work to ensure that the County addresses the problems identified in the case. Disability Rights California and Prison Law Office will be monitoring the County's implementation of and compliance with the Settlement Agreement, including with periodic tours of the jail.

There will also be subject matter experts appointed by the federal court, who will monitor and report on whether the County is in compliance with the terms of the Settlement Agreement.

Named Plaintiffs

Mays v. Sacramento County

Six individuals with disabilities have bravely shared their experiences in Sacramento County's jails and agreed to represent the class of prisoners in this case seeking systemwide improvements.

Lorenzo Mays, diagnosed with significant mental illness and an intellectual disability, was in Sacramento County Jail for eight years awaiting trial, having been repeatedly found incompetent to stand trial. Most of his days in jail were filled with the dangers and monotony of solitary confinement. Permitted just a few hours out of his cell per week, he experienced auditory hallucinations, deepened depression, severe anxiety, and even suicidal thoughts. Yet he did not receive meaningful mental health treatment as his condition deteriorated.

Leertese Beirge, who is diagnosed with serious mental illness, spent seven months in solitary confinement at Sacramento County Jail while he was waiting for a bed in a state hospital. With no human contact and virtually complete isolation, Leertese battled thoughts of self-harm on multiple occasions and eventually attempted suicide. When he became suicidal, the jail placed Leertese in either a barren "safety cell" or an empty classroom. He was stripped of his clothes and forced to sleep on the cold floor.

Cody Garland, once a sentenced prisoner at Sacramento County Jail, lives with many medical needs, including glaucoma and a condition that puts him at risk of severe allergic reactions. He did not receive timely care when these allergic reactions occurred, and repeatedly had to be transported to the emergency room. During one traumatic incident, Cody endured an allergic reaction for hours without treatment. His throat was closing. His skin was in "excruciating" distress—it was so itchy that he scratched until he bled. When Cody was finally sent to the emergency room, he required inpatient treatment in the hospital for more than a month. Cody also lives with mental illness. The jail placed him in restrictive housing for five months where his symptoms worsened. He eventually attempted suicide, recalling that he "just could not take it anymore."

Armani Lee arrived at the Sacramento County Jail with a fractured pelvis and other significant injuries. It was difficult and painful for him to walk. The jail did not provide Armani with suitable accommodations, such as a wheelchair. He was "constantly dizzy," and fell, tripped, and lost his balance on many occasions. Armani is also diagnosed with serious mental illness, including bipolar disorder with a history of suicide attempts. On one occasion, the jail placed Armani in disciplinary isolation where he was not permitted to leave his cell for weeks—not even to shower. The jail also placed magnetic flaps over his tiny cell window, increasing his isolation and sensory deprivation. Armani began to experience severe anxiety, depression, and suicidal thoughts.

Jennifer Bothun arrived at Sacramento County Jail with advanced cataracts, a condition that can cause total blindness if not treated. She did not receive adequate medical care. While at the Jail, Jennifer eventually experienced complete loss of vision in her right eye, dizziness, and constant pain. Jennifer also has significant mental health needs. She spent several months in "Total Separation" solitary confinement at the jail while she waited for her trial. Her experience was one long, grueling nightmare. "I won't be the same person when I get out," she said.

Ricky Richardson lives with paraplegia and uses a wheelchair for mobility. When he arrived at Sacramento County Jail, Ricky was not permitted to shower for several days, as he was housed in a unit without a wheelchair accessible shower. Even after he was moved to a medical unit with larger showers, Ricky was given an unstable shower chair and fell to the floor while trying to use it. Without assistance, Ricky had to drag himself naked across the filthy shower floor. After that, he showered with his entire wheelchair to avoid another dehumanizing fall. Ricky experienced similar obstacles when he received visits from his attorney, because there is no way to fit a wheelchair into the jail's attorney-client visiting booth. Ricky reports that the hardest part of his experience at the jail was being confined to a medical unit, where he did not have access to recreation or physical activity. He developed symptoms of depression at the jail.