



## **FAQ's: Lawsuit Regarding Jail Conditions**

### **Why did Sacramento County get sued?**

Sacramento County is one of multiple counties throughout the state—including Santa Clara, Fresno and Riverside—that have been targeted with similar lawsuits and challenges from the Prison Law Office (PLO), Disability Rights California (DRC) and other law firms. These are the same law firms that sued the State over conditions of confinement in State prisons, which led to the realignment of certain state prison inmates to the counties. The lawsuit was filed due to conditions of confinement for inmates in the County's two jails.

### **What was the issue with the conditions of confinement for inmates?**

Sacramento County's main jail was built before the Americans with Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act (HIPAA) were passed and thus does not meet ADA and HIPAA requirements. There have also been a number of federal court decisions that set new standards concerning how inmates need to be housed, amount of out of cell time inmates are required to receive and the medical, psychiatric and other services that need to be provided in jails. This will require the County to make physical improvements to the jails and provide additional staffing and service in the jails.

Additionally, due in part to Correctional Realignment, in which large numbers of inmates were transferred from state prisons to county jails, the county jails' population has changed significantly. Like other jails in the State and throughout the nation, the Sacramento County jails have also had to deal with a significant increase in the number of people with serious mental illness.

### **What did the County agree to do in the consent decree?**

The County agreed to improvements for inmate medical care, mental health care, out-of-cell time, ADA compliance issues, suicide prevention and use of force policies.

### **Does the new construction just add capacity to add more inmates to the downtown jail?**

No. The construction is meant to fix structural problems within the jail. The construction will address ADA and federal requirements. The construction will also add additional clinic space for medical, dental and mental health care.

## **What will the improvements look like?**

Examples include:

1. Inmates will be pre-screened for mental health concerns and housing, health care and management needs will be adjusted for those inmates. Most will receive more out-of-cell time.
2. Policies, procedures, training and accommodations will be put in place to ensure compliance with ADA requirements.
3. For inmates at risk of suicide, the County will ensure appropriate intake screen, staff training, suitable housing/environment and inmate observation.
4. The County will make overall changes in staff training, as well as consult with mental health providers when considering discipline for inmates with cognitive disabilities or mental health issues.
5. For inmates with mental illness, the County will ensure appropriate housing and settings for treatment, sufficient staffing to meet and maintain improved standards of care and staff training.
6. The County will improve delivery of medical, dental and mental health care through timely referrals, response to requests for care and medication disbursement, chronic care treatment plans and appropriate clinic space for those services.

## **If there were issues in the jail, why didn't the County just fix them?**

The County was making improvements even as negotiations were ongoing.

- In 2017-18, the County created a new 20-bed Mental Health Intensive Outpatient Pod (IOP) and conducted a review designed to find ways to reduce the jails' population through use of evidence-based alternatives to incarceration.
- In 2018-19, the County added additional staff in the jail to free up deputies for more out-of-cell time and provided enhanced mental health services for inmates.
- The County's 2019-20 budget includes funding for two additional 20-bed IOP units, enhancements to inmate medical care, and additional staff to increase out-of-cell time for inmates.

## **What are the changes agreed to in the consent decree going to cost?**

The County's 2019-20 budget allocated \$14 million towards increased staff, contracts and medical costs to improve conditions of confinement and inmate medical care, in addition to the \$10 million invested in new staff and programs in FY2018-19. When fully implemented, the total operating cost associated with the new staff and services will likely exceed \$50 million annually.

Approximate costs for designing and building an addition at the main jail to accommodate the needs of mentally ill inmates and making other needed improvements will cost \$16-18 million in 2020-21.

Construction costs for the addition could exceed \$100 million.

**Why did the County agree to a consent decree to settle the lawsuit, rather than fight it?**

The consent decree comes after three years of negotiations between the County, the PLO and the DRC. By agreeing to settle the lawsuit, the County can avoid significant litigation costs and the risk of potentially more challenging mandates imposed by the court.

**Is the County doing anything to reduce the inmate population by keeping offenders safely in the community or releasing inmates awaiting trial?**

The County is doing exactly that in a number of ways.

- **Pre-Trial Assessment and Monitoring:** The Superior Court and County are implementing a Pre-Trial Assessment and Monitoring pilot program, that will focus on identifying detainees who can be safely released to the community pending trial.

Probation Officers will conduct assessments using a validated risk assessment tool and provide reports to the Superior Court that include risk scores and release recommendations. Judges will then decide which detainees will be released to Probation for pre-trial monitoring.

- **Adult Daily Reporting Centers (ADRCs):** The County Probation Department operates three ADRC locations which provide intensive on-site and community supervision for individuals 18 and over and who have been assessed as having a high-risk to reoffend.
- **Specialty Courts:** This includes Drug Court, Mental Health Court, Co-Occurring Mental Health Court, Community Realignment Re-Entry Court and Veterans Treatment Court.

In these courts, offenders are provided treatment and services in the community. Sentences are suspended during treatment and, if offenders successfully complete their treatment, the sentences are removed.

- **Work Release Program:** The Sheriff's Department operates a Work Release Program that allows qualified offenders to serve their sentence in

the community on electronically monitored home detention or by participating in community work projects.

**For additional questions about the lawsuit or the consent decree, please email [JailLawsuit@saccounty.net](mailto:JailLawsuit@saccounty.net).**