

**Public Safety & Justice**

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**County of Sacramento****MAYS CONSENT DECREE OVERVIEW & MILESTONES**

In 2021, the Public Safety and Justice Agency (PSJA) was formed, in part, to lead and enhance critical cross-system collaborations necessary to achieve compliance with the Mays Consent Decree (MCD). The MCD is a court-approved settlement requiring the County to comply with constitutional standards and federal regulations, including the Americans with Disabilities Act (ADA) and Health Insurance Portability and Accountability Act (HIPAA), in its jail facilities. Requirements include the expansion of mental health services and improvements to medical care and suicide prevention policies and practices. The County agreed that reducing the jail population would assist in achieving compliance. The PSJA supports the Board of Supervisors in making informed decisions affecting the future of jail conditions and facilities through coordination with justice system partners, social services agencies, and community stakeholders with a wide range of perspectives, expertise, and operational involvement.

The Sacramento County Sheriff's Office (SSO) operates two jail facilities. The oldest is the Rio Consumnes Correctional Facility (RCCC). RCCC is located in a floodplain in rural Elk Grove. This facility began operation as a County jail in 1960. Despite many improvements and additions over the years, much of RCCC's supportive infrastructure and several of its buildings have been operating for nearly 65 years.

The Main Jail is a multi-story facility operated by SSO located in downtown Sacramento. It was built in 1989, replacing the former downtown jail which had been the subject of class action litigation. The Main Jail is the primary booking facility for all law enforcement agencies in the County. It is also the location where the bulk of mental health and medical services are provided to County inmates by Adult Correctional Health (ACH), a division of the County's Department of Health Services, and UC Davis Health, a contractor. Due to their age, neither jail facility was designed for ADA and HIPAA compliance.

In February 2015, Disability Rights California (DRC) and the Prison Law Office (PLO) contacted the Sheriff's Office with concerns regarding conditions of confinement related to medical care, mental health care, out of cell time, ADA compliance, and HIPAA compliance in jail facilities. The former Sheriff allowed the advocates to tour the jails. After their tours, DRC/PLO re-affirmed their concerns and suggested that the County and

the advocates could resolve the matters without protracted litigation. To this end, the County entered into a “tolling” agreement to allow continued negotiations with DRC/PLO in December of 2015.<sup>1</sup> The County then entered protracted negotiations with DRC/PLO in 2016 through the spring of 2018. These negotiations produced the six remedial plans that would ultimately form the basis of the Mays Consent Decree. In the summer of 2018, the County indicated to DRC/PLO that it was not prepared to finalize the negotiations at that time. Consequently, on July 31, 2018, DRC/PLO filed the class action complaint in federal court.

Through the remainder of 2018 and 2019, the County and DRC/PLO continued to negotiate. By late 2019, the parties reached a final agreement and presented it to the Court as a negotiated settlement.

On January 13, 2020, the MCD was approved by the federal court, requiring the County to provide constitutionally adequate care and conditions of confinement in both the Main Jail and the RCCC. Among other things, the MCD requires Sacramento County (SSO and ACH) to issue periodic status reports describing steps taken to implement each provision set forth in the remedial plans and identify provisions not yet been implemented. The County’s compliance with the MCD is monitored by the PLO, DRC, and the Law Office of Aaron Fischer, collectively Class Counsel. The Court also appointed subject matter experts in Medical Care, Mental Health Care and Suicide Prevention as monitors in these distinct areas of the MCD. Court appointed monitors are required to inspect the jails and provide reports to the Federal Court twice a year.

In March 2020, the COVID-19 pandemic began, resulting in emergency orders that reduced the jail population through limited bookings and emergency releases. SSO and ACH provided services through several significant outbreaks of COVID-19 within the jails during the pandemic. These outbreaks, and the mitigation measures in place to prevent additional outbreaks, limited the County’s ability to achieve progress on compliance with the MCD.

In January 2021, the first MCD expert monitoring reports were completed. Even with significant policy changes by ACH and SSO, expert reports to date consistently recognize staffing challenges and physical facility limitations as major impediments to achieving full compliance.

The need for new construction to provide adequate space for improved and enhanced services and to comply with ADA and HIPAA requirements preceded the MCD. A project to construct additional space for mental

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<sup>1</sup> A “tolling agreement” tolls the statutes of limitations on specific issues. This incentivizes a plaintiff to negotiate prior to commencing litigation because they know that they will not lose their claims based on a defense of lack of timeliness.

health treatment at RCCC was proposed as early as 2013; however, in 2020, the Board of Supervisors formally rejected the state funds needed to support the project. A 2018 ADA Plan for the jails recommended several facility improvements, including the addition of a new tower (annex) adjacent to the Main Jail to provide an ADA and HIPAA-compliant booking area and space for greater medical and mental health care. With the RCCC project no longer moving forward, in March 2021, an MCD Workshop was held and concluded with the BOS rejecting staff recommendations to authorize a jail annex construction management contract with Kitchell/CEM.

In June 2022, following several expert report findings and a lack of forward movement to address facility needs, the County and Class Counsel entered into a Memorandum of Agreement (MOA). The MOA required the County to develop a plan for jail population reduction as well as a plan to remedy physical plant deficiencies impacting delivery of care. In September 2022, another MCD Workshop was held to summarize efforts to date, share consultant report findings from Nacht & Lewis, Kevin O'Connell, and Wendy Still, and receive public input to inform next steps.

In December 2022, the BOS approved 33 Jail Population Reduction Plans (Framework 1) aimed at reducing the average daily population of the jail system by at least 600 over time. The BOS also directed staff to move forward with a jail annex (Framework 2).

In 2023, after navigating a temporary evacuation of RCCC due to winter storm flooding and the conclusion of the COVID-19 pandemic state of emergency, the BOS continued to support efforts to achieve compliance with the MCD by approving substantial budgetary investments in programs and staffing to support the remedial plans and Jail Population Reduction Plans. Additionally, the BOS took steps to further the development of the jail annex by approving a contract with Kitchell/CEM for construction management. The estimated facility costs are \$654 million. The BOS also approved a resolution declaring intent for reimbursement of \$925 million in bond revenue for the jail annex project.

As of August 2023, the County faces recent demand letters from Class Counsel seeking the creation of new policies, SSO leadership positions, and plans to provide community-based care for inmates requiring acute or intensive mental health care. To address these concerns as well as the other remaining aspects required for compliance with the MCD, the PSJA will continue collaborating with system partners and community stakeholders to develop the knowledge, resources, and reports needed to support data-informed decision making.