



SACRAMENTO COUNTY SHERIFF'S OFFICE

Jim Cooper
Sheriff

July 5, 2023

The Honorable Michael Bowman
Presiding Judge
Sacramento Superior Court
720 9th Street
Sacramento, CA 95814

Subject: Response to Sacramento Grand Jury Report: What's Taking So Long?
County Delays Mandated Jail Improvements

Dear Judge Bowman:

Pursuant to Penal Code Sections 933 and 933.05, the following response is respectfully submitted to you regarding the 2022-2023 Grand Jury's Findings and Recommendations on the report titled: What's Taking So Long? County Delays Mandated Jail Improvements

INTRODUCTION

The County of Sacramento (County) and Sacramento Sheriff's Office (SSO) are required by law to operate and maintain County detention facilities to safely house inmates awaiting trial and those serving their sentence. Due to alleged violations of constitutional rights and compliance failures of the Americans with Disabilities Act (ADA), a lawsuit was filed on July 31, 2018: *Mays v. County of Sacramento*. Allegations included:

- Lack of adequate staffing.
- Unnecessary and harmful use of isolation.
- Failure to provide adequate medical and mental care.
- Discrimination against inmates with disabilities.

The County eventually settled the case and agreed to a number of changes at the Sacramento County Main Jail (Main Jail) and Rio Cosumnes Correctional Center (RCCC). The Court approved the "Mays Consent Decree" on January 13, 2020.

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In December of 2022, the Sacramento County Board of Supervisors approved the building of an Annex to address a portion of the deficiencies, which will take at least five years to design and build. Vigorous interim plan execution is vital to avoid the threat of federal receivership, increased liability for non-compliance, preventable illness for the jail staff and inmate population, and higher costs due to escalation of capital costs interest.

The findings and recommendations in this report are directed towards multiple County of Sacramento entities, including the Sheriff's Office, Adult Correctional Health and the Department of General Services. The below responses reflect those that included the Sheriff's Office.

RESPONSE

Finding 3. There are continuing ADA and HIPAA violations due to the lack of adequate health related facilities while projects approved by the BOS are completed.

Response to Finding 3. Agree with finding

The Main Jail and RCCC were constructed and renovated prior to the enactment of the Americans with Disabilities Act (ADA) in 1990 and Health Insurance Portability and Accountability Act (HIPAA) in 1996. These challenges will persist while projects approved by the Board are designed and constructed. The Sheriff's Office, along with the Department of General Services, have identified Main Jail and RCCC ADA deficiencies and are working together to design and provide cost estimates for any identified improvements. Any identified improvements would be considered in coordination with other Capital Construction Projects, available funding, and the construction of the interim projects and the new health and intake facility. While awaiting the completion of new ADA and HIPAA projects, the Sheriff's Office is committed to finding innovative near-term solutions in cooperation with our DGS and DHS/ACH partners.

Finding 4. There are interim measures that could be implemented at the Main Jail and RCCC to address Mays Consent Decree non-compliance issues while the Annex and interim projects are being designed and constructed.

Response to Finding 4. Partially disagree with finding

As with ADA and HIPAA, the Sheriff's Office is always willing to find interim measures to become partially compliant or even fully compliant in accordance with the Remedial Plan of the Mays Consent Decree. We are committed to innovative and unique solutions while awaiting long term construction projects. The County Departments and Sheriff's Office, however, have determined that the installation of modular trailers within the Mail Jail parking garage or adjacent dirt lot is not feasible due to space and operational constraints.

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Finding 6. Mandatory rotations in leadership positions at the Main Jail and RCCC have adversely impacted the County's ability to meet the requirements in a timely fashion.

Response to Finding 6. Partially disagree with finding

The Sheriff's Office has asked for a 10% pay incentive for key leadership positions at the Jail and RCCC to retain the current Captains, Assistant Commanders and Compliance Lieutenants, but this budget item was not approved. The Sheriff's Office is researching the feasibility of creating a non-sworn position in the compliance role. In the interim, the existing compliance leadership continue to work closely with the May's Plaintiff Council to improve in areas that they are able to.

Finding 7. The sanitation of the Main Jail and RCCC is substandard, and there are inadequate written procedures in place to ensure cleaning is effective.

Response to Finding 7. Partially disagree with finding

While cleaning continues to be a challenge, the Sheriff's Office has taken measures to document cleaning procedures for our areas of responsibility at the Jail including booking cells and housing areas. Staff ensures those areas are clean, and if they become unsanitary we strive to respond within a reasonable amount of time to clean, sanitize and disinfect. Post Orders are in place to ensure that all housing units, cells, including holding tanks and safety cells, are searched and cleaned prior to the placement of a new prisoner. Cell clean-up shall include the disinfection of mattresses.

Recommendation 3. The SSO, in collaboration with the County, should increase the number of intake stations by at least three to reduce overcrowding in the booking area by December 31, 2023.

Response to Recommendation 3. The recommendation requires further analysis

The Sheriff's Office and ACH have implemented a two-tier medical intake which has reduced overcrowding and officer wait time in booking. There is an initial "fit for custody" screening. Those individuals who will be housed at the Jail receive a second, more comprehensive medical screening. This second screening is on the medical floor away from all the distraction and pressure of the booking area. The Sheriff's Office requests until December, 2023 to analyze our new two-tier medical intake screening system to determine if this approach reduces overcrowding in the booking area.

Recommendation 4. The SSO, in collaboration with the County, should install temporary trailer(s) located in the enclosed Main Jail parking garage to reduce continuing HIPAA and ADA violations and allow for increased acute treatment and diagnostic (lab and basic imaging) capability by December 31, 2023.

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Response to Recommendation 4. The recommendation will not be implemented because it is not warranted or is not reasonable

The limitations of space and existing infrastructure within the Main Jail enclosed parking area do not allow for temporary trailers. Additionally, temporary trailers would impede on the daily arrival and departures of busses transporting inmates to and from RCCC, courts and prison. Also, Fire Department responses to medical emergencies and critical events would be greatly impeded by the inability to park within the existing garage.

Recommendation 6. The SSO and the BOS should quantify the costs of unnecessary “send outs” and redirect these funds to pay for the improved interim facilities by July 1, 2024.

Response to Recommendation 6. The recommendation requires further analysis

- In 2022 there was an average of 5-6 med runs daily with up to 15 med runs on a single day. The numbers seem to be consistent in 2023.
- “Send outs” require staffing two (2) deputies per hospitalized inmate. The number and frequency of the “send outs” result in reduced shift staffing and modified operations. Modified operations result in less inmates out for due to lack of SSO staff to adequately respond to assaults/medical emergencies.
 - Inmates assault on staff, Main Jail and RCCC:
 - 2020- 101
 - 2021- 149
 - 2022- 151
- Modified operations also result in fewer SSO escorts for medical appointments, sick call, pill call, etc., which impedes ACH’s ability to efficiently perform their tasks.
- The cost of providing overtime and Deputy Sheriff On-Calls to fulfill the staffing for the Main Jail and RCCC to account for the “send outs” is likely to exceed \$6,000,000 for FY 22-23.

Recommendation 7. As long as the requirement of the Mays Consent Decree remain in place, the SSO should create a non-rotating executive leadership position (non-sworn) to oversee the Mays Consent Decree compliance at the Main Jail and RCCC.

Response to Recommendation 7. The recommendation requires further analysis

The recommendation requires further analysis to determine if a non-sworn position would be effective in a compliance role which manages a number of non-sworn and sworn supervisors and employees.

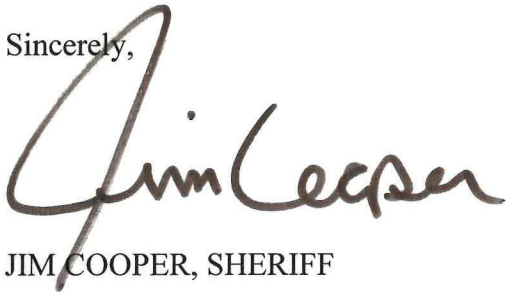
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Recommendation 8. The BOS and SSO should develop and implement a sanitation and disinfection program at the Main Jail and RCCC in accordance with the recommendations of the EOC report by March 31, 2024.

Response to Recommendation 8. The recommendation has not yet been implemented, but will be implemented in the future

The Sheriff's Office is committed to working with DGS and ACH to develop and implement a cleaning program by March 31, 2024. In the interim, the Sheriff's Office has established procedures to regularly clean and disinfect common areas of the facility such as the booking loop, medical and housing floors. Post Orders and guidelines are in place to ensure that all housing units, cells, including holding tanks and safety cells, are searched and cleaned prior to the placement of a new prisoner. Cell clean-up shall include the disinfection of mattresses.

Sincerely,

A handwritten signature in dark ink that reads "Jim Cooper". The signature is written in a cursive style with a large, sweeping initial "J".

JIM COOPER, SHERIFF

Copy: Ms. Erendira Tapia-Bouthillier
Sacramento County Grand Jury Coordinator
Email: TapiaE@saccourt.ca.gov