

Response to Findings in the Grand Jury Report,
“What’s Taking So Long? County Delays Mandated Jail Improvements”

FI The passage and implementation of AB109 has resulted in an increase in the inmate population and the length of stay within the County's detention facilities which places an enormous burden on the County to meet the needs of a much larger, more serious, and more violent inmate population.

Board of Supervisor’s Response:

The Board of Supervisors disagrees partially with the finding. The average daily population (ADP) of the County’s jail facilities is lower today than it was in 2011, when AB109 (California Public Safety Realignment Act of 2011) was passed. However, this decline and the subsequent changes in inmate population composition can best be attributed to a series of policy changes, including AB109 and 2014’s Proposition 47. AB109 transferred detention and supervision responsibilities for those sentenced to non-serious, non-violent or non-sex offenses from the state to the local (County) level. Proposition 47 changed certain low-level crimes from potential felonies to misdemeanors. These and other policy changes reduced sanctions for drug crimes and other offenses while advancing alternatives to incarceration, which resulted in changes to the inmate population in County jail facilities.

F2 New facilities are needed to achieve compliance with the Mays Consent Decree.

Board of Supervisor’s Response:

The Board of Supervisors agrees with the finding. In December 2022, the County BOS unanimously approved 33 plans designed to reduce the ADP of County jail facilities by at least 600 over time in alignment with the recommendations in the O’Connell Sacramento Jail Study. Furthermore, the County BOS approved over \$45 million in appropriations for growth requests for FY2023-24 related to the implementation of the jail population reduction plans and remedial plans to support Consent Decree compliance. Additionally, in December 2022, the County directed staff to move forward with the development of an intake and health services facility (annex) and two interim capital projects to increase compliance.

F3 There are continuing ADA and HIPAA violations due to the lack of adequate health related facilities while projects approved by the BOS are completed.

Board of Supervisor's Response:

The Board of Supervisors agrees with the 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. Even with ongoing efforts to improve and increase interview and exam space through modifications and reconstruction in the existing facilities, they do not fully meet or address ADA and HIPAA requirements. The Department of General Services has identified Main Jail and RCCC ADA deficiencies and is working with an architect 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.

F4 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.

Board of Supervisor's Response:

The Board of Supervisors disagrees partially with the finding. The Board believes that County Departments should continue to evaluate interim solutions to address Main Jail and RCCC deficiencies identified in the Mays Consent Decree. The County Departments of General Services and Health Services (Departments), in partnership with the Sheriff's Office, are analyzing whether interim measures are possible and are committed to innovative and unique solutions. However, the Department of General Services and Sheriff's Office 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.

F5 There are limited healthcare facilities and staffing in the Main Jail.

Board of Supervisor's Response:

The Board of Supervisors agrees with the finding. Adequate space for the number of exam rooms, behavioral health programming space, and specialty care space in the main jail is not adequate to support the demand for services, despite the significant increase in healthcare staffing. Due to the high need of the jail population, with higher percentages of medical chronic conditions and severe mental illness (SMI) as compared to the community, sufficient ADA and HIPAA compliant space is needed to serve patients and support the number of staff required to meet access to care timelines consistent with community standards of care.

Adult Correctional Health (ACH) staffing has significantly increased since execution of the Consent Decree as described below.

- ACH County Medical and Administrative staff have increased from 112.5 allocated full time equivalent (FTE) positions before the Consent Decree in FY 2017-18 to 239.5 FTE positions with a vacancy rate of 23%, as of June, 2023.
- ACH Mental Health (UCD) has increased staffing from 50.3 FTEs in FY 2017-18, pre-Consent Decree to 119.8 FTEs with a vacancy rate of 18.5%, as of June, 2023.
- Medical and Mental Health (UCD) staffing added by DHS since inception of the Consent Decree (12/19/19) = 113.0 FTE

Total staffing in FY23/24 will be 251.5 FTE (including FY23/24 growth).

F6 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.

Sheriff's Response:

The Sheriff sent his response to the presiding judge in a separate correspondence per Penal Code section 933.05 and 933(c). The response has been included as part of the Board's report as Attachment 2.

F7 The sanitation of the Main Jail and RCCC is substandard, and there are inadequate written procedures in place to ensure cleaning is effective.

Board of Supervisor's Response:

The Board of Supervisors partially disagrees with this finding. Custodial services provided by the Departments of General Services and Health Services, Adult Correctional Health are documented and largely effective. However, the Environment of Care Report (EOC Report) noted deficiencies within the medical areas of which the County has a plan to address.

The Environment of Care Report (EOC Report) prepared by Diane Skipworth and referenced in the Grand Jury Report states that the Department of General Services (DGS) provides custodial operations to the Main Jail and RCCC. This notation does not account for the nuances of provided custodial services to the Main Jail and RCCC. The Departments of General Services and Health Services and the Sheriff's Office have separate custodial responsibilities for each of the facilities and the areas contained within them.

DGS and Health Services have custodial responsibilities for the non-inmate population areas and the medical areas respectively. The departments maintain written documentation for their respective responsibilities. The Department of Health Services Adult Correctional Health Infection Control and Prevention (ICP) maintains an ICP manual and sets policies that include sanitation for the medical areas. Additionally, in the Main Jail non-inmate population areas, DGS maintains program documentation for its custodial responsibilities to ensure cleaning is effective. The specific custodial services, frequency of these services, and the staff positions and shifts assigned to do the work is planned and documented in the Main Jail Custodial Task Summary. At RCCC, DGS contracts with a vendor to provide custodial services and the contracted scope of work details and documents a plan for effective cleaning of specified areas.

With respect to addressing sanitation and disinfection of Correctional Health medical areas identified in the EOC Report, a Scope of Work (SOW) was drafted based on updated policies approved by the California Department of Public Health that will be used to update the current scope with the County's contracted vendor, if the vendor is agreeable to the new SOW, or the County will contract with a new vendor to meet the SOW in all medical areas.

F8 The Sheriff's Department and the County BOS have not acted upon key recommendations by consultants and court-mandated experts to address non-compliance issues.

Board of Supervisor's Response:

The respondent disagrees partially with the finding. While the County BOS has taken significant steps toward implementing the recommendations from consultants and court-mandated experts to address non-compliance issues, full implementation of these recommendations will take time and require future project and contract approvals and associated budgetary actions. In December 2022, the County BOS unanimously approved 33 plans designed to reduce the ADP of County jail facilities by at least 600 over time in alignment with the recommendations in the O'Connell Sacramento Jail Study. Furthermore, the County BOS approved over \$45 million in appropriations for growth requests for FY2023-24 related to the implementation of the jail population reduction plans and remedial plans to support Consent Decree compliance. Additionally, in December 2022, the County directed staff to move forward with the development of an intake and health services facility (annex) and two interim capital projects to increase compliance.