

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
April 19, 2023
Timed: 2:00 PM

To: Board of Supervisors

From: Ann Edwards, County Executive
Eric Jones, Deputy County Executive, Public Safety and Justice

Subject: Update On Implementation Of Frameworks For Mays Consent Decree Compliance

District(s): All

RECOMMENDED ACTION

Receive an update on the County's progress toward implementation of Framework 1 (Implementation of Jail Population Reduction Plans) and Framework 2 (Construction to Remediate Jail Facility Deficiencies) for Mays Consent Decree compliance.

BACKGROUND

Sacramento County was notified by advocates in 2014 about concerns regarding conditions of confinement related to medical care, mental health care, out of cell time, Americans with Disability Act (ADA) compliance, and Health Insurance Portability and Accountability Act (HIPAA) compliance in jail facilities. Experts who inspected Sacramento County jail facilities found unconstitutional conditions in custodial areas. After years of negotiations, Class Counsel filed action against the County in 2019. The matter resolved and a court order, the Mays Consent Decree, was issued in January 2020.

The Mays Consent Decree requires the County to provide constitutionally adequate care and conditions of confinement to Sacramento County jail inmates. This consent decree applies to both the Main Jail and the Rio Cosumnes Correction Center (RCCC). The County's compliance with the Consent Decree is monitored by the Prison Law Office, Disability Rights of California, and the Law Office of Aaron Fischer, collectively Class Counsel. Monitors also include subject matter experts in mental health care, medical care and suicide prevention.

The monitors are required to inspect the jails and provide reports every six months to the Federal Court which oversees the Consent Decree. Each

report submitted has found that the County is not in compliance with many of the provisions of the Consent Decree. Expert reports have consistently recognized staffing challenges and physical facility limitations as major impediments to achieving full compliance.

In June 2022, following several reports from experts, the County and Class Counsel entered into a subsequent Memorandum of Agreement (MOA) aimed at implementing foundational remedial measures regarding mental health care and suicide prevention. The MOA recognized the importance of developing plans for jail population reduction efforts, as well as a plan to remedy physical plant deficiencies impacting delivery of care.

On December 8, 2022, the Board of Supervisors directed staff to move forward with two frameworks for improving compliance with the Mays Consent Decree.

Framework 1 – Implementation of Jail Population Reduction Plans

On December 8, 2022, the Board of Supervisors approved the County's Jail Population Reduction Plans, included as Attachment 1 (ATT 1 - Jail Population Reduction Plans, Revised December 2022). The Jail Population Reduction Plans were built upon the ten recommendations identified in Kevin O'Connell's May 2022, Sacramento County Jail Study. O'Connell's recommendations for deflection and diversion were divided into two categories: 1) reducing jail admissions; and 2) reducing lengths of stay and returns to custody. Collectively, the County's implementation plans included 18 programs and/or services that the County has already funded and begun implementing, as well as 15 recommended program and service expansions. When fully implemented, the Jail Population Reduction Plans are estimated to reduce the jail's average daily population by at least 600.

Due to the complexity of multi-agency coordination necessary to implement all 15 recommended program and service expansion plans, full implementation is expected to take several years. The County's Public Safety and Justice Agency committed to continually updating the Jail Population Reduction Plans and publishing quarterly reports on progress made toward implementation, with the initial progress report to be published following the conclusion of the first quarter of 2023. The 2023 Q1 report is included as Attachment 2 (ATT 2 - Quarterly Update on Jail Population Reduction Plans: 2023, Q1).

Framework 2 – Construction to Remediate Jail Facility Deficiencies

On December 8, 2022, the Board of Supervisors directed staff to remediate the physical plant deficiencies at the Main Jail through construction of an Intake and Health Services Facility as well as two interim construction

projects. The interim construction projects include the construction of two control rooms at RCCC and the conversion of the Main Jail's 3rd Floor, 300 West Pod to an Acute Psychiatric Housing Unit.

In January 2023, the Department of General Services (DGS) entered into discussions with the consulting firms involved with the design and construction of the Intake and Health Services facility to revise the scope of work based on Sacramento County Jail Study. DGS anticipates that design work will resume in March 2023, and construction to finish in the third quarter of 2028 using a Design-Build project delivery. The total project cost estimate based on the Sacramento County Jail Study is \$450 million. DGS anticipates receiving cost estimates based on preliminary design work in the first quarter of 2024.

In February 2023, DGS started the development of a Request for Qualifications (RFQ) for the two control rooms at RCCC and the 300 West Pod conversion to an Acute Psychiatric Housing Unit. Based on responses due in April 2023, DGS will solicit a Request for Proposal (RFP) from qualified firms. Based on preliminary studies and estimates, the total project cost for the two control rooms at RCCC is expected to be \$6 million, and the 300 West Pod conversion is expected to be \$8.4 million, for a total cost of \$14 million. Based on a traditional Design-Bid-Award project delivery, the two control rooms are anticipated to finish construction the first quarter of 2026 and the 300 West Pod conversion to finish in 2027.

FINANCIAL ANALYSIS

Framework 1 – Implementation of Jail Population Reduction Plans

County staff are continuing to coordinate with justice system partners to develop reliable cost estimates for additional facility, supply, process changes, and/or staffing needs associated with program and service expansions. Identified resource needs will be included as Fiscal Year 2023-24 budget recommendations.

Framework 2 - Construction to Remediate Jail Facility Deficiencies

The two control rooms at RCCC and the 300 West Pod conversion to Acute Psychiatric Housing Unit total project cost is estimated at \$14,400,000. The two control rooms will be funded with General Fund already allocated to jail projects, and the 300 West Pod conversion will be funded by the Capital Construction Fund (CCF) along with an expected bond issuance. The following table is the projected budget per fiscal year:

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| Fiscal Year (FY) | Proposed Budget |
|-------------------------|------------------------|
| FY 22/23 | \$ 150,000 |
| FY 23/24 | \$ 1,000,000 |
| FY 24/25 | \$ 1,000,000 |
| FY 25/26 | \$ 8,200,000 |
| FY 26/27 | \$ 4,050,000 |
| Total | \$ 14,400,000 |

The Intake and Health Services facility preliminary project cost based on the Sacramento County Jail Study is \$450,000,000. The project is funded partially with General Fund already allocated to jail projects, and the majority of the costs will be funded with an expected bond issuance. The following table is the projected budget per fiscal year:

| Fiscal Year (FY) | Proposed Budget |
|-------------------------|------------------------|
| Previous Years | \$ 1,801,587.04 |
| FY 22/23 | \$ 600,000 |
| FY 23/24 | \$ 5,400,000 |
| FY 24/25 | \$ 20,000,000 |
| FY 25/26 | \$ 20,000,000 |
| FY 26/27 | \$ 300,000,000 |
| FY 27/28 | \$ 102,198,412.96 |
| Total | \$ 450,000,000 |

Attachment(s):

ATT 1 – Jail Population Reduction Plans, Revised December 2022

ATT 2 – Quarterly Update on Jail Population Reduction Plans: 2023, Q1