

DECARCERATE SACRAMENTO

RE-IGNITE THE FIGHT AGAINST THE SAC MAIN JAIL EXPANSION

**WEDNESDAY, FEBRUARY 26th starting at 2PM (arrive
when you can)**

We've been fighting this jail expansion project together since 2020! We got the project canceled in 2021, then the county brought it back in 2022. It was officially paused in 2023, and the county hired a consulting firm, CGL Companies, in 2024 to perform a 'third party review' of the project. Now, the Sacramento County Board of Supervisors is scheduled to vote on their recommendations on February 26th, 2025.

It's critical for us to show up and speak truth to power. Sacramento County does not need a new jail or any new jail construction. Please show up & make public comment!

Share this toolkit: tinyurl.com/226Toolkit

Share call to action post on IG: [instagram.com/p/DFglJBxS5Zo/](https://www.instagram.com/p/DFglJBxS5Zo/)

Sign our petition [here](#)

Watch the meeting live: <http://metro14live.saccounty.net>

Item #2: [Agenda link here](#)

PLEASE JOIN US IN-PERSON AT 700 H ST

The Board of Supervisors no longer accepts call-in public comment.
Public comment during the meetings can only be done in-person.

You can also send an email public comment in **before** Wednesday to:

BoardClerk@saccounty.net

Supervisor Pat Hume: PatHume@saccounty.gov

Supervisor Phil Serna: SernaP@Saccounty.net

Supervisor Patrick Kennedy: KennedyP@saccounty.net

Supervisor Rich Desmond: richdesmond@saccounty.gov

Supervisor Rosario Rodriguez: supervisorrodriguez@saccounty.gov

Email Public Comment Template:

SUBJECT LINE: Please Cancel all Jail Expansion Plans (item #2)

Dear Sacramento County Supervisors,

I am writing as a deeply concerned resident of Sacramento County who is staunchly opposed to any form of additional jail construction. I thank you for choosing to pause the Main Jail expansion or "Intake and Health Services Facility" project in 2023, after [realizing](#) that the project was deeply flawed in many ways. I know that you will be hearing recommendations from CGL Companies who completed a 'third party review' of the jail expansion plans on Wednesday, February 26.

As a voter and taxpayer, I urge you to vote to fully cancel the Main Jail Expansion project. Any new jail construction project will cause permanent harm to our community. By locking us into an expensive bond, you would be forced to choose jail funding over all other human and health services for decades to come. I don't want to live in a County that wastes billions of dollars on unnecessary new buildings for punishment, instead of using my taxpayer dollars on projects that our community desperately needs to be healthier and safer. This includes mental health treatment, affordable housing, drug treatment, homeless services, violence prevention programs, youth programs and more.

Please cancel this project again and focus on real long-term solutions.

[Your Name]

Background & History

In a class-action lawsuit *Mays v. Sacramento*, Sacramento County was sued by three law firms on behalf of everyone incarcerated in Sac County jails. The Mays consent decree was finalized in 2020, which outlined that the County has to improve conditions in the jail related to medical and mental health care, suicide prevention, the Americans with Disabilities Act (ADA) and HIPAA (medical privacy laws). Since then, the vast majority of consent decree requirements (unrelated to building structure), are far from being met.

TALKING POINTS

1. [**A New Jail Building Will Not Prevent The Current Epidemic of Premature Deaths & Medical Neglect**](#)
2. [**A New Jail Building Would Not Solve the Mays Consent Decree & The BOS Should Prioritize Meeting The Lawsuit Without A New Building.**](#)
 - a. ADA & HIPAA issues are mostly about jail staff behavior & the current jail can be retrofitted. This is a **choice** the county BOS has.
3. [**Jail Population Reduction is Possible, and the Only Lasting Solution**](#)
 - a. The Board can invest in NOW to urgently reduce the jail population
4. [**We Must Invest in Community Resources, Not Waste \\$2 Billion On A New Jail**](#)
 - a. We need to prioritize county funds for prevention and diversion efforts will reduce the jail population and will help the county come into compliance with the Mays consent decree

1. A New Jail Building Will Not Prevent The Current Epidemic of Premature Deaths & Medical Neglect

a. Examples and Stories:

- i. [This letter](#) explains in horrific detail, the extremely callous disregard for human life that caused the preventable death of a man in May 2024. This culture is commonplace in Sacramento County jails.
- ii. These court-appointed monitoring reports include numerous stories of medical neglect tinyurl.com/SacCountyJailReports
- iii. It is commonplace in the jails for custody staff to ignore people in crisis who press the emergency buttons in their cells begging for help.
 1. The medical experts recently reported about a man whose face was swollen to the point that his right eye was completely closed requesting assistance from a deputy. The deputy told him that he did not have an emergency and to stop bothering staff.
- iv. Sacramento County Jail's mental health program is dangerously under-resourced and incapable of meeting the needs of incarcerated people. Many individuals receive inadequate treatment, suffer immediate and serious harm, and are at high risk of suicide or self-harm due to the jail's failure to provide proper care. Expanding the jail will not fix these systemic failures—it will only reinforce them.
 1. In a recent letter by Mays Consent Decree Medical Expert Mary Perrien, Ph.D. "The primary finding from my assessment is that the mental health program in the Sacramento County Jail system is grossly under-resourced and currently incapable of meeting the needs of the patient population. In my clinical judgment, every patient whom I interviewed was placed at an inadequate level of mental health care and was receiving inadequate mental health treatment in the jails. In many cases, the patients were experiencing immediate and serious harm due to the deprivation of mental health care in the jails. Several of the patients whom I interviewed are at moderate to high chronic risk of suicide or self-harm and have suffered or are likely to suffer permanent damage because of preventable mental health decompensation in the jails."
 2. In a recent report conducted by Dr. Perrien, interviewed patients consistently reported difficulties in receiving their medications. Individuals reported not receiving medications, having to submit HSRs to obtain ordered medications, receiving poorly timed blood draws, and experiencing late-night medication administration times. Reviewed records indicated that medication errors were not rare, may not be properly documented, and were not consistently remedied.

- v. Sacramento County jails have a documented pattern of neglect and a culture of indifference that leads to preventable deaths.
 - a. In 2023 alone, seven people died in Sacramento County jails, including David Kent Barefield Sr., who suffered a fatal overdose while jail staff ignored clear signs of distress. Despite being unable to stand, lift his head, or respond coherently, he was mocked, dragged across the floor, and denied life-saving medical care. [A nurse even falsified intake records and dismissed his condition by saying, "He's just old and homeless."](#)
 - b. Court-appointed monitors described the jail's culture as one of "callous deliberate indifference," where sheriff's deputies, medical staff, and police officers routinely fail to provide even basic emergency response. The Sheriff's Office has a long history of ignoring court orders and resisting oversight. Expanding the jail will not stop people from dying, it will only further entrench the sheriff's culture of neglect and abuse while diverting resources away from real solutions, like community-based care.
 - c. [Guest Commentary: Californians Must Prioritize Healthier Communities over Incarceration](#) - QUOTES
 - i. Carceral humanism substitutes incarceration for social safety nets such as affordable housing, mental health and drug treatment programs. In fact, the proposed jail expansion in Sacramento County is labeled as a "mental health facility.
 - ii. Incarceration is incompatible with healthcare. It cannot be the solution for homelessness, substance use disorder, or mental health.
 - iii. There is an overlap of substance use disorders and mental health disorders and incarceration antagonizes both.
 - iv. Even prior to the Supreme Court ruling to criminalize homelessness, people who experienced homelessness are more likely to be incarcerated and those who are incarcerated are more likely to experience homelessness. Human suffering is not a crime.
 - v. Every day my patients who are incarcerated must choose between their health and their humanity.
 - vi. Now is the time for Sacramento and the rest of California to support each other and fight for better solutions for safer communities. There are alternatives to incarceration to improve the health

and safety of patients, families and our communities. We just need to be brave enough to choose it.

- vi. We have heard numerous reports of medical maltreatment and neglect from individuals inside the jail via our hotline
1. One caller reported that her doctor had instructed her to eat a meal with her prescription to avoid deterioration of her stomach lining and potential organ damage. These instructions are included in her prescription. When she requested access to food with her medication, however, she was told that they could not provide her with additional food due to her weight. When she made follow-up requests, they were ignored.
 2. Another caller mentioned making multiple attempts to receive care for acute stomach pain. Though he was eventually seen, his condition worsened, leading to fluid build-up and stiffness in one of his legs, which was treated with a short course of antibiotics that did not resolve the issue. When we last spoke to this individual, he had not received adequate care and his condition had not improved. He stated that he wanted to make further complaints, but that he was afraid of retaliation.
 3. A different caller explained that he was suffering from a hernia and that he could not stand for more than ten minutes at a time. He stated that he had made multiple requests to be seen over the past few weeks with no response.
 4. One caller reported that she fell out of bed, breaking her ankle. Her bunkmate pressed the emergency button numerous times, but it took all day for anyone to respond to her call. She urinated on herself during the wait time. When she was taken to medical, they confirmed via X-ray that her ankle was broken. She was given a wheelchair, which she was not allowed to take into her cell, forcing her to put pressure on her ankle while inside. Despite experiencing extreme pain, she was not provided any painkillers nor anything to secure her ankle.

2. A new jail building would NOT solve the Mays Consent Decree & the BOS should prioritize meeting the lawsuit WITHOUT a new building

- The current jail building would still need to be retrofitted for ADA & HIPAA
- Most of the conditions issues are caused by jail staff behavior: improving conditions is truly not about a building, but about reducing staff-patient ratios and enforcing current policies within the jail for all jail staff
- The county would still need to reduce the jail population to meet the consent decree

1. **The study done by Nacht & Lewis—the firm that designed the new jail annex—did not explore how to meet legal requirements in the current jail building.**
 - a. **A new independent architectural study is needed with a specific scope of work to examine options for meeting ADA & HIPAA in current building and RCCC with significant population reduction.**
 - i. We cannot trust the architectural study that did not seriously explore how the current jail could be retrofitted.
 - b. **The Board of Supervisors can CHOOSE to meet the Mays consent decree without a new jail building—a new building is not required.**
 - i. The lawyers representing the class-action Mays lawsuit stated in a letter to the Board that “while remediation of physical plant deficiencies is essential, **the Mays Consent Decree does not require the County to build additional jail beds or engage in any particular form of construction.** It requires the County to meet minimum conditions for the people it chooses to incarcerate. **The County is free to determine the manner in which to comply with those legal obligations.”** ([page 2](#))
 - c. **County Executives are cherry-picking facts to push for jail expansion.**
 - i. County Executive staff claim that “In each report, the experts and counsel have found that one of the primary obstacles to compliance is the physical limitations of the Main Jail.” *This is simply false and extremely misleading—the County has agreed that jail population reduction would be the fastest, most effective remedy for space and staffing limitations.*
2. **Americans with Disabilities Act (ADA) Requirements will not be solved in a new jail building**
 - a. Only 2 out of 17 ADA requirements of the Mays consent decree call for modifications to the physical facility
 - b. RCCC physical facility is already compliant
 - c. Even with the new building, the main jail would have to be retrofitted
 - d. **Most issues are caused by jail staff behavior**
 - i. “The County has not implemented Consent Decree requirements designed to avoid or mitigate uses of force against people with mental health or intellectual disabilities.” ([pg 8](#))
 - ii. “The County also has not yet met its legal obligation to incorporate comprehensive mental health input into the disciplinary process in order to ensure that people are not punished for behaviors that are manifestations of their mental illness or subjected to punitive measures that exacerbate their mental illness.” ([pg 1](#))
 - iii. **“People with mental health and intellectual disabilities are being punished for their disabilities in ways that worsen their mental health conditions.”** ([pg 5](#))
 - e. Insufficient staffing is inhibiting jail staff from completing evaluations for people with mental health or intellectual disabilities. One expert monitoring report found

that the Adult Correctional Mental Health (ACMH) staffing vacancy rate was 26% overall. Building a new facility will do nothing to fill these vacancies, which were found to be a significant impediment to access to consistent and adequate care. Staffing shortages will remain a problem until the jail population is reduced.

3. Patient Confidentiality/HIPAA (medical privacy) will not be solved in a new jail building

- a. There are ways to improve confidential space options in the current jail:
 - i. **Installing interview booths**
 - 1. One expert monitoring report cited the implementation of these booths as one of their primary recommendations for gaining compliance with HIPAA requirements concerning confidential spaces, and noted that approval for this project had already been received.
 - ii. **Utilizing existing interview booths and classroom space for confidential medical conversations**
 - iii. **Custody/jail staff following their own policies: Ensuring the door stays closed when health care providers are meeting with patients**
- b. **Staff are not utilizing existing space that already exists within the current jail for confidential conversations**
- c. "The County has failed to take even basic interim steps, such as fixing the inoperable telephone inside the designated JPS Interview Room in the Main Jail's booking area and developing additional privacy booths for intake nursing staff." ([pg 33](#)).
 - i. Mays plaintiffs counsel has said that "These failures are inexcusable and demonstrate a lack of urgency about important issues affecting the health and well-being of class members." ([pg 11](#))
- d. Court-appointed experts have said that **"The County should focus on developing immediate, interim measures to ensure such privacy and confidentiality, rather than focusing on preliminary plans for "jail annex" construction."** ([pg 9](#))
- e. "In addition, this expert was informed that an existing attorney booth in the Main Jail's booking area had been designated and modified for exclusive use by JPS clinicians when they are assessing inmates at risk for suicide. The booth has a solid glass barrier that separates the clinician from the inmate, thus providing full security. However, this expert was provided conflicting reports as to whether or not the door to the attorney booth remained open or closed during the assessment. Although custody leadership informed the experts that the practice was to keep the door closed at all times, with the deputy providing visual observation through the door's window, other custody leadership informed the mental health expert that the practice was for the door to remain open. Allowing the door to remain open would not only defeat the purpose of designating the booth for JPS clinical use, but severely compromise privacy and confidentiality." ([page 28](#))

3. Jail Population Reduction is Possible, and the Only Lasting Solution

- Reducing the jail population is the only way to improve jail conditions, meet the federal lawsuit, prevent premature deaths, and address chronic staffing shortages. Sacramento County adopted a Jail Population Reduction Plan in 2022 with dozens of recommendations - many of them have not been implemented.

- Core ways the county could reduce the jail population:

1. EXPAND Non Law-Enforcement Pre-Trial RELEASE & DIVERSION

- [83% of the jail population is pretrial](#)
- Pretrial reform: There are two recent court rulings that have yet to be implemented in Sacramento County. If implemented, they have the power to drastically decrease the jail population.
 - Humphrey Court Decision
 - On March 25, 2021, a pivotal moment in California's bail landscape occurred when the California Supreme Court issued the In re Humphrey decision, which stated that the practice of conditioning a person's pretrial release solely on whether they could afford bail was unconstitutional.
 - The ruling requires judges to make individualized determinations about an accused person's ability to pay when setting bail, and to explore alternatives to incarceration where possible. Yet, the promise of In re Humphrey remains unrealized. Judges across the state have interpreted In re Humphrey to expand the use of "no bail holds" that trap people in jail pretrial. And the number of people held in pretrial custody has not decreased since Humphrey, nor has the median bail amount in California.
 - In re Humphrey introduced these four approaches that a judge could take when determining pretrial release:
 1. Release an individual without restriction when there is little or no risk of flight or public safety
 2. Release an individual with nonfinancial conditions reasonably necessary for the protection of the public where there is some risk to the public or the victim
 3. Set monetary bail, at a level the defendant can reasonably afford, if reasonably necessary to protect the interests of the state
 4. Detain the individual and set no bail if the court concludes that protection of the public or the victim, or future appearance in court, cannot be reasonably assured if the defendant is released.

- Even though this decision aimed to reduce the use of bail, there is unfortunately no evidence that Humphrey has resulted in a net decrease of the pretrial jail population in California.
- Judges are interpreting the Humphrey decision as giving them more power to hold people without bail, and they often see it as an either-or choice: release the person or hold them without bail. Judges are failing to consider less restrictive alternatives or reduce bail, finding that it was “too risky” to release someone at all.
- Welchen Court Decision
 - In 2022, The court ruled that Sacramento County’s use of fixed bail schedules was unconstitutional. The decision emphasized that *Equal Treatment Is Required*: The decision emphasized that the use of cash bail, without considering a defendant’s financial capacity, unfairly discriminates against lower-income individuals
 - Sacramento County continues to utilize an unconstitutional bail schedule.

2. **FUND Mental Health DIVERSION & PREVENTION and Community-Based Mental Health Centers**

- [62% diagnosed with mental health diagnosis](#)
- [90% of the Pre-Sentenced population has a Serious Mental Illness](#)
- BUILD Community-based MH centers
- EXPAND Felony [Mental Health Diversion](#) programs
 - [Studies show that jail diversion programs for persons with serious mental illness and co-occurring substance use disorders reduces time spent in jail without increasing the public safety risk, while linking participants to community-based services.](#)
 - *All 62% could be candidates for MH diversion, but there is a 3 month waitlist just to be assessed.*
 - *Individuals can get the treatment they need through existing jail diversion programs if their funding/capacity was increased.*

3. **CHANGE Warrant Processes to Reduce Jail Bookings**

- [40% Booked for Warrants & Rule violations](#) (probation/parole)
- “40% of jail bookings do not involve a new crime”
 - 57% Warrants
 - 21% Probation/parole Violations (*this alone is over 680 people in the current jail population*)
- 52% of people re-entering the jail during the five-year study period were not booked for a new crime, but for probation violations and warrants ([pg 36](#))
- Reforming the warrant and probation rule violation incarceration practices can and should happen immediately to reduce incarceration.

4. **IMPLEMENT Jail Discharge & Reentry Systems that ensure dignity and care**

- [55% of people booked are released within 3 days](#) (most often with no supportive services)
- [70% of jail stays end in 10 days or less](#)
 - Preventing Contact with Law-enforcement through the new Alternative to 911/Alternative Crisis Response is also critical

5. INVEST in Affordable Publicly-Owned **Housing and Rental Assistance**

- [30% of people released from jail are possibly unhoused](#) (pg36)
- Less than 20% of people leaving jails in California received any support finding housing (pg 35)
- 19% of Californians experiencing homelessness entered homelessness directly from an institutional setting; 8% entered from a prolonged jail stay and 6% from a prison stay. 67% of them had been homeless when they entered that setting.(pg 35)
- Numerous studies show that having stable housing after leaving jail or prison makes it much less likely for someone to get rearrested.
- On November 5, 2024, the County [passed an ordinance](#) that bans camping on all public property and provides the authority for the Sheriff's deputies to remove people without providing shelter. It also gives permission to issue misdemeanors after a warning. This is likely increasing the arrests and incarceration of our unhoused neighbors.

6. EXPAND access to Substance Use Prevention & Treatment Services

- [Nearly 32% of the individuals booked into jail for a new crime are arrested for drug- or alcohol-related crimes.](#) (pg 35)
- 30% of bookings related to statutory violations of drug or alcohol laws, indicating substance use needs. (pg 36)
- On any given day 45% of the jail has some combination of substance use disorder and/or an SMI. (pg 36)

Mays Plaintiff's Counsel has said: **"At the core of this crisis is the oversized jail population, which the County has failed to manage in a humane or lawful manner."** (pg 4)

Jail Population Reduction is POSSIBLE, REALISTIC & LEGALLY REQUIRED

- **In 2020, over 30% of the jail population was reduced to mitigate the risk of COVID-19 in the jails. Crime rates did not increase.**
- The county could immediately choose to restore 50 beds in the County Mental Health Treatment Center to allow for increased capacity for jail diversion for people with a Serious Mental Illness who qualify.
- "The court-appointed neutral experts and class counsel have repeatedly called for jail population reduction, including in [reports](#) and [letters](#) regarding unacceptable conditions of confinement. **Significant and sensible reduction of the jail population is a critical step toward compliance with the Consent Decree and resolution of the Mays litigation.**" (page 2)
- Mays plaintiffs counsel has said that staffing issues in the jail are "endemic"- they will always exist in the jails. Building a new jail annex will not solve staffing shortages. The

only way to move closer towards meeting the consent decree is to reduce the jail population.

- "Staffing shortages are endemic and prevent mental health staff from providing adequate input into the disciplinary process, providing adequate individual or group mental health treatment, or having confidential interactions with patients. **(It is important to note that staffing shortages are simply a reflection of jail population. At a smaller population level, existing staff could provide more extensive and less superficial treatment.)"** (pg 31)
- **The Sheriff continues to ignore consent decree requirements. Jail staff behavior has largely not changed since the first legal investigation in 2016.**
 - "The SSO also fails to meet its obligation to provide appropriate alternative housing for LGBTI people. Transgender and intersex people are systematically housed in conditions that amount to restrictive housing, solely on account of their identity." (pg 4)
- Since March of 2021, some county leadership have actually worked against reducing the jail population to further justify their desire to build a new jail building. County Counsel cut off alternatives to incarceration for people with severe mental health needs:
 - Community observed during Court Watch in February 2022, County Counsel Rick Heyer tell a Judge that people on Murphey's conservatorship are no longer allowed to be transferred to the County's Mental Health Treatment Center, which has resulted in an increase in the jail population.
 - This new policy allows county staff to further justify the need for the new jail building for "mental health treatment".
- Court-appointed experts urge the county to [expand capacity for MH diversion](#): "This is gravely concerning that the waitlists remain even as the jail populations decrease. **One possible solution would be to contract out for inpatient treatment.** It did appear that defendants were looking at that as a possible solution in their space study. It is highly recommended that this be seriously pursued as a viable option given that other units do not appear to offer a positive therapeutic milieu with appropriate confidential treatment space." (page 16)

4. We can't afford to waste \$2 Billion on a new jail building

- The County has already authorized [\\$585,980](#) in spending to pay CGL Companies for their review of the proposed jail expansion
- When the next recession hits, funding for community-based services will be cut if this costly expansion project moves forward
- This jail expansion, if approved, will be the single largest draw of county resources in our generation. What kind of future do we want to build for our youth? One that paves the way for their incarceration or one that invests in programs that keep people out of the legal system?
- The total jail annex cost would be *at least* \$2 billion over 30 years

- The county cannot legally use American Rescue Plan Act (ARPA) funds for a new jail facility
- Sacramento county has shown that it is willing to invest hundreds of millions in long-term locked facilities (jails) but NOT long-term affordable housing.
 - 30% of people released from the jail are unhoused, meaning there are more than 10,000 releases per year where housing could be needed at release
- **We need to prioritize county funds for prevention and diversion efforts will reduce the jail population and will help the county come into compliance with the Mays consent decree**