



Proposed Settlement with Prison Law Office

September 29, 2020



Agenda

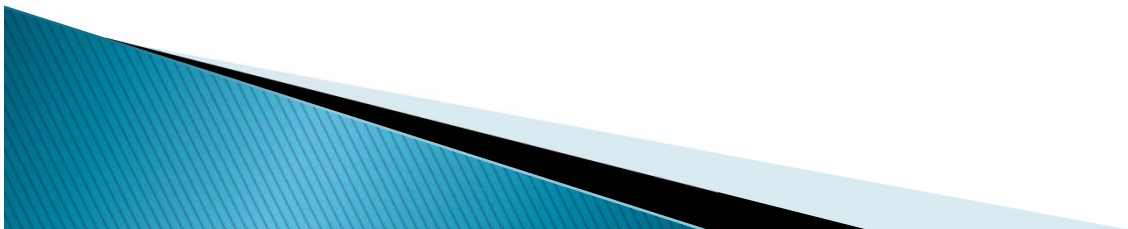
- ▶ Background and Negotiations
- ▶ Consent Decree Highlights
- ▶ Remedial Plan Highlights

Prison Law Office

- ▶ Discussions with the Prison Law Office (“PLO”) regarding concerns in the County jails began in Spring 2016
- ▶ PLO toured the jails in the Summer
- ▶ PLO formalized their demand in August

General Background

- ▶ As soon as the County first heard from the PLO, we began weekly multi-department meetings to discuss and plan what needed to be done
- ▶ Continued communications with the PLO
- ▶ Entered into a Structured Negotiation Agreement in March 2017
- ▶ Hired four independent experts to evaluate the County's classification system, its mental health and medical services, and its suicide prevention practices
 - Between January 2017 and November 2019, the four experts conducted their tours and evaluations and prepared reports
- ▶ Using the expert reports, the parties negotiated two remedial plans in the areas of mental health/suicide prevention and medical services



Intake Classification Policy

- ▶ Classification of inmates (determining the safest and least restrictive housing criteria) is now focused on inmate behavior rather than only current charges and past criminal history
- ▶ Classification status is reviewed every 60 days
- ▶ The new policy incentivizes inmates' good behavior, so their security level is more easily reduced allowing for greater mobility

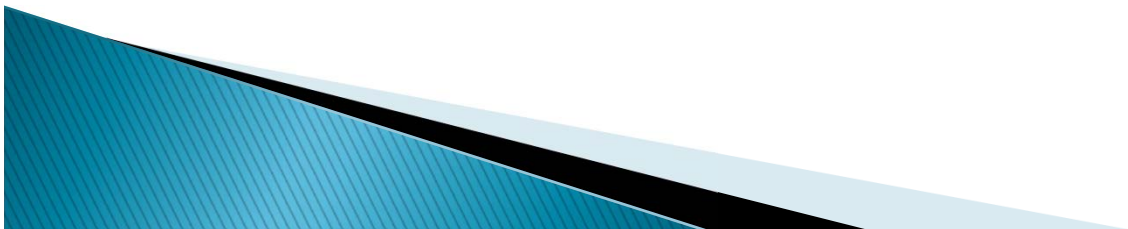
Administrative Management Policy

- ▶ The Parties finalized a new Administrative Management Policy in September 2019
- ▶ The new policy is based on incentives and includes specific plans to return inmates to less restrictive housing
- ▶ As a result, the number of inmates in Administrative Management decreased significantly



Boots on the Ground Improvements

- ▶ Hiring
- ▶ Construction
- ▶ Patient Services

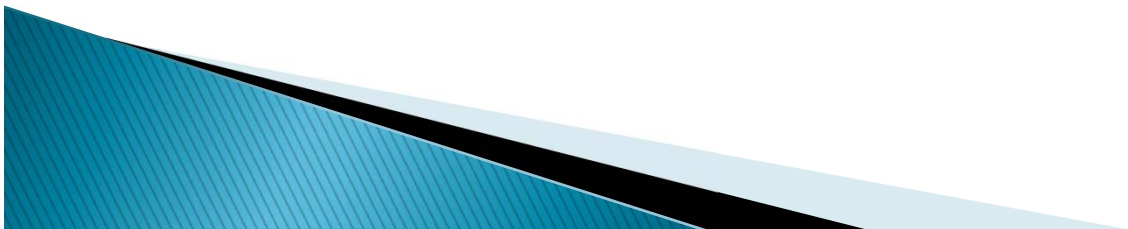


What is a Consent Decree?

- ▶ Settlement agreement where County agrees to take certain actions
- ▶ Becomes a Court Order
- ▶ Class Action
- ▶ Broad Allegations: the County fails to provide minimally adequate medical and mental health care to inmates and discriminates against certain individuals with disabilities in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Consent Decree Roadmap

- ▶ County will implement the remedial plans
- ▶ Court experts will monitor the progress, conducting tours and preparing reports every 6 months
- ▶ PLO will also monitor and tour the jails
- ▶ County will prepare a status report on the progress every 6 months
- ▶ Court will enforce as necessary

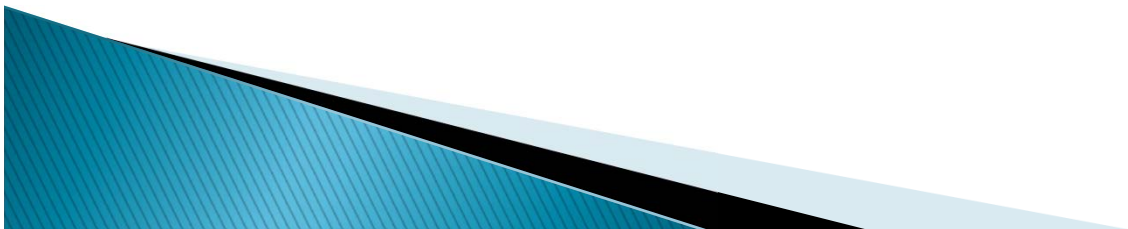


Term and Termination

- ▶ Term of the Consent Decree is 5 years
- ▶ County May Terminate after 3 years
- ▶ Plaintiffs May Extend the Term

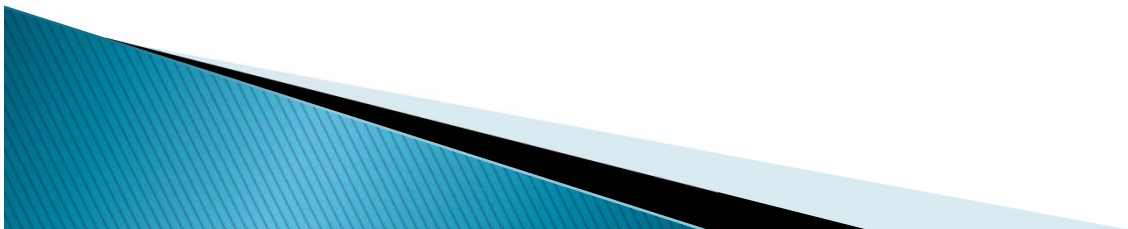
Limiting/Reinstating Monitoring

- ▶ If the County believes it has been in substantial compliance with any provision for at least a year, it can petition the court to suspend monitoring on that provision
- ▶ If the PLO believes the County is no longer in substantial compliance with any provision it can petition the court to reinstate monitoring



Attorneys' Fees and Monitoring Fees and Costs

- ▶ The County agrees to pay the PLO \$396,543 for all its fees and costs through final approval of the Consent Decree
- ▶ PLO annual monitoring fees and expenses will be capped at \$175,000



Overview of Remedial Plans

- ▶ Two Remedial Plans
 - Mental Health/Suicide Prevention
 - Medical Services
- ▶ Generally
 - The County must provide enough funds to meet staffing requirements and comply with the remedial plans
 - Increase privacy
 - Increase staff training and inmate services
 - Services provided in shorter timeframes
 - Increase discharge planning
 - Increase out-of-cell time

Highlights – Mental Health

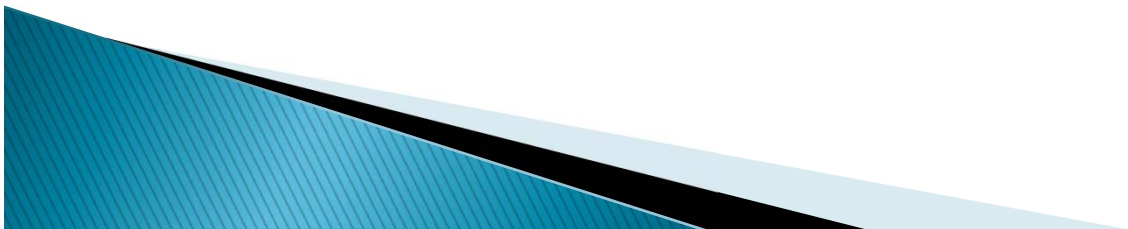
- ▶ Behavioral Health Unit to house the most severely mentally ill
 - Already created and upgraded
 - Added 10 suicide resistant cells
- ▶ Inmates who are actively suicidal will be under constant observation 24/7
- ▶ Step down observations will be conducted every 10–15 minutes and then every 30 minutes
- ▶ Patients on the mental health caseload will have individualized plans of care
- ▶ Programing increased

Highlights – Medical Care

- ▶ Clinical space
 - must be adequate for medical treatment
 - meet privacy concerns
 - have access to health care records
- ▶ Pharmacist on-site or on-call seven days a week
- ▶ Must provide medications when a patient is out to court, in transit to or from any outside appointment, or being transferred between facilities if needed
- ▶ Certain medications provided on discharge

Highlights – Dental Care

- ▶ Inmates must have a dental screening within 14 days of admission to jail – unless screened within last 6 months
- ▶ After one year, an inmate may request a routine dental examination, which will be performed within 90 days; dental examinations may thereafter be requested each year





Discussion and Questions