



Contra
Costa
County

To: Board of Supervisors

From: David Twa, County Administrator and Sharon L. Anderson, County Counsel

Date: September 29, 2020

Subject: Proposed Settlement with Prison Law Office

RECOMMENDATION(S):

1. ACCEPT a report from the County Administrator and County Counsel on a proposed settlement of litigation with the Prison Law Office.

2. APPROVE AND AUTHORIZE the County Administrator and County Counsel, or their designees, to execute a Consent Decree settlement agreement with the Prison Law Office, substantially in the form attached, regarding the operation of County detention facilities, and execute and file any other documents, pleadings or agreements as may be needed to comply with the terms of the Consent Decree.

FISCAL IMPACT:

Estimated Ongoing Annual Costs: \$43.7 million in ongoing, annual costs; 100% General Fund. This figure reflects the addition of 187.9 FTEs as determined by the Health Services Department (124.9 FTE) and Sheriff's Office (63.0 FTE) to comply with the terms and conditions of the consent decree and related remedial plans. To date, the County has already added 83.1 FTE of these positions at an ongoing annual cost of \$18.8 million, including 42.1 FTE in the Health Services Department and 41.0 FTE in the Sheriff's Office. The remainder of positions will be necessary to add over the next two budget cycles (FY 2021/22 and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **09/29/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: September 29, 2020

David Twa, County Administrator and Clerk of the Board
of Supervisors

Contact: Timothy Ewell, Chief Assistant
County Administrator, (925) 655-2043

By: June McHuen, Deputy

2022/23).

FISCAL IMPACT: (CONT'D)

Estimated One-Time Capital Costs: \$44.6 million in one-time capital costs; 100% General Fund. The County has commissioned and appropriated these funds for capital improvement and replacement projects for adult detention facility sites throughout the County over the past several years. The Martinez Detention Facility (MDF) has received and is in the process of receiving renovations to existing modules and a conversion of one module to an Acute Psychiatric Treatment Facility and Jail Based Return to Competency program site. Also, the County began seeking State funding for the replacement of beds within the MDF beginning in 2013. In 2017, the County received a \$70 million grant award to replace 288 beds at the Martinez Detention Facility with a new Reentry, Housing and Treatment facility on the campus of the West County Detention Facility following two previous State grant attempts. This project, once complete, will also result in a substantial augmentation to physical and mental health facilities consistent with the physical plant modifications underway at the MDF.

BACKGROUND:

Since early 2016, the Prison Law Office (“PLO”) and the County have been working together to evaluate and redesign services provided at the Martinez Detention Facility and the West County Detention Facility (“jails”). The challenge for the Sheriff’s Office, Health Services Department and County Administrator’s Office was to consider both genuine inmate needs and serious financial constraints and provide the Board with workable recommendations and a proposed path forward. That path, recommended by County staff and the PLO, is outlined in the proposed Consent Decree settlement agreement attached to this Board Order.

County staff has been working with the PLO for over four years to craft this proposed settlement, while at the same time, making significant “boots on the ground” improvements to the County’s detention services and facilities. These improvements include new privacy rooms at inmate intake, developing an inpatient psychiatric unit at the Martinez Detention Facility and other program changes to allow court-ordered treatment of most severely mentally ill inmates while they remain within the jails. To date 83 additional full-time positions have been added to provide these programs and services.

The Consent Decree is a road map that describes how the County will continue to provide inmate services. It includes a remedial plan for mental health/suicide prevention services and a separate remedial plan for medical services. These plans will also provide a framework for the County to update various policies and procedures impacted by the Consent Decree.

The Consent Decree will be monitored by court experts and the PLO. The County must prepare a status report every six months that will include a description of the steps taken to implement the remedial plans. For parts of the remedial plans that have not been implemented, the status report must include a discussion of what has been done to implement the plans, a description of the factors that are impeding implementation, and a

projected timeline for implementation. The Consent Decree will terminate five years from the date it is entered by the Court, unless the Court shortens or extends the term, at the request of the County or PLO. During this time, the Court will retain jurisdiction to enforce the terms of the Consent Decree.

The individuals benefitted by the Consent Decree are all individuals who are now, or in the future will be, detained in a Contra Costa County jail, including individuals who have a qualified disability under State or Federal law.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to approve the proposed action could result in protracted litigation and delay significant improvements at the jails.

CHILDREN'S IMPACT STATEMENT:

No impact.

CLERK'S ADDENDUM

Speakers: Don Spector, Executive Director of the Prison Law Office.

ATTACHMENTS

Attachment A: Power Point

Attachment B: Consent Decree

Attachment C: Medical Remedial Plan

Attachment D: Mental Health Remedial Plan