

Fresno County jail improvements will cost millions

By Marc Benjamin
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A settlement reached Thursday on behalf of Fresno County Jail inmates in a federal class-action lawsuit will cost the county millions to hire new staff and \$900,000 in fees for the inmates' lawyers.

In addition, the county will pay another \$40,000 each of the next four years for monitoring costs to ensure that the Sheriff's Office and other agencies are complying with guidelines of the jail improvement plan. The county also must hire more correctional officers and pay for improved psychiatric services, expected to cost about \$4 million next year alone.

The lawsuit, filed nearly four years ago, alleged that conditions in the jail constituted cruel and unusual punishment because inmates were denied adequate medical, dental and mental health care, and were vulnerable to attack by other prisoners because of inadequate security. The lawsuit also alleged that inmates with disabilities were not provided reasonable accommodations, violating the Americans with Disabilities Act.

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Michael Woods, lawyer representing Fresno County in jail inmates' lawsuit

The settlement contains a 22-page "remedial plan" that includes hiring 127 new correctional staff in the next three years to reduce violence by inmates against other inmates and allow officers to be more responsive. It also outlines other obligations that the sheriff and Corizon Health, a private contractor, must undertake to improve jail conditions.

The county is adding 52 officer positions in Fresno County Jail during the first year of the remedial plan. The total cost of the first year's sheriff's staffing will exceed \$2 million, according to the Fresno County Sheriff's proposed budget for 2015-16.

Fresno County was the first county jail sued by the Berkeley-based [Prison Law Office](#). Lawyer Kelly Knapp, who filed the case, said Fresno County "rose to the top especially as it applied to its mental health care."

The added corrections officers will speed the response to inmate issues, whether it involves violence, illness or psychiatric matters, Knapp said.

The lawsuit covers inmates who are currently in jail and anyone who will be confined there in the future. Negotiations were ongoing for the past two years and included a panel of experts who examined the jail's needs. Under the settlement, the county admitted no liability and continues to deny allegations made in the complaint. "Nothing in the consent decree (settlement) shall constitute or be used as evidence of wrongdoing or liability of county, its agents or employees," the settlement says.

Bee's 2013 report chronicled issues

Treatment of mentally ill inmates was a focus of The Fresno Bee's Watchdog Report "Locked In Terror," which chronicled that for years inmates were not given psychiatric drugs they needed while behind bars and were then deemed incompetent to stand trial and shipped off to state hospitals, often more than once.

The Bee's 2013 report also resulted in the former chief of psychiatric services at the Fresno County Jail being placed on five years probation by the Medical Board of California because of the actions he took at the jail.

Dr. Pratap Narayan's license was revoked, but the board last September stayed the revocation and ordered probation. As part of the probation agreement, Narayan was ordered to enroll in a clinical training program, a prescribing practices course and a medical record-keeping course. He also cannot be in solo practice without a medical expert monitoring him in his office. The medical board had accused Narayan of repeated negligence, prescribing medications without prior examination, unprofessional conduct and inadequate record-keeping in his treatment of inmates. Narayan worked at the Fresno County Jail for five years before resigning in February 2013 to take a job at Avenal State Prison.

The county also is engaged in negotiating costs for medical and mental health services improvements with its jail and juvenile justice center contractor, Corizon Health, which agreed last year to a five-year, \$100 million contract with the county. Under the remedial plan approved by the county, the Department of Public Health is seeking more psychiatric services for inmates as well as increasing the number of confidential visits for inmates in isolation.

David Pomaville, the county's public health director, said the costs are being negotiated with Corizon, but could reach into the \$2 million range in the coming year because of the settlement.

He said that under the county's contract with Corizon those expenses couldn't be anticipated.

"Regardless of the provider we would have chosen, we would be coming back and doing that part," Pomaville said.

The most important change, Knapp said, was the increase in psychiatric hours, which will more than double from about 20 to 25 hours per week to a minimum 55 hours per week and the opportunity for those in "segregation" to receive confidential meetings with psychiatrists three hours per week. She said those meetings are often only minutes long with the inmate inside and the psychiatrist outside the cell within earshot of other inmates. Additionally, she said, the requirement for recreation increases to seven hours per week, more than double the previous three hours.

"We're pleased with the outcome," she said. "There are substantial, necessary and important reforms that will come out of this plan."

Among other terms of the settlement, the county agreed that:

- prisoners with chronic illnesses will get necessary medications;
- pregnant inmates will receive timely and appropriate prenatal and postpartum care, counseling, and specialized obstetrical services when needed;
- suicidal prisoners will get a risk assessment;
- prisoners with serious mental illness in solitary confinement will be taken out of their cells for recreation a minimum of seven hours each week and mental health services will be offered three times each week;
- inmates with disabilities will be housed in the most appropriate housing possible based on their disabilities.

The inmates do not get any money from the settlement.

Knapp said she spoke with inmate Dawn Singh, one of the plaintiffs, who was satisfied knowing she played a role in improving conditions for her fellow inmates.

"She is very happy to see it as systemic reform, that other inmates won't suffer from the treatment they did," Knapp said. "This was part of achieving that goal."

County wanted to find resolution

Michael Woods, who was hired by the county specifically to handle the jail lawsuit, said the county was willing to settle as it learned about the problems.

“It provided an opportunity to explore the conditions in the jail that could be improved and that assured Fresno County the ability to comply with all applicable laws,” he said.

Woods, with Fresno’s McCormick-Barstow law firm, said the county wanted to devote resources to finding an acceptable resolution rather than fighting and paying large litigation bills.

Woods said the county wanted to work with the lawyers representing the plaintiffs. The two sides hired mutually agreed upon experts in prison/jail security, mental health and inmate medical services, Woods said. In addition, Disability Rights California, which was representing plaintiffs in the case, served as experts in the Americans with Disabilities Act.

“I truly think that what we’ve done here will create a better environment for both inmates and correctional officers and this is a situation where people of Fresno County should be happy with the results,” he said.

He points to a recent settlement in Monterey County where the county and its contracted medical provider, CFMG, were sued over conditions at the county jail, circumstances that Woods said were less significant than the problems found in Fresno County. The Monterey County settlement promises lawyers for the plaintiffs up to \$4.8 million. And, the county has not developed a mutually acceptable remedial plan with opposing lawyers, which could add hundreds of thousands more to the costs.

Woods estimates his firm’s fees and costs are just under \$410,000.

In a statement Wednesday night, Fresno County Sheriff Margaret Mims said: “The Fresno County Sheriff’s Office will continue to work with the Department of Public Health who has management of the contract for jail medical and psychological services. We will work collaboratively to meet the obligations of the remedial plan and continue to comply with all applicable laws in providing for the safety and security of inmates.”

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