

SF Supes Approve \$2.1M Settlement over Sewage Spills at SF's Hall of Justice Jail



San Francisco has tentatively agreed to pay out a total of \$2.1 million to an estimated 200 or more inmates who endured months of raw sewage spills at the decrepit seventh-floor jail above the Hall of Justice.

The Board of Supervisors unanimously voted to approve the proposed settlement Tuesday after attorneys accused city officials of failing to address the sewage problems at the aging building for more than a year and a half.

“The conditions were horrific,” attorney Stanley Goff said. “The jail staff and the higher-ups for The City were aware that these inmates were suffering and it just seemed like they didn’t care.”

Goff and attorney Fulvio Cajina sued The City in federal court on behalf more than 130 inmates, alleging “deliberate indifference” by Sheriff’s Department officials including now Sheriff Paul Miyamoto.

Court records show the City Attorney’s Office, which represented the Sheriff’s Department, has admitted the flooding occurred but blamed the inmates for the spills.

The case is one of three civil rights lawsuits being settled under the terms of the \$2.1 million agreement.

The others are a class-action lawsuit from attorney Yolanda Huang on behalf of a smaller group of inmates, and a case from inmate Dionn Novell Taylor, who was also represented by Huang.

The funds are expected to be available to all inmates who were impacted by the flooding at County Jail No. 4, with priority given to those who filed grievance forms at the time, attorneys said.

“It’s the least that San Francisco can do for the inmates,” Cajina said.

The issues started when a sewage spill flooded the District Attorney’s Office at the Hall of Justice in January 2017.

To fix the problem, workers made changes to the pipe system that caused human waste and urine to overflow out of the toilets and onto the floor of jail cells above the office, Cajina said.



San Francisco County Jail No. 4 on the top floor of the Hall of Justice at 850 Bryant St. is slated for closure later this year. (Kevin N. Hume/S.F. Examiner)

The flooding continued until The City installed a “Muffin Monster” to grind up sludge in the pipes in September 2018, he said.

The City had previously decided to hold off on the more than \$200,000 fix in favor of closing the building, which was deemed seismically unsafe in the 1990s.

“The City knew how to fix it and decided it wasn’t cost efficient to fix it,” Cajina said. Meanwhile, the inmates lived in “abhorrent” conditions, he said.

“When the DA’s office had the raw sewage flooding they moved everyone out of there. They brought in remediation companies to clean everything,” Cajina said.

“When the raw sewage would occur in the jails, the inmates were required to clean up by themselves and no one was disinfecting anything.”

“These are the cells where they eat, where they sleep and where they spent most of their time,” he said. “It’s not as if they were able to leave the infected areas.”

In court records, Deputy City Attorney Margaret Baumgartner argued that “the floods were caused by inmates violating the well-known rules regarding appropriate materials to flush in toilets.”

The office also argued that the case should have been tossed because some inmates failed to exhaust their administrative remedies for addressing the issue by filing grievance forms.

But Cajina argued that it would be “pointless” for inmates to file the forms since the department was already aware of the sewage issue. Also, he said a majority of his clients filed the forms.

Huang’s class-action suit similarly alleged that the Sheriff’s Department had “abandoned and abdicated its responsibility to house prisoners... in conditions of even minimal decency.”

Inmates “eat, sleep and live in pools [of] raw sewage containing human feces and urine,” Huang wrote. The City Attorney’s Office and the Sheriff’s Department did not respond to requests for comment.

Attempts to reach Huang were also not successful.

The settlement comes as San Francisco is preparing to close the jail at the Hall of Justice for good.

In May, the Board of Supervisors voted 10-1 to expedite the jail’s closure from July 2021, as previously planned by the mayor, to Nov. 1, 2020.