

JEFFREY L. BORNSTEIN – 099358
ERNEST GALVAN – 196065
KARA J. JANSSEN – 274762
REKHA ARULANANTHAM - 317995
ROSEN BIEN GALVAN & GRUNFELD LLP
101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
Telephone: (415) 433-6830
Facsimile: (415) 433-7104
Email: jbornstein@rbgg.com
egalvan@rbgg.com
kjanssen@rbgg.com
rarulanantham@rbgg.com

Attorneys for Plaintiffs

GREGORY B. THOMAS – 239870
TEMITAYO O. PETERS – 309913
BURKE, WILLIAMS & SORENSEN, LLP
1901 Harrison Street, Suite 900
Oakland, CA 94612-3501
Telephone: (510) 273-8780
Facsimile: (510) 839-9104
Email: gthomas@bwslaw.com
tpeters@bwslaw.com

PAUL B. MELLO – 179755
SAMANTHA D. WOLFF – 240280
HANSON BRIDGETT LLP
425 Market Street, 26th Floor
San Francisco, California 94105
Telephone: (415) 777-3200
Facsimile: (415) 541-9366
Email: pmello@hansonbridgett.com
swolff@hansonbridgett.com

Attorneys for Defendants

July 8, 2022

Re: First Expert Monitoring Report on the Consent Decree
Babu, et al. v. County of Alameda, et al.;
Case No. 5:18-CV-07677

Dear Counsel,

This letter serves to introduce the attached which is my first monitoring report on the status of Alameda County Sheriff's Office (ACSO) and Adult Forensic Behavioral Health's (AFBH) implementation of the Consent Decree within Santa Rita Jail (SRJ). This report will address the provisions that were assigned to me for review and rating as the Mental Health Expert. While preparing this report, I've sought feedback from the Joint Experts and provided feedback to the other Joint Experts on their individual reports.¹

On February 15-17, 2022, I joined the team of court-appointed Experts for an on-site tour of the SRJ. It was very helpful that, during this tour, the Joint Expert team was joined by Defense Counsel, Class Counsel, and representatives from the Department of Justice for discussions related to the implementation of the Consent Decree with the Sheriff, County Behavioral Health, and Wellpath leadership.

Since the tour, the County has provided access to a range of documentation which will be referenced in the attached report. I also requested documentation specific to the mental health

¹ Refer to the Joint Expert First Monitoring Report cover letter for information on how the provisions were assigned and numbered.

service delivery system but, unfortunately, much of it is either unavailable or in a format that was not useful in the preparation of this report. These documentation concerns and requirements are detailed in the attached report.

Over the past three months, I've been impressed by the openness and willingness shown by the County, AFBH and ACSO to implement the provisions of the Consent Decree. In the areas assigned to me, I believe the County has already begun to make critical changes and improvements. Examples include but are not limited to:

- Funding staffing augmentations for custody and behavioral health staff and positive movement in hiring both clinical and custody staff,
- Reducing clinical staff's remote work; having clinical staff return to the facility full-time,
- Implementing a "Level of Care" system to identify and describe incarcerated persons with mental health disorders,
- Developing a draft Therapeutic Housing Unit (THU) model,
- Initiating a pilot THU in Unit 9,
- Developing a draft outline for an Advanced Crisis Intervention Team (CIT) Training that will prepare custody and clinical staff for the THUs,
- Establishing a Behavioral Health Access Team (BHAT) of Deputies to assist behavioral health staff in providing services, and
- Increased formal meeting opportunities between AFBH and ACSO to support information exchange, policy development and joint procedures.

Changes are evident and a commitment to implementing sustainable improvements at SRJ is recognized but, based on my reviews for this report, there are areas of significant concern that need to be addressed. These areas include, but are not limited to:

- Recruiting, hiring, and retaining sufficient behavioral health, custody and discharge planning staff to provide adequate treatment and supervision for the population served and supervised,
- AFBH's lack of current, accurate policies and procedures with related forms and documentation requirements,
- The need to establish a behavioral health continuum of care beginning at intake through discharge with adequate staffing and available housing at the appropriate levels of care,
- The need to establish meaningful therapeutic housing units, with a true collaboration of clinical and custody personnel, which includes effective in-custody programming reinforced by reentry and discharge supports,
- The County's ability to address inpatient housing needs for incarcerated persons in a mental health crisis; improvement in the processes with John George Psychiatric Hospital,
- Adequate and timely physical plant renovations to support clinical activity and the development of a therapeutic environment,
- Adequate information technology and software solutions to assist tracking, monitoring and evaluating services and that those systems can be designed to "communicate" with each other, and
- The ability for AFBH and ACSO to conduct meaningful reviews of both individual critical incidents and overall trends in all provision areas to address issues and situations that contribute to negative outcomes and non-compliance with the Consent Decree.

My ability to prepare this report was heavily dependent upon the assistance, information and documentation received from the ACSO, AFBH, Wellpath, the incarcerated persons interviewed, and counsel. I am thankful for the support provided. Compliance with the Consent Decree is a complex undertaking and will require collaboration, engagement, and the willingness to implement new ideas and strategies. At this point, I believe all parties share the interest in seeing permanent and sustainable reform and an earnest commitment to implementing the provisions and am encouraged with the early response shown by ACSO and AFBH leadership.

Respectfully submitted,



E. Carolina Montoya, Psy.D.
E. Carolina Montoya, Psy.D., P.A.
Miami, FL
ecmontoya2006@yahoo.com

Attachment