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

Dear Counsel,

This document serves as an introduction of the attached report documenting my second confidential monitoring report on the status of Alameda County Sheriff's Office's (ACSO) and Adult Forensic Behavioral Health's (AFBH), a department of the Alameda County Behavioral Health (ACBH), (collectively, the County) implementation of the Consent Decree within Santa Rita Jail (Jail). This report will address the provisions assigned to me for evaluation. I have sought feedback from the Joint Experts as I prepared this report and provided feedback to the other Joint Experts on their individual reports.

First, I want to thank ACSO, AFBH, Wellpath, incarcerated persons interviewed and counsel for being willing to share information, feedback and ideas regarding the County's status in implementation of the Consent Decree. I also want to recognize that meaningful improvements have been realized during this monitoring period; improvement that required thoughtful collaboration internal to the County and the joint experts.

On October 25-27, 2022, while on-site for a tour, the court-appointed joint experts met with the County, Defense Counsel, Class Counsel and representatives from the Department of Justice to discuss the status of implementation of the Consent Decree. The joint experts also met with the newly elected Sheriff, who has been a leader in the jails since inception of the Consent Decree and appears committed to continuing the reform efforts underway. During the site visit, the joint experts also interviewed incarcerated persons and

staff, toured the jails and reviewed documentation associated with proof of practice relative to compliance with the provisions. The County permitted unfettered access to people, places and documentation during the tour and continues to transparently provide available data to evaluate compliance.¹

In addition to on-site official monitoring, the County also avails itself and the staff to routine meetings, both remote and on-site, to discuss progress with implementation and has proven to be open to innovative ideas from the joint experts and other systems. As a result of staff efforts, the County has shown significant progress in a range of areas, such as:

1. Updating the use of force training and oversight process.
2. Activation of pilot therapeutic housing units.
3. Implementation of tracking systems for out-of-cell time for dayroom and recreation.
4. Increasing out-of-cell time.
5. Demonstrating compliance with behavioral health populations being included in a range of rehabilitative services.
6. Focused hiring for custody staff.
7. Maintaining custody specialized units to support implementation of reforms associated with the Consent Decree.

There are areas, however, that the County continues to struggle to demonstrate sustained progress, requiring targeted action in the next rating period:

1. Staff reliance on force to address non-compliance when there may be opportunity for de-escalation to resolve the issue without force.
2. Reaching the required out-of-cell and structured activity requirements for all housing units.
3. Maximizing the use of available yards and program spaces.
4. Tangible progress relative to construction projects, such as recreational yards, cameras and clinical spaces in specialized behavioral health units.
5. Increasing custody staff hiring and increasing available custody staff to work consistently in housing units.
6. Reducing reliance on involuntary overtime for staff and the redirect of patrol staff to the jail.
7. Increasing health care staff and availability.
8. Overreliance on intensive observation status for extended periods.
9. Rigid and inadequate technology solutions that are unable to support real time performance metrics and evaluation.
10. Ensuring timely and meaningful responses to grievances.

As the attached report will show, the following is a breakdown of ratings for the forty-two (42) provisions assigned to this expert:

Substantial Compliance	0
Partial Compliance	34
Non-Compliance	4
Implementation Not Yet Required	4 ²

¹ It is noted that the County may be delayed in the provision of data requested or may not have available data.

² These are provisions requiring an increase in yard time following the completion of recreational space renovations. In the last reporting period, these provisions were given a “partial compliance” rating, but they should not have been rated until at least twenty-four (24) months from the approval of the Consent Decree.

There is much work ahead of the County, but the progress made during this rating period shows forward progress on many fronts. There has been no opposition from the County raised towards innovation and improvement. The challenges have been associated with the magnitude of the agreement and inability to mass hire custody and health care personnel to assist. It is believed that there are several provisions in the attached report where the County can reach substantial compliance in the next rating period if required policies, forms and training can be implemented to anchor the changes underway.

Respectfully Submitted,



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Attachment