

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

November 19, 2024

Re: Fifth 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 document serves as an introduction of the attached report documenting my fifth 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.

At the onset, I want to recognize the County departments and their employees for the improvements noted in this review period. While the identified ratings are too broad to reflect the gains made during this reporting period, the County made excellent strides in this six month review period that will be discussed in this report in greater detail. The efforts of the staff are improving systems and more importantly the jail culture. I also want to thank and recognize counsel and the incarcerated population for the collaborative efforts to assist the County in their efforts.

The Joint experts conducted meetings and on-site tours during the week of August 12, 2024 which included representatives from the County, Defense Counsel, Class Counsel and the Department of Justice. The joint experts also met with the Sheriff and Undersheriff who voiced an on-going commitment to supporting the reform efforts underway. During the site visit, the joint experts interviewed incarcerated persons and staff,

toured the jails and reviewed documentation associated with proof of practice relative to compliance with the provisions. As with all prior monitoring tours, the County continued to permit unfettered access to people, places and documentation during the tour and continues to transparently provide available data to evaluate compliance.

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. During this rating period, the County has shown significant progress in a range of areas, such as:

1. Completing the pre-planned use of force policy and training.
2. Implementing the Crisis Communication for Corrections training.
3. Contacting behavioral health clinicians prior to employing force when time and circumstances permitted.
4. Developing a new grievance tracking system and improving timeliness and quality of grievances responses.
5. Continuing to increase the timeliness of intake processing.
6. Reducing utilization of safety cells.
7. Reducing the number of incarcerated person on Intensive Observation status (IOL).
8. Reducing the restricted housing population and lowering the tension of the unit.
9. Use of incentives to assist with behavior management plans.
10. Maintaining project timelines on capital projects.
11. Instituting a behavior management plan with a high risk person that has proven effective in reducing acting out and violent behavior.

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

1. Increasing custody staff hiring and increasing available custody staff to work consistently in housing units.
2. Staff reliance on force to address non-compliance when there may be opportunity for de-escalation to resolve the issue without force.
3. Reaching the required out-of-cell and structured activity requirements for many housing units.
4. Maximize the use of available yards and program spaces.
5. Reducing reliance on involuntary overtime for staff and the redirect of patrol staff to the jail.
6. Rigid and inadequate technology solutions that are unable to support real time performance metrics and evaluation.
7. Hiring an Ombudsperson and establishing an Advisory Committee.

While it is noted that no provision changed rating this monitoring period from the Third or Fourth Monitoring report, all provisions previously rated as substantial compliance maintained, virtually all of the 32 provisions rated as partially compliant during the Fourth Monitoring period continued to demonstrate progress during this rating period and did not stall or recede. There remain no provisions rated as non-compliant. Additionally, based on sustained compliance and appropriate policies and oversight in place, it is recommended that the following provisions be discontinued from monitoring for reasons articulated in the report:

- 415 Access to bathroom facilities during out-of-cell activities
- 749 Safety Cell Cleaning
- 754 Emergency response equipment and access to cut down tools.

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

<b>Rating</b>	<b>Current</b>	<b>Prior</b>
Substantial Compliance – Discontinue Monitoring Recommendation	3	2
Substantial Compliance	3	4
Partial Compliance	32	32
Non-Compliance	0	0
Implementation Not Yet Required	4	4

It is believed based on efforts in this rating period that the following provisions can reach substantial compliance in the next rating period with focus and project management:

- 203 Creation of Health Care Access Teams
- 502 AFBH role in pre-planned force incidents.
- 506 Medical and Mental Health Role in Restraint Use
- 507 Updates to Special Restraint Policy
- 600 Access to Grievances and Grievance Trends

As stated in all previous reports, one of the primary barriers to success is ACSO’s inability to hire. The situation has not improved, and the department actually has increased vacancies this monitoring period. The County must increase efforts to help ACSO through the national crisis of law enforcement hiring while the County and ACSO identify effective alternatives to incarceration and consider reducing non-mandatory workloads, such as the federal inmate contract.

Respectfully Submitted,



Terri McDonald  
 Terri McDonald Consulting, LLC  
 Sacramento, CA  
[Terrimcdonald02@gmail.com](mailto:Terrimcdonald02@gmail.com)

Attachment