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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 document serves as an introduction of the attached report regarding my first 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 that were assigned to me to rate. 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 providing the necessary information and documentation to assist with monitoring. Implementation of the Consent Decree is a complex undertaking that will require collaboration, stakeholder engagement, willingness to listen and implement new ideas, resources and transparency. Early in the review process, I believe all parties share the interest in seeing permanent and sustainable reform and an earnest commitment to implement the provisions.

Shortly after approval of the Consent Decree, I was part of a team of court-appointed Joint Experts who conducted an onsite tour of the Jail on February 15-17, 2022. I found it exceedingly helpful that during this tour, the Joint Expert team, Defense Counsel, Class Counsel and representatives from the Department of Justice discussed the status of implementation of the Consent Decree with the Sheriff, ACBH Leadership, and Wellpath Leadership. Following the tour, the County has provided access to a range of documents and video, much of which will be referenced in the attached report. While documentation requested by the Joint Experts regarding individual class members has been provided by the County, other requests could not be fulfilled at this time as the County currently lacks sufficient information systems to assist with monitoring. Several examples of the lack of systems are documented in the attached report.

Since assuming this role, I have been impressed by the openness and willingness verbalized by the County to implement the provisions of the Consent Decree. In the areas assigned to me, I believe the County has already made strides in a variety of areas to demonstrate action towards these efforts. 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 reliance on restricted housing to house incarcerated persons in the least restrictive environment and reduce need for resources for out of cell time for restricted housing populations.
- Establishing a Compliance Team, Behavioral Health Access Team and independent Use of Force Review Team.
- Beginning to update Use of Force policies and reducing reliance on direct impact weapons and personal body weapon strikes.
- Discontinuing the use of the WRAP restraint device.
- Piloting the tracking of out-of-cell time to baseline compliance hours.
- Document productions relative to the various Consent Decree provisions and individual incidents and allegations that have occurred since approval of the Consent Decree.
- Most importantly, conveying a willingness to not just listen to constructive feedback but to also begin earnestly exploring and implementing best practices as the team reimagines systems.

While I appreciate the commitment to implementing sustainable change in the Jail, there are areas that I will be evaluating that are concerning based on my initial reviews. Those 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.
- Stability of ACSO staff with custody experience to anchor reform as the transition of staff “in and out” of patrol will prove challenging to sustained reform.
- Use of a significant percentage of overtime deputies not assigned permanently to the Jail to fill vacant posts.
- The ability of the County to address inpatient housing needs for incarcerated persons experiencing a mental health crisis.
- Adequate and timely physical plant renovations to support clinical activity, out-of-cell opportunities and meaningful access to outside recreation. Additionally, that the County is able to reimagine softening the environmental conditions with proven secure solutions to create a less institutional environment for incarcerated persons, staff, and visitors.

- Adequate information technology and software solutions to assist with tracking, monitoring and evaluating services and supports and that those systems can be designed to “communicate” with each other.
- The ability of AFBH and ACSO to take the time necessary to conduct thoughtful and meaningful reviews of both individual critical incidents and overall trends in all Consent Decree areas to address root causes that contribute to bad outcomes or poor overall performance. Once analyzed, the ability of the County to deeply and fearlessly implement transformative approaches to reduce the likelihood of future events.
- While not yet due for implementation, the establishment of meaningful therapeutic housing units with a true collaboration between clinical and custody personnel, which includes effective in-custody programming reinforced by reentry and discharge supports.

While I report my concerns, I remain hopeful that the initial commitments, focus and energy will sustain throughout the transformation process, and I am pleased with the leadership at ACSO and AFBH in their early response to implementation and monitoring.

Respectfully Submitted,



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Attachment