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September 20, 2026
Re: *Ninth-Round Monitoring Report on the Consent Decree, Babu, et al. v. County of Alameda, et al., Case No. 5:18-CV-07677*

Dear Counsel,

Please accept my Ninth-Round Monitoring Report regarding the implementation status of the Consent Decree by the Alameda County Sheriff's Office (ACSO) and Adult Forensic Behavioral Health (AFBH) at Santa Rita Jail. This report addresses all provisions assigned to me for evaluation in my role as the Court-Appointed ADA/Mental Health Expert and covers the reporting period from January 1 through June 30, 2026.

The Ninth-Round review reflects continued advancement in several areas that have been the focus of prior monitoring. Most notably, the County is increasingly moving beyond development of policies and procedures toward integration of ADA requirements into routine facility operations. This was evident not only in documentation reviewed, but also through direct observation, staff and incarcerated person interviews, multidisciplinary meetings, and the County's own internal quality review processes.

The onsite review included interviews with 30 staff and 43 incarcerated individuals, facility tours, and meetings with ACSO, AFBH, the contracted healthcare provider, and County Leadership. These activities were supplemented by extensive review of ADA tracking information, grievances, disciplinary documentation, accommodation and adaptive support

records, program and re-entry information, and quality assurance data. As in prior rounds, the review was conducted in consultation with the other Joint Experts and benefited from participation and cooperation of the parties.

A particularly encouraging development this round was the increased operational ownership of ADA responsibilities outside of the ADA Unit. Housing-unit staff demonstrated greater familiarity with individuals requiring accommodations and adaptive supports, knowledge of available ADA resources, and an understanding of their responsibility for providing Effective Communication and ensuring access to programs, services, and activities. Incarcerated-person interviews similarly reflected increased awareness of how to request ADA assistance and accommodations, improved knowledge of available programs and services, and substantially fewer concerns regarding access to tablets.

The County also made meaningful progress in strengthening the systems intended to support and sustain these practices. The ADA and CQA Units continued development of data validation processes, audit methodologies, internal monitoring, and compliance reporting. Importantly, these processes are beginning to function as intended: internal reviews identified deficiencies during the reporting period, prompted root-cause analysis, and resulted in corrective action. In several areas, the County moved beyond manual safeguards toward technology-based controls intended to reduce reliance on individual staff action and improve the consistency and sustainability of required practices.

Progress was also evident in the grievance process. A random review of 60 grievances demonstrated strong adherence to required review and response timelines, appropriate handling of emergent matters, and consistent documentation of Effective Communication. The overall review, together with the independent findings of the Custody Monitor, demonstrated an established grievance system supported by electronic and paper access, multidisciplinary review, tracking, trend analysis, and ongoing quality assurance. The evidence reviewed during this round supports advancement of applicable grievance provisions to Substantial Compliance.

Re-entry and Program Services also demonstrated continued improvement. Re-entry planning has expanded beyond the prior primary focus on the SMI population to include individuals with cognitive, intellectual, and developmental disabilities, with increased coordination among AFBH, ACSO, Pretrial Services, Specialty Courts, Probation, and community providers. Program Services has similarly continued to develop processes for the communication and provision of accommodation and adaptive support needs.

Despite these advancements, reliable identification of the broader Psychiatric Disability population remains a central issue affecting several provisions. In addition, this review continued to find a lack of individualized assessments of accommodation and support needs. In addition, this monitoring period identified instances in which disability information was not timely communicated to the ADA Unit or reflected in systems relied upon to initiate required ADA processes.

The County has responded with significant corrective action. Development of the Psychiatric Disability Protocol, revisions to clinical and classification documentation, additional ADA Unit staffing, additional AFBH staffing, enhanced communication processes, and improvements to electronic systems are intended to address these gaps. Many of these measures were developed

or implemented during the current reporting period and will require additional review to establish sustained proof of practice.

The identification issues have affected the ability to conduct meaningful comparative analysis. Review of monthly ADA Accommodation Lists from January to June demonstrated a substantial difference in the documentation of individualized accommodations and supports across identified populations. While accommodation and support information was consistently documented for most individuals identified with cognitive, intellectual, or developmental disabilities, most SMI entries, continue to reflect an AFBH referral without corresponding individualized accommodation or adaptive support information. These findings reinforce the importance of completing implementation of the Psychiatric Disability identification and functional assessment processes so that the County can reliably identify the population subject to these requirements and measure access and outcomes accordingly.

Other areas will similarly require continued monitoring as recently implemented improvements mature. These include new technology controls within the disciplinary process, real-time communication and entry of disability-related information, continued development of electronic ADA tracking, and identification of sustainable least restrictive housing options for females.

Overall, the Ninth-Round review reflects a meaningful evolution in the County's implementation efforts. Earlier monitoring necessarily focused heavily on the development of policies, procedures, training, staffing, and foundational processes. Increasingly, the focus is shifting to whether those systems are functioning consistently in practice, whether the County can identify and correct its own deficiencies, and whether reliable data demonstrates substantial compliance. The progress observed during this round-particularly in operational ownership, internal quality review, corrective action, and development of system-based safeguards, provides a stronger foundation for the next phase of monitoring.

I appreciate the continued cooperation, transparency of ACSO, AFBH, County Leadership, Counsel, staff, incarcerated persons, and the other Joint Monitors. This collaboration and access of information has allowed for a comprehensive review of both the progress achieved and the areas requiring continued attention.

Respectfully submitted,

Kelly Mitchell

Kelly S. Mitchell
Court-Appointed ADA/Mental Health Expert

Attachment: Ninth- Round Confidential Monitoring Report