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March 6, 2023

Re: Second Non-Confidential 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 second monitoring report on the status of the 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.<sup>1</sup>

On October 25-27, 2022, I joined the team of court-appointed Experts for an on-site tour of the SRJ. As in the first tour, it was very helpful that 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. During the tour, I had the opportunity to assess operations as I walked-through areas of the facility, spoke with staff, and observed the daily "huddles" on the Therapeutic

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

Housing Units. I also participated in an AFBH all-staff meeting and a Restricted Housing Committee meeting.

Since the first tour in early 2022, the County continues to provide access to a range of documentation which will be referenced in the attached report and has also provided specific documents as requested. Unfortunately, as was expressed in the first report, proof of compliance data is limited and or remains unavailable. These concerns are specified in the attached report.

I continue to be 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, this rating period demonstrates the attention being paid by the County to the critical changes and improvements that must be made. Examples include:

- Continued efforts to address AFBH's significant staffing shortages including developing and establishing hiring incentives for applicants and retention incentives for employees;
- Ensuring that clinical staff returned to the facility on a full-time basis following COVID-19 restrictions;
- Taking many necessary steps to implement the mental health "Level of Care" system and, since the last report, assessing nearly all incarcerated persons;
- Furthering the development of the Therapeutic Housing Unit (THU) model;
- Initiating pilot THUs in Units 9, 24 and 35;
- Development of various policies and procedures in support of the THU model and the overall mental health service delivery system; and
- Increasing formal meeting opportunities between AFBH and ACSO to support information exchange, policy development and joint procedures.

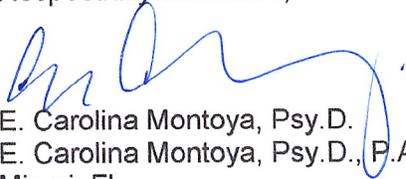
As noted, many changes are evident and a commitment to implementing sustainable improvements at SRJ is recognized. However, based on my reviews for this report, nearly all provisions are in "partial compliance" and there remain areas of significant concern, as stated in the first report, that need to be addressed. These areas include:

- Ongoing, aggressive efforts to recruit, hire, and retain sufficient behavioral health, custody and discharge planning staff to provide adequate treatment and supervision for the population served and supervised;
- The continued 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 and 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.

I truly appreciate the support and assistance received during this rating period from the ACSO, AFBH, Wellpath, defense and class counsel. I look forward to the continued collaboration, engagement, and willingness by all parties to implement new ideas and strategies. The improvements in operations and movement towards Consent Decree compliance shown during this rating period demonstrates the shared interest in making changes and seeking sustainable reforms.

Respectfully submitted,



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Attachment