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17 UNITED STATES DISTRICT COURT
18 SOUTHERN DISTRICT OF CALIFORNIA

19 DARRYL DUNSMORE, ANDREE
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20 JAMES CLARK, ANTHONY EDWARDS,
REANNA LEVY, JOSUE LOPEZ,
21 CHRISTOPHER NORWOOD, JESSE
OLIVARES, GUSTAVO SEPULVEDA,
22 MICHAEL TAYLOR, and LAURA
ZOERNER, on behalf of themselves and all
23 others similarly situated,

24 Plaintiffs,

25 v.

26 SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT, COUNTY OF SAN
DIEGO, SAN DIEGO COUNTY
27 PROBATION DEPARTMENT, and DOES
1 to 20, inclusive,

28 Defendants.

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Case No. 3:20-cv-00406-AJB-DDL

**REBUTTAL EXPERT REPORT
OF CHRISTINE SCOTT-
HAYWARD**

Judge: Hon. Anthony J. Battaglia
Magistrate: Hon. David D. Leshner

Trial Date: None Set

1 **I. THE BRIEF DISCUSSION OF REENTRY PROGRAMMING AND**
2 **ALTERNATIVES TO INCARCERATION IN THE VARE REPORT**
3 **DOES NOT CHANGE THE OPINIONS EXPRESSED IN MY EXPERT**
4 **REPORT**

4 I, Christine Scott-Hayward, Ph.D., declare:

5 1. I have had the opportunity to review Opinion 13 in the report of Lenard
6 Vare (pages 120-127 of that report), which primarily focuses on reentry
7 programming. The opinions expressed therein do not change the opinions I
8 expressed in my expert report.

9 2. First, it is not disputed that reentry programming exists in the San
10 Diego jails and is offered to some individuals. However, based on the Sheriff's
11 Department's own testimony, it remains unclear exactly what programs are offered
12 in which jails, and how frequently they are offered. *See* Expert Report of Christine
13 Scott-Hayward, Ph.D. ("Scott-Hayward Report"), August 15, 2024, ¶ 68.
14 Moreover, although Mr. Vare refers to a staff estimate of 5,000 individuals
15 participating in some reentry services during a one-year period, Vare at 123, again it
16 is unclear what programs these individuals participated in and in what facilities they
17 were housed. In addition, Mr. Vare simply asserts that providing services to this
18 number is adequate, without providing any basis for this opinion, even though more
19 than 50,000 individuals were booked into custody last year. Scott-Hayward Report
20 at ¶ 57.

21 3. Second, Mr. Vare's report briefly discusses alternatives to
22 incarceration. Vare at 126-127. In that section, he does not dispute the fact that the
23 number of individuals in home detention or on electronic monitoring is
24 exceptionally small for the jail population. Scott-Hayward Report at ¶ 59. Further,
25 although Mr. Vare notes the fact that there is "no limit to the number of spots
26 available for home detention or county parole," Vare at 126, he does not
27 acknowledge the Sheriff's Department's discretion over criteria for participation in
28 those programs or discuss the participation numbers in those programs. Moreover,

1 although it may certainly be the case that fewer individuals might meet eligibility
2 criteria for Fire Camp participation than for other CPAC programs, it remains the
3 case that over three timepoints between October 2022 and September 2023, just one
4 individual was identified as participating in Fire Camp. Scott-Hayward Report at
5 ¶ 59.


6 4. Finally, Mr. Vare claims as follows: “The Sheriff’s Office also uses an
7 alternative-to-custody program referred to as the County Parole and Alternative
8 Custody (CPAC) program. According to Commander Christopher Buchanan,
9 incarcerated individuals are approved or disapproved for programs by the county
10 parole board.” Vare at 126. To the extent Mr. Vare is suggesting that the county
11 parole board approves all participants in CPAC programs, including home detention,
12 this is not true. In fact, the Sheriff’s Department is primarily responsible for
13 developing criteria for admission into home detention, as discussed in my report.
14 Scott-Hayward Report at ¶ 60. Moreover, the county parole board includes a
15 representative from the Sheriff’s Department. *Id.* at ¶ 61.

16 **II. CONCLUSION**

17 5. In conclusion, I remain confident in the opinions I stated in my expert
18 report dated August 15, 2024.

19 6. The information and opinions contained in this report are based on
20 evidence, documentation, and/or observations available to me. I reserve the right to
21 modify or expand these opinions should additional information become available to
22 me. The information contained in this report and the accompanying exhibits are a
23 fair and accurate representation of the subject of my anticipated testimony in this
24 case.

25
26 Dated: October 1, 2024



Christine Scott-Hayward, Ph.D.,