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April 4, 2025

Re: Sixth 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 sixth 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.

As with prior reports, I want to thank and recognize the County, incarcerated persons and counsel for their collective efforts to improve processes, care and culture in the Jail system and willingness to explore improvements and transparently address challenges. The system continues to demonstrate improvements across most provisions that I monitor and did not experience a backslide during this review period.

The Joint experts conducted meetings and on-site tours during the week of December 2, 2024 which included representatives from the County, Defense Counsel, Class Counsel and the Department of Justice. The Sheriff and her command staff were present during the tour and continue to voice a commitment to meeting or exceeding the requirements of the Consent Decree. 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.

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

1. Reducing the population and deactivating Housing Units and redirecting staff resources.
2. Use of the Behavioral Health Access Team (BHAT) by increasing staffing and associated groups.
3. Out of cell time for the male general population, Therapeutic Housing Unit (THU) and restricted housing (RH) Class Members.
4. Refining the new grievance tracking system.
5. Maintaining the timeliness of intake processing.
6. Maintaining project timelines on capital projects and developing a strategy to increase programming space for the THU and RH populations.
7. Continuing to improve quality of use of force reviews and elevating expectations regarding de-escalation and force alternatives.
8. Piloting an Advisory Committee and establishing an Ombudsperson position.
9. While not listed specifically in the report, the County has begun an effort to improve employee morale and retention, an issue that will be discussed in the next report if additional detail is provided.

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. Filling all deputy posts in the jail.
3. Willingness to unapologetically and appropriately address when staff use of force tactics are incongruent with objectively reasonable standards.
4. Reaching the required out-of-cell and structured activity requirements for female housing units.
5. Failure to track and report on required structured activities.
6. Maximize the use of available yards and program spaces.
7. Rigid and inadequate technology solutions that are unable to support real time performance metrics and evaluation.

The following provisions were recommended to discontinue monitoring during that Fifth Monitoring Report and those recommendations remain:

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

The following provision sustained Substantial Compliance for two monitoring periods, exceeding 12 months, and are recommended to discontinue monitoring:

- 504 On-Going Refinement of Use of Force Policies and Training

The following provision achieved Substantial Compliance in this review period:

- 761 Training in Security Checks and Emergency Response to Suicide Attempts

The following provision was downgraded from Substantial Compliance to Partial Compliance. However, this downgrade was associated with the Monitor reassessing the requirements in the provision, rather than a backslide by the County. While the County does maintain working call buttons, the prior report should not have been substantial compliance as two key elements of the provision have not been fully established as further described in the report:

- 751 Working Call Buttons in Living Units

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

Rating	Current	Prior
Substantial Compliance – Discontinue Monitoring Recommendation	4	3
Substantial Compliance	2	3
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 effective project management:

- 203 Creation of Health Care Access Teams
- 417 Documenting exceptions to out-of-cell activities
- 419 Notification to Mental Health when Class Member repeatedly refuses out-of-cell activity.
- 502 AFBH role in pre-planned force incidents.
- 507 Updates to Special Restraint Policy.
- 600 Access to grievances and grievance trends.
- 712 Alert system to address delays in intake processing.
- 751 Working call buttons in living areas.
- 800 Establishment of Incarcerated Person Advisory Committee and Ombudsperson Program.
- 1200 Consent Decree Implementation Plan.

The barriers to success are steeped in insufficient resource allocation, whether that is line level deputies, mental health staff or a well-resourced and trained Compliance Team to implement reform and monitor progress. It is noted there has been a minor increase in custody staff and the County reports progress, but the situation is serious and a significant barrier to success. As previously stated, this national crisis requires

focus on creativity from the County to support the Sheriff's department and the Sheriff's departments focus on employee development and retention.

Respectfully Submitted,



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Attachment