



101 Mission Street, Sixth Floor
San Francisco, California 94105-1738
T: (415) 433-6830 ▪ F: (415) 433-7104
www.rbgg.com

Kara J. Janssen
Email: kjanssen@rbgg.com

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VIA ELECTRONIC MAIL ONLY

John Lindsay-Poland
American Friends Service Committee
JLindsay-Poland@afsc.org

Re: Babu et al. v. County of Alameda et al. N.D. Cal. No. 5:18-CV-07677
Our File No. 1378-01

Dear Mr. Lindsay-Poland:

This office represents the certified class of all persons who are now or in the future will be incarcerated at the Alameda County Jail in the civil rights and Americans with Disabilities Act lawsuit *Babu et al. v. County of Alameda* et al. N.D. Cal. No. 5:18-CV-07677. You have asked for our position as class counsel in *Babu* regarding the March 20, 2020 request of the Alameda County Sheriff's Office (ACSO) and the Alameda County Health Care Services Agency (HCSA)/Alameda County Behavioral Health (ACBH) to the Board of Supervisors for approval and authorization of new staff positions "to meet staffing, service and care coordination needs at the jail." Our position is stated in the body of this letter.

1. The *Babu* Litigation Is About Reducing the Jail Population As Well As Improving Conditions at the Jail

A primary goal of the *Babu* litigation is to drastically reduce the numbers of people held at the jail, especially people with serious mental illness. Because of the COVID-19 pandemic, this issue has become more urgent. To address the problems identified in the lawsuit, the County should be working on an emergency basis to develop, fund, and implement alternatives to custody for everyone, especially persons with serious mental illness, as well as major investments in community mental health to prevent future jail admissions. The Board should demand that all requests for additional resources at the Jail be accompanied by additional resources for non-custody alternatives and for community mental health.

2. Santa Rita Jail Is Understaffed

The *Babu* lawsuit alleges, and no one can reasonably dispute, that the Jail is understaffed for both custody and mental health functions. As stated above, the County should be reducing its reliance on the Jail to hold people with serious mental illness. Right now, however, we have clients in the Jail who need treatment and who need relief from solitary confinement. Such relief will require additional staffing at the Jail. Getting such staffing will require either new funding or redirection of current funding. Either way, we recognize that the County needs to act promptly to address the problem.

3. The *Babu* Litigation Is Not Complete

There are not yet any Court orders in *Babu* requiring any particular level of staffing. The status of the *Babu* litigation is that the parties agreed on a panel of neutral experts who toured the jail last year, and issued reports on changes needed to address the problems identified in the lawsuit. These changes include additional staffing. The amount of additional staffing is the subject of continued work by one of the neutral experts, whose report is expected within the next few weeks.

The March 20, 2020 ACSO/HSCA/ACBH request was not shared with us before it was submitted to the Board. We had no input into the staff numbers sought in the request. We do not have a position on whether the staffing sought here is or is not adequate for the needs at the jail. As stated above, however, the Board should hold these officials accountable for addressing the equally important side of the equation at the Jail—which is what the County is doing to reduce the number of persons with serious mental illness held there.

Sincerely,

ROSEN BIEN
GALVAN & GRUNFELD LLP

/s/ Kara Janssen

Kara J. Janssen
By: Senior Counsel

KJJ