

***Babu v. County of
Alameda - Community
Objection to the
Consent Decree***

NOVEMBER 3, 2021



Summary & implications of settlement



What is the *Babu* case?

CLASS ACTION LAWSUIT FILED BY ROSEN BIEN GALVAN & GRUNFELD (RBGG) IN 2018. THE CLASS CONSISTS OF THOSE CURRENTLY INCARCERATED AS WELL AS THOSE WHO WILL BE INCARCERATED IN SANTA RITA JAIL IN THE FUTURE.

Babu v. Ahern claimed that the Alameda County Sheriff's Office (ACSO) fails to provide adequate mental health care at Santa Rita Jail. Rather than go into litigation, RBGG settled with the County. **The Consent Decree outlines the terms of this settlement.**

Babu v. County of Alameda Settlement

November 3, 2021



What Does This Settlement Cover?

The Consent Decree is 110 pages and addresses the following areas:

- Precautionary measures regarding COVID-19
- Mental healthcare and suicide prevention
- Proposes a new classification system with “Therapeutic Housing Unit” for people with mental illness
- Proposes minimum levels of out of cell time
- Policy changes regarding “use of force”
- Grievance reform & the creation of Ombudsman and Inmate Advisory Council
- Disability reforms

Babu v. County of Alameda Settlement

November 3, 2021



Our concern: no releases from Santa Rita Jail

Mental health workers agree that true harm reduction would involve getting as many people out of jail as possible, as soon as possible.

Two experts in *Babu* recommended reducing the Santa Rita Jail population as another way to address staffing issues and reach constitutional levels of mental health care.

Reducing the jail population doesn't appear anywhere in the proposed consent decree.

Babu v. County of Alameda Settlement

November 3, 2021



Our Concern: security over mental health care

This settlement would...

- Invest more county money in the Sheriff's budget to hire hundreds more Deputies.
- Create high-salary administrative positions with ACSO.
- Result in a much larger amount of new ACSO staff than new mental health clinicians.
- NOT *require* additional construction, but it has been used to *justify* additional construction in the jail or reopening of closed facilities for new staff and treatment spaces.

Why are we concerned about this?

- Movement to defund police is growing and Bay Area groups are working to redirect funds into mental health outreach, intervention and services.
- A settlement that gives MORE funds and staff to law enforcement rather than funding community-based services **contradicts** this progress and **sets a dangerous precedent.**

Babu v. County of Alameda Settlement

November 3, 2021



We don't want to expand jail budgets. We want to reallocate.

THIS SETTLEMENT WILL GIVE THE JAIL MORE MONEY - AND MORE STAFF.

The Sheriff supports this settlement because the jail will get \$82 million more funds a year to hire **259 more deputies** and **72 other ACSO staff**.

Other litigation against the County has identified intensive community-based services as a way to both **avoid incarceration** and to **reduce costs** to the County.

We have not seen the County willing or able to hold the Sheriff accountable to produce even an **itemized budget**, let alone stand their ground regarding the inhumane treatment of incarcerated people.

Babu v. County of Alameda Settlement

November 3, 2021



Other Objections

JAILS ARE NOT MENTAL HEALTH PROGRAMS NOR HOSPITALS.

“In jail, even a mental health jail, officers are first responders, and they tend to approach all problems as potential rule violations that trigger punishment.” --Terry Kupers, Psychiatrist, Wright Institute

Jails should not be permitted to disguise themselves as mental health facilities, because...

- That is an overreach and misunderstanding of their purpose.
- Competent, trauma-informed care is needed.
- Training does not create compassion.
- Clinicians are disempowered relative to Deputies.



Other Objections

THE SETTLEMENT IS NOT TRANSPARENT.

“In order to encourage candor and completeness by ACSO and AFBH Staff and contractors, the Joint Expert’s final reports shall be considered confidential and treated confidentially by all parties.” -- Consent Decree, page 73

This is not acceptable because...

- This Consent Decree would not expire for **six years**.
- Monitoring of settlements is **usually public**.
- Implementation process for changes required by the settlement is **vague or not yet defined**.
- The community won’t be able to give input into any **training, hiring, or services** required by the settlement.



What do we want instead?

RELEASES FROM SANTA RITA JAIL

If Parties **agree** on the need for a therapeutic space for people with mental health issues, **those people should be released** into a community-run, humane residential community.

COMMUNITY AND PEER-BASED CARE

The County should fund a proposal for **third-party mental health care**, including **peer-run** programs. Care should be provided by community-based organizations who **already have relationships** with incarcerated people.

REAL ALTERNATIVES

The settlement is an opportunity to fund a **continuum of mental health alternatives** to policing; prevention beginning before incarceration, diversion from incarceration, and resources upon release to reduce future incarceration.

WHAT DO WE WANT INSTEAD? A CONTINUUM OF COMMUNITY-BASED MENTAL HEALTH CARE THAT IS COMMUNITY-SPECIFIC, TRAUMA-INFORMED & ROOTED IN LIBERATION.



We are proposing an alternative model that is...

- Community-specific and trauma-informed;
- Provided by community-based organizations and providers who have real relationships with the communities inside and most impacted by SRJ;
- Connected to a continuum of care that begins **before** people are incarcerated with the goal of prevention and diversion, accessed if and when people become incarcerated towards their release, and **maintained** following release to support mental health, healing from trauma prior to and during incarceration to **prevent** a return to jail; and,
- Part of existing efforts to **divert funding** from police, jails and prisons into mental health and other community-needs; as well as existing efforts to connect people released from jails and prisons with **supportive and resourced communities**.

How are we organizing?

BABU SETTLEMENT RESPONSE: AD HOC COALITION

Anchored by NLG SRJ Hotline & NLG lawyers

Points of Reference: People inside & their family and loved ones

Partners: Ella Baker Center, Restore Oakland, Anti Police-Terror Project, Oakland Abolition & Solidarity, Psychologist for Social Responsibility, Legal Services for Prisoners with Children, Young Women's Freedom Center, American Friends Service Committee, Homeless Action Center, Critical Resistance

“On January 21, 2020, the Court certified a class consisting of ‘all adults who are now, or in the future will be, incarcerated in the Alameda County Jail’ and a subclass defined as ‘all qualified individuals with a psychiatric disability... who are now, or will be in the future, incarcerated in the Alameda County Jail.’”

Coalition groups interact directly with incarcerated people (“Class Members”) or have direct, personal experience with incarceration in Santa Rita Jail.

Coalition groups are committed to the belief that impacted people are experts on their own experiences.

Babu v. County of Alameda Settlement

November 3, 2021



Timeline & Ways to Be Involved

The coalition consists of four major working groups:

- Class member objections working group
- Alternatives working group
- Media and communications
- Outreach and mobilization

IMPORTANT DATES

- **Community Teach-Ins:** October 27, November 3 & November 9
- **NEW Deadline for class member objections:** December 31, 2021
- **People's Hearing:** Mid-January, 2022
- **Hearing for Final Approval:** January 19, 2022

FOR OBJECTIONS, CONTACT SRJHOTLINE@NLGSF.ORG.

FOR ALTERNATIVES, CONTACT SARA@NLGSF.ORG.

FOR MEDIA & COMMUNICATIONS, CONTACT MARADY@ELLABAKERCENTER.ORG

FOR OUTREACH & MOBILIZATION, CONTACT JOSE@ELLABAKERCENTER.ORG

