



December 15, 2021

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Clerk of the Court
United States District Court
Northern District of California
280 South 1st Street
San Jose, CA 95113

DEC 21 2021

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

Re: *Babu, et al., v. County of Alameda, et al.*
N.D. Cal. No. 5:18-cv-07677 - *HC*

ATTN: Honorable Nathanael Cousins

CC: Jeffrey L. Bornstein, Ernest Galvan, and Kara J. Janssen, Attorneys
for Plaintiffs
Gregory B. Thomas, Temitayo O. Peters, Paul B. Mello, and
Samantha D. Wolff, Attorneys for Defendants
Alameda County Counsel
Members, Alameda County Board of Supervisors

Who we are; why we care:

This letter presents objections from the Alameda County faith community, as represented by the signatories, to aspects of the *Babu v. Alameda County* Consent Decree.

Through our pastoral duties and spiritual leadership, we bear witness to the damage done by the County's overuse of incarceration to compensate for a broken social safety net. Every year over 25,000 of our loved ones spend some amount of time in Santa Rita Jail. These people, their families and their communities deserve a settlement of the class action suit that reflects the interconnectedness of the jail with the rest of their and our lives.

Individuals vulnerable to mental health crises are too often trapped in the revolving door of jail detention, hospitalization, and limited or inadequate community care. This is especially true among our brothers and sisters of color, and the resulting mental decline and despair negatively impact all our families, neighborhoods, congregations, and communities. The moral shame stains our collective conscience.

The *Babu* Consent Decree requires steps intended to secure the safety and human rights of people confined in Santa Rita Jail with mental illness or substance use disorders. It seeks to compel a degree of mental health care support while in jail and to encourage connection to community services during incarceration and upon release. We applaud those requirements, while remaining acutely aware of the challenges of implementation. However, the settlement fails Class Members by viewing them purely through the lens of their jail confinement. A just settlement must reflect what is best for the Class whether in-custody or in-community, and for that it must not be indifferent to the likely impact of the settlement on community-based care.

We object: Experts confirm what logic and conscience dictate: People do not get well in jail. Rather, their mental, emotional, and behavioral challenges only increase in a setting that is fundamentally about confinement and punishment. Prospects for healing and wellness reside in an effective community-based infrastructure. We object to the settlement because its costly in-custody remedies threaten to drain scarce County funds and resources away from needed community-based care. Class Members will remain caught up in the cycle, with possibly longer jail stays. This unintended consequence will be devastating for Class Members and our communities.

Therefore we ask: In recognition of the potential harm done to Class Members by funneling limited County resources into the jail, require an annual accounting of all resources committed to both in-custody and in-community components of the County's behavioral healthcare program.

We object: Under persistent and vocal prodding by mental health advocates and community groups, including our own, the Alameda County Board of Supervisors unanimously adopted a "Care First, Jails Last" resolution as official County policy in May, 2021. "Care First, Jails Last" prioritizes prevention, rehabilitation, and health-focused programs with the goal of reducing the number of people with behavioral health conditions

detained at Santa Rita Jail. The Consent Decree takes no account of this county policy to dramatically reduce jail occupancy. Rather, it mandates a large and costly increase in jail-based treatment and custodial staff based on projected jail-occupancy levels even higher than current and recent levels. Furthermore, the current version locks in those staffing increases – 259 sworn staff, 72 non-sworn Sheriff’s staff, and 107 forensic mental health staff – untethered to future jail population levels.

Therefore we ask: Mandate periodic reviews of staffing targets and financial commitments, make the closure of housing units an explicit goal, and adjust staffing targets downward in tandem with anticipated reductions in the number and length of jail stays. Every dollar spent on jail staff is a dollar unavailable for implementing the “Care First, Jails Last” policy agenda.

We object: The community expressed its collective will in the years-long public conversation that preceded and brought forth the “Care First, Jails Last” resolution. Participants in that conversation included impacted community members, mental health advocates, CBO’s, the County justice partners, and Alameda County Behavioral Health Care Services. The policy and recommendations that issued from this process were exceptionally robust, with buy-in extending across the community.

In contrast, the *Babu* Consent Decree was negotiated with minimal community input. The result is a set of goals at odds with the will of the County.

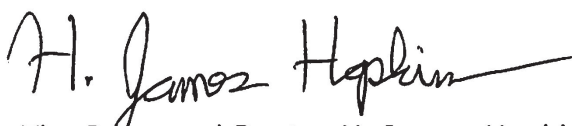
Plaintiffs’ and defense attorneys and their chosen experts bring a particular perspective to this lawsuit. It is time for members of the community, for system-impacted people and their families, care-givers, advocates, and faith leaders, to contribute insights into what so deeply affects our community’s well-being.

Therefore we ask: Bring transparency into the semi-annual compliance reviews. Add community members to the oversight bodies and publish each report that is approved by Class Counsel, redacting only personal identifiers.

We implore you not to approve a Decree that is so narrowly drawn that correction of Constitutional and ADA violations are achieved, if at all, by dooming our most vulnerable populations to unnecessary confinement. Surely, the most compassionate and effective way to reduce suffering and

increase the welfare of our people is to provide care in a carceral setting only when that is absolutely required, and instead promote the growth and integration of behavioral health services in the community.

Sincerely,



The Reverend Doctor H. James Hopkins
Board Co-chair
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8400 Enterprise Way
Oakland, CA 94621

Signatories in Support of this Letter

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Rabbi Allan Berkowitz, Faith In Action
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Sr. Mary Amora Binnom, Marist
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Burgoa, Starr King Unitarian
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Hazzan Shulamit Wise Fairman,
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