

Judge signs off on Santa Rita jail settlement over inmates' objections

By Bob Egelko - Feb 8, 2021 | San Francisco Chronicle

Despite objections from dozens of inmates, a federal magistrate has approved a legal settlement that seeks to improve mental health treatment at Alameda County's Santa Rita Jail while increasing its staff of sheriff's officers.

The settlement of a lawsuit filed in 2018 on behalf of a group of inmates responds to complaints about a lack of mental care as well as abusive conditions at the facility in Dublin, U.S. Magistrate Judge Nathanael Cousins of San Jose said in his ruling Monday night. He noted that the U.S. Justice Department, which took part in the negotiations, has agreed to monitor the settlement for six years and to send an expert to inspect the jail twice a year.

Santa Rita has 2,200 inmates, most of them held while awaiting trial. The settlement requires mental health screenings for all new inmates and creates one or more therapeutic housing units for the mentally ill. It also sets new limits on solitary confinement and officers' use of force, and allows inmates more time out of their cells.

In 2020, Alameda County supervisors approved spending \$106 million a year for three years to hire 349 sheriff's officers and 107 mental and behavioral health workers. The settlement requires stationing them at Santa Rita, which has been understaffed.

The increase in sheriff's officers was a focus of complaints by 37 incarcerated people who spoke from jail Jan. 27 at a five-hour remote hearing called by Cousins to listen to those affected by the potential settlement.

"The jail doesn't need to hire more sheriffs. They need to hire more mental health professionals," one inmate said. Another told Cousins that he now sees a mental health specialist once a month and needs more frequent care, but that the settlement would reduce his visits to once every 90 days.

And a third inmate, Jaclyn Mosbacher, told the magistrate that jailers "strip-searched me and threw me outside in the cold for hours." She said she had been pregnant and wound up suffering a miscarriage in an isolation cell, and that officers then told her she was responsible.

The incarcerated witnesses all asked Cousins to reject the settlement and order a new round of negotiations that would include community groups. But Cousins said in his ruling that their objections show that current conditions at the jail violate constitutional standards, and "demonstrate the need for the reforms" that the settlement requires.

Reopening the case might uncover more information about conditions at Santa Rita, he said, “but that would come at the expense of (inmates) who would continue to suffer under current conditions.”

Witnesses at an earlier hearing, including former state Sen. Loni Hancock, D-Berkeley, said Santa Rita had become Alameda County’s main mental health facility, due to the conditions of many of its inmates and the shortage of other treatment centers. Cousins said he agreed this was the wrong role for a jail, but “the court cannot direct the county on how to allocate its finances.”

Lawyers for groups opposing the settlement said they were conferring with inmates about a possible appeal of Cousins’ ruling.

“Inmates objected because the decree, while taking away their rights to petition the courts about conditions at the jail, does not improve the conditions for the majority of the prisoners,” said National Lawyers Guild attorney Yolanda Huang, who represents opponents of the settlement. She said the agreement also failed to address conditions for women at the jail.

The settlement “makes winners out of the sheriff at the expense of those of us in the facility,” inmate Tiara Arnold said in a statement released by the lawyers.

The settlement provides attorneys’ fees of \$2.15 million to the Rosen, Bien, Galvan & Grunfeld law firm for negotiating the settlement, and up to \$2.25 million more for the firm’s future monitoring of its implementation. Cousins said the fees were reasonable.

Kara Janssen, an attorney with the firm, said Tuesday she was glad Cousins had invited testimony from the inmates, despite their criticisms.

“It speaks to the abhorrent conditions in that jail,” she said. “We’re eager to get to work improving the conditions,” starting next week with a visit by the lawyers and a Justice Department expert.

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