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14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16 SACRAMENTO DIVISION
17

18 DERRIL HEDRICK, DALE ROBINSON,
KATHY LINDSEY, MARTIN C. CANADA,
19 DARRY TYRONE PARKER, individually and
on behalf of all others similarly situated,

20 Plaintiffs,

21 v.

22 JAMES GRANT, as Sheriff of Yuba County;
23 Lieutenant FRED J. ASBY, as Yuba County
Jailer; JAMES PHARRIS, ROY LANDERMAN,
24 DOUG WALTZ, HAROLD J. "SAM"
SPERBEK, JAMES MARTIN, as members of
25 the YUBA COUNTY BOARD OF
SUPERVISORS,

26 Defendants.
27

Case No. 2:76-CV-00162-GEB-EFB

**DECLARATION OF PHIL
STANLEY IN SUPPORT OF
PLAINTIFFS' MOTION TO
ENFORCE CONSENT DECREE
AND FOR FURTHER REMEDIAL
ORDERS**

Judge: Hon. Garland E. Burrell, Jr.
Date: November 21, 2016
Time: 9:00 a.m.
Crtrm.: 10, 13th Floor

Trial Date: None Set

1 I, Phil Stanley, declare:

2 1. I have personal knowledge of the matters set forth herein, and if called as a
3 witness, I could and would competently so testify. I make this declaration in support of
4 Plaintiffs' Motion to Enforce Consent Decree.

5 **QUALIFICATIONS**

6 2. I am an independent consultant in the field of corrections with forty-six years
7 of experience in correctional administration. A true and correct copy of my current resume
8 is attached hereto as **Exhibit A**. In 1971, I earned a Bachelor of Arts Degree in Sociology
9 at the University of Washington in Seattle, Washington. In 1977, I earned a Master of Arts
10 Degree in Public Administration at Seattle University in Seattle, Washington.

11 3. I began my career in 1970 as a counselor at Echo Glen Children's Center, a
12 medium/maximum security facility of the Washington State Department of Social and
13 Health Services. In 1973, I began working for the Washington State Department of
14 Corrections as a parole officer, and subsequently served as a Correctional Program
15 Manager and Associate Superintendent. From 1992 to 1997, I served as Prison
16 Superintendent for the Washington State Department of Corrections for Coyote Ridge
17 Correction Center, the Special Offender Center, and the Washington Correction Center,
18 each position reflecting increasing responsibility for staff and prisoners. In 1997, I was
19 promoted to Washington State Department of Corrections' Regional Administrator for the
20 Northwest Region, responsible for managing prison superintendents and management staff
21 within the region. From 2000 to 2003, I served as Commissioner of the Department of
22 Corrections for the State of New Hampshire, where I was responsible for a system that
23 included nearly 2,500 prisoners and more than 6,000 offenders under probation or parole
24 supervision. From 2007 to 2012, I was Director of the Chelan County Regional Justice
25 Center in Wenatchee, Washington, leading 90 employees in operation of a 380 bed co-ed
26 jail in Central Washington. From 2004 to present, I have also worked as a probation
27 officer for the Lake Forest Park Municipal Court in Lake Forest Park, Washington.

28 4. In 2004, as an independent corrections consultant, I participated on an

1 provision of exercise and recreation to prisoners, the existence of suicide risks, intake
2 policies, and medical, mental health, and custody staffing levels in the Jail.

3 8. I am opining on these topics based on my extensive experience as a
4 correctional administrator who has born the ultimate responsibility for prisoner health and
5 safety in a number of corrections institutions, as described above. A correctional
6 administrator’s responsibility for prisoner health and safety includes, and is not limited to,
7 responsibility for ensuring medical and mental health needs of prisoners are met,
8 responsibility for preventing and managing contagious diseases within a facility, and
9 responsibility for preventing and minimizing prisoner harm to self and others.

10 9. On December 9, 2014, I conducted a five-and-a-half hour inspection of the
11 Jail, during which I observed operations in nearly all areas of the Jail and interviewed
12 prisoners; interviewed the Jail Supervisor, Lieutenant Rodney Hemp; and interviewed the
13 mental health staff member who was present at the Jail, unlicensed Crisis Counselor Kelly
14 Baker.

15 10. On February 23, 2016, I conducted a four-and-a-half hour inspection of the
16 Jail, during which I observed operations in nearly all areas of the Jail; met the Jail
17 Commander, Captain Damon Gil, and his incoming replacement, Captain Brandon Barnes;
18 interviewed prisoners; interviewed the Jail Supervisor, Lieutenant Rodney Hemp;
19 interviewed the Jail’s Licensed Nurse Practitioner, Elizabeth Adams; and interviewed the
20 Jail’s mental health staff who were present at the Jail, Clinical Social Worker Rocio Rosas
21 and unlicensed Crisis Counselor Kelly Baker.

22 11. During my first inspection, I learned that the Jail was originally built in 1962
23 and part of it was last remodeled in or around 1993. Throughout this declaration, I refer to
24 the portion of the Jail that has not been renovated as the “Old Jail.” I refer to the portion of
25 the Jail that has been renovated as the “New Jail.”

26 12. As I observed during my inspection of the Jail, the majority of the housing
27 is: (1) linear-style open bar front cells, (2) dormitories, and (3) double-celled housing.
28 The Jail has two administrative segregation units—the “A-Pod” for men and the “S-Tank”

1 for women. These units consist entirely of one- and two-person celled housing, and
2 collectively hold approximately 46 prisoners. In addition, the Jail has six medical isolation
3 cells (M-cells), four holding cells, and two safety cells.

4 13. The New Jail was built in a dormitory style; it is a modular style with direct
5 supervision. The New Jail contains a processing/booking area, pods A-F, a medical
6 facility, a small recreation area known as “the roof” or “yard,” a law library, a GED room,
7 a visiting area, a commissary, and a phone room.

8 14. The Old Jail is still heavily in use and appears to house approximately half of
9 the Jail population. All of the female prisoners are held in the Old Jail. The Old Jail also
10 holds those prisoners in protective custody, sex offenders, and kitchen workers. The Old
11 Jail consists primarily of rows of linear tanks/cells with metal bars and virtually no
12 windows, and is managed through indirect supervision. Custody officers physically walk
13 through the Old Jail on an hourly basis. The Old Jail has some limited but inadequate
14 video surveillance that does not provide for full observation of the prisoner population.

15 15. In addition to my inspections of the Jail, in order to prepare this declaration
16 and the opinions herein, I reviewed numerous additional documents, a list of which is
17 attached as **Exhibit B**. Among these documents are the Consent Decree, written policies
18 for Yuba County Jail, incident reports, medical records, and sworn declarations from a
19 number of current and former prisoners in the Jail. I also reviewed public records and
20 third-party reports relating to the operations of the Jail, including documents submitted by
21 and to the Yuba County Grand Jury, the Yuba County Board of Supervisors, and the Yuba
22 County Community Corrections Partnership meetings. In addition, I reviewed responses
23 to Public Records Act requests from Sutter-Yuba Mental Health Services and the Board of
24 State and Community Corrections, as well as documents from Immigration and Customs
25 Enforcement and the American Bar Association Commission on Immigration Policy. I
26 have also reviewed correspondence between Plaintiffs’ counsel, the Yuba County Sheriff’s
27 Department, and counsel for Yuba County. I have reviewed prisoner declarations, incident
28 reports, and medical records that I am informed and believe are being submitted to the

1 Court as exhibits to the Declarations of Gay Crosthwait Grunfeld and Jennifer Stark.

2 16. My opinions set forth below are based upon the inspections and interviews I
3 conducted, the documents and other evidence listed above, and on my professional
4 knowledge and experience working in correctional settings.

5 **PRISONER OPPORTUNITIES FOR EXERCISE AND RECREATION ARE**
6 **WHOLLY INADEQUATE AT THE JAIL**

7 17. To my knowledge, prisoners housed at Yuba County Jail rarely receive
8 outdoor exercise and recreation. The Jail's approach to the provision of exercise and
9 recreation for prisoners presents very serious concerns. The average length of stay for
10 prisoners at the Jail is about one month. *See* Yuba County Grand Jury Final Report 2015-
11 2016 at 15. But even this is far too long to spend without regular exercise and recreation.
12 ICE detainees have a longer average stay of 105 days. Office of Detention Oversight, ICE
13 Compliance Inspection, August 2014 at 2. Further, as the Jail acknowledges, changes in
14 population due to AB 109 Realignment continue to result in longer-term stays for many
15 prisoners at the Jail. YCJ 2015 BSCC Grant Application at 11. As of August 2015, 18%
16 of the Jail population were convicted prisoners serving sentences at the Jail. *Id.* at 4.
17 Some of these prisoners have long stays in the Jail. For example, prisoner Robert West
18 was incarcerated at the Jail for at least two years. For prisoners serving years-long
19 sentences, the need for regular exercise is even greater. In my experience as a correctional
20 administrator, prisoners should be allowed an absolute minimum of 1 hour per day or 7
21 hours per week of outdoor exercise and recreation to maintain individual health and well-
22 being. Prisoners with particular mental or physical health needs may require more time
23 still. Presently, the Jail appears to fall dangerously short of this standard. In my opinion,
24 as operating, the Jail is not offering adequate exercise and recreation to prisoners and that
25 inadequacy presents a substantial risk of serious harm to prisoner health and safety.

26 18. As stated, the Jail houses male and female pretrial, sentenced, and ICE
27 prisoners. However, the Jail fails to make any distinctions among these different types of
28 prisoners with regard to the provision of time and opportunity to exercise. Distinctions

1 between and among these groups of prisoners are critical, because the amount of regular
2 outdoor exercise necessary to ensure prisoner health and safety grows with the length of a
3 prisoner's stay. Further, the Jail houses a substantial population of mentally ill prisoners.
4 The Jail itself estimates that, on average, 17% of the Jail's population has some form of
5 mental illness. YCJ 2015 BSCC Grant Application at 13. But the Jail makes no
6 distinction between mentally healthy and mentally ill prisoners with regard to the provision
7 of exercise. The failure to make such a distinction is dangerous and likely to result in
8 serious harm to mentally ill prisoners, who have an even more serious need for outdoor
9 exercise than other prisoners.

10 19. Prisoners report that they can go many weeks without having access to an
11 exercise yard. *See* March 9, 2015 Declaration of Sukhbir Singh re Exercise at YCJ ¶ 7 (“I
12 often go weeks without being taken to the roof.”); February 18, 2014 Declaration of Tiara
13 Tyson re Exercise at YCJ at 1 (“I have not used the exercise yard, been outside, or seen the
14 sun since arriving at the jail on December 30, 2013.”).

15 20. The Jail has no officer assigned to fulfill the duties of the recreation officer
16 required by Section IV of the Consent Decree. This lack of recreation staffing limits the
17 Jail's ability to offer adequate opportunities for exercise and recreation. For the reasons
18 described below, it is clear that the Jail has great difficulty coordinating exercise times
19 effectively among the cellblocks, maintaining minimal exercise equipment, and offering
20 exercise and recreation on a rotating schedule that makes opportunities equally available to
21 all prisoners. A dedicated recreation officer would be invaluable to considering and
22 remedying these many logistical issues.

23 21. Exercise and recreation are offered at times of day and in a manner which
24 render the offer of exercise and recreation to prisoners illusory. While Jail records indicate
25 that recreation is offered four times a week to each cellblock, the logs I reviewed in
26 conjunction with my tour on December 9, 2014 showed that the recreation offer is
27 typically made to prisoners in a given cellblock/tank between 5:00 and 6:00 a.m., when
28 most prisoners are asleep and it is still dark and cold outside. Prisoners are not provided

1 with clothing suitable to the cold early morning, which contributes to their lack of desire to
2 accept an exercise offer at this hour. *See* January 17, 2014 Declaration of Shannon Silva re
3 Exercise at YCJ at 2; February 18, 2014 Declaration of Tiara Tyson re Exercise at YCJ at
4 2. Not only does the early hour of the offering make a prisoner's acceptance of the offer
5 seriously unlikely, prisoners report that Jail staff sometimes make the offer quietly, as the
6 prisoners sleep, such that prisoners do not wake up and therefore could not accept the
7 opportunity for exercise and recreation even if they wished to do so. *See* July 27, 2015
8 Grievance of David Edward Cotter, Incident Report No. 56696; February 1, 2014
9 Declaration of Jennelle Cropsey re Exercise at YCJ ¶ 3. If an early morning offer is
10 declined, the prisoners will not be offered recreation again that day.

11 22. During my February 23, 2016 tour, Lieutenant Hemp confirmed that the
12 early morning recreation policy had not changed. *See also* February 22, 2016 Grievance of
13 Shane Thomas Bailey, Incident Report No. 59653 (in response to prisoner Bailey grieving
14 lack of recreation time, officer stated that "I informed Bailey that it was our practice to
15 offer roof to every housing unit at 0500, and if they wanted to go then they needed to go at
16 0500 or they would be marked as a refusal" (emphasis added)); November 20, 2015
17 Grievance of Peter Andre Gonzalez, Incident Report No. 58338 (in response to prisoner
18 Gonzalez's grieving 5:00 a.m. offer, officer confirmed that "G Tank had only been offered
19 the roof once in three weeks after 0500 hrs"). During my tours, I saw no evidence that the
20 Jail offered recreation at any other time of day. If the prisoners decline this early morning
21 recreation offer, the prisoners will not be offered recreation again that day. Jail records
22 show that a majority of prisoners "refuse" recreation. Yet, in my interviews with
23 prisoners, a consistent complaint was the lack of meaningful access to exercise and
24 recreation. At 5:00 a.m., most prisoners are still sleeping, are wary of venturing out into
25 the darkness and cold of the early morning, or simply have not decided whether they want
26 to engage in early morning outside recreation. The prisoners I spoke with and whose
27 declarations I have reviewed indicated that they would take full advantage of exercise and
28 recreation offers, if the offer were made at a reasonable time of day. *See* March 9, 2015

1 Declaration of Sukhbir Singh re Exercise at YCJ ¶ 4 (“If I were offered the opportunity to
2 use the roof at a more reasonable time, I would choose to go every time.”); February 18,
3 2014 Declaration of Tiara Tyson re Exercise at YCJ at 2 (“If the yard was offered at a
4 better time, I would use the exercise yard.”).

5 23. Further, during my December 9, 2014 tour, Jail staff admitted to allowing a
6 single prisoner to decline recreation for an entire cellblock. If a single vocal prisoner
7 speaks out for the cellblock and states that the cellblock is not going to outside recreation,
8 then the entire cellblock does not receive any recreation time that day. This system lends
9 itself to a “cell boss” controlling an activity that is of significant importance to many
10 prisoners. As a result, many prisoners are deprived of any opportunity for exercise and
11 recreation against their wills. As of February 2016, this practice was still in effect. *See*
12 February 15, 2016 Grievance of Williams Augusto Alvarez, Incident Report No. 59553 (in
13 response to Alvarez’s grievance that L-Tank was marked as a refusal even though
14 prisoners wanted to go to recreation, officer admitted that “I am aware that on occasions
15 that one inmate will answer for the entire tank when roof is being called”).

16 24. Prisoners also lack access to proper exercise equipment to engage in
17 effective exercise and recreation if they are given an opportunity. Section III of the
18 Consent Decree expressly requires that certain minimum equipment, including basketball
19 hoops, a volleyball net with balls, jump ropes, a ping pong table, a stationary bicycle, and
20 more, be available to prisoners during exercise. Section III also sets forth a minimum
21 annual budget for maintaining and improving the equipment available. The Jail does not
22 have equipment enough to satisfy the terms of the Consent Decree. *See* January 17, 2014
23 Declaration of Shannon Silva re Exercise at YCJ at 2 (“The only exercise equipment
24 available is one handball.”). As of May 2016, prisoners were grieving to staff about the
25 lack of exercise equipment. *See* May 26, 2016 Grievance of Andrew Robert Tucker,
26 Incident Report No. 60904. When a group of prisoners collectively grieved the lack of
27 exercise equipment, Lieutenant Hemp responded to the grievance by stating, “You do not
28 need ‘equipment’ to exercise.” *See* November 17, 2015 Grievance of Miguel Ascencio-

1 Garcia, Incident Report No. 58293 (grieving the lack of exercise and recreational
2 equipment on behalf of himself and C-Pod). Lieutenant Hemp's response reveals a
3 fundamental misunderstanding of the terms of the Consent Decree and the fundamental
4 health needs of prisoners. Exercise equipment is an invaluable addition to a jail exercise
5 yard as it helps to improve prisoner health by providing a variety of exercise options and
6 workouts. Further, the variety provided by exercise equipment helps to combat the
7 monotony of the day-to-day jail routine, thereby improving mental health.

8 25. The current approach is disingenuous at best and appears to be designed to
9 save staff labor, rather than provide recreation opportunities for prisoners. Jail staff asks
10 prisoners whether they want recreation at an inconvenient time of day, and if one prisoner
11 refuses, no prisoner gets recreation. This practice allows Jail staff to avoid the effort of
12 escorting a group of prisoners to outside recreation. Indeed, one prisoner was told by Jail
13 staff that the offer of exercise and recreation was made in the early morning because "[w]e
14 know you guys won't go." March 9, 2015 Declaration of Sukhbir Singh re Exercise at
15 YCJ ¶ 5.

16 26. Prisoners have reported that their attempts to accept an offer of exercise and
17 recreation time are sometimes unsuccessful because another pod has already accepted an
18 offer and the yard is full. *See* March 9, 2015 Declaration of Sukhbir Singh re Exercise at
19 YCJ ¶ 6 ("When we told the guards that we did want to use the roof, the guards told us that
20 we could not go because the roof was full."); February 1, 2014 Declaration of Jennelle
21 Cropsey re Exercise at YCJ ¶ 3 ("When I have accepted but other pods are using the
22 exercise area, I have been put on a list but never called to the exercise area."). This
23 reinforces my view that the present arrangement at the Jail is designed to minimize the
24 expenditure of Jail resources on exercise and recreation by rendering the offer of exercise
25 unappealing to prisoners. If the Jail is offering exercise and recreation to prisoners at times
26 when it cannot accommodate additional prisoners in the exercise area, then the offer is not
27 being made in earnest.

28 27. Although the Jail keeps an exercise log in which it records daily offers of

1 exercise to particular cell areas, to my knowledge the Jail has never provided a log which
2 shows how much exercise is being offered, accepted, and/or refused by individual
3 prisoners. It is my understanding that Plaintiffs' counsel has requested all such records,
4 but that none have been produced. Without such information, there is not sufficient
5 documentation by which to establish how many prisoners are actually using the yards and
6 how often. The evidence that I have personally reviewed does not show that the yards are
7 sufficiently used or that the provision of exercise and recreation to prisoners is adequate.

8 28. With minimal effort, the Jail could implement a functional system which
9 could come closer to providing "regularly scheduled periods of inmate exercise and
10 recreation," as required by Section III of the Consent Decree. The Jail could create a
11 rotating schedule for the various cellblocks, offering recreation beginning at the reasonable
12 hour of 8:00 a.m. This schedule could be posted for each cellblock at the start of the week
13 so that prisoners could know when recreation will be offered and plan accordingly. The
14 order and timing of recreation periods could alternate among cellblocks so that no one
15 cellblock receives preferential access to recreation. Each prisoner could make an
16 individual decision whether to partake in the recreation offer. This would remedy the
17 problem of a "cell boss" controlling access to recreation for other prisoners. New exercise
18 equipment could be purchased and appropriately maintained. To effectively accomplish
19 these simple but important changes, the Jail should also hire the recreation officer required
20 by Section IV of the Consent Decree.

21 29. The space provided for recreation and exercise is also deficient. There are
22 two recreation spaces, one in the New Jail and one in the Old Jail. I did not see either
23 space in use during either of my Jail tours. From speaking to prisoners and staff, I
24 understand that the New Jail recreation area is used for exercise and recreation time, while
25 the Old Jail recreation area is utilized rarely, if ever.

26 30. The New Jail recreation area is in relatively good shape, but it is small and
27 enclosed by high walls. Attached as **Exhibit C** are true and correct copies of photographs
28 of the New Jail recreation area taken by Sergeant Vaughn at my request on December 9,

1 2014 during my tour. These photographs correspond with what I observed during my tour.
2 While the chain link ceiling provides some access to sunlight, the New Jail recreation area
3 does not provide prisoners with meaningful access to fresh air or any view of the horizon,
4 and therefore does not provide a true outdoor experience. I estimate that the New Jail
5 recreation area is only 15 x 20 feet. Based on my experience as a correctional
6 administrator, this space could safely hold no more than 22 prisoners at a time, and a
7 smaller group of around 10-12 would be safer and allow for more effective use of the
8 space for exercise and recreation by prisoners. If more than 22 prisoners used the New Jail
9 recreation area at once, the area would not provide adequate recreational space and the
10 prisoners would not receive adequate exercise and recreation.

11 31. The New Jail recreation area is not nearly large enough to accommodate the
12 number of prisoners at the Jail. Indeed, the American Correctional Association (“ACA”)
13 standards on exercise and recreation require that facilities with more than 100 prisoners
14 maintain as an absolute minimum an outdoor exercise area of at least 1,500 square feet of
15 unencumbered space. ACA Standards for Adult Correctional Institutions, 4th edition, 4-
16 4154, at 43; ACA Core Jail Standards, 1st edition, 1-CORE-5C-02, at 50. Under this
17 standard, even if the New Jail recreation area could be considered “outdoor,” the area is
18 about 1/5 of the size of that which is considered the absolute minimum amount of space
19 required for outdoor exercise and recreation at a facility the size of the Jail. Further, if the
20 Jail is offering exercise and recreation to prisoners at times when it cannot accommodate
21 additional prisoners in the exercise area, then the offer is not sincere. As discussed above,
22 even on its current unreasonable exercise schedule, the Jail is unable to accommodate all
23 prisoners currently seeking to exercise. This makes clear that use of the New Jail yard
24 alone is inadequate. Instead, the Jail must offer exercise and recreation in the Old Jail
25 recreation area to accommodate prisoner exercise needs.

26 32. The outside recreation yard in the Old Jail is larger than the New Jail yard
27 and would provide prisoners with fresh air and sunlight, but it is decrepit. Attached as
28 **Exhibit D** are true and correct copies of photographs illustrating the dilapidated state of

1 the Old Jail recreation area taken by Sergeant Brunhorst at my request on February 23,
2 2016 during my tour. These photographs correspond with what I observed during my tour.
3 During my December 9, 2014 tour, the space was dreary, unpainted, with unsanitary
4 bathroom facilities and rusted wire fencing, a section of which was covered with broken
5 plywood paneling. Despite representations by Jail staff that the Old Jail recreation yard
6 would be cleaned up for prisoner use in 2015, I observed that the poor condition of the Old
7 Jail yard was largely unimproved on my February 23, 2016 tour of the Jail. Although the
8 space was cleaner, no repairs had been made. No prisoner could enjoy recreation in this
9 space. According to Jail staff, this outside recreation area is rarely used in winter due to its
10 condition, and there is good indication that the area is rarely used in the other seasons.

11 33. During my February 23, 2016 tour, Jail staff had difficulty locating the key
12 to access the Old Jail yard. Then, after locating the correct key, it still took several
13 minutes to force open the door to the Old Jail yard. When asked where the emergency call
14 button was located in the Old Jail yard, Lieutenant Hemp did not know and had to search
15 for the button. All of this strongly suggested that the space was in disuse as of
16 February 23, 2016.

17 34. Captain Gil admitted that the Old Jail yard is not used on a daily basis, but
18 claimed that Jail staff had begun using the Old Jail yard “more.” Captain Gil asserted that
19 the Old Jail yard would be used daily once the Jail had hired a recreation officer, as
20 required by Section IV of the Consent Decree. To my knowledge, the Jail has not hired a
21 recreation officer. However, according to a letter to Plaintiffs’ counsel dated December 8,
22 2015, Defendants completed the recruitment process for a recreation officer, but offered
23 the leading candidate the choice between the Corrections Recreation Aid and Corrections
24 Officer positions, and she selected the latter, which necessitated starting the recruitment
25 process over. This was after the Jail had blamed staffing shortages for its failure to utilize
26 the larger and superior Old Jail space. *See also* July 7, 2105 Declaration of Tony Lee
27 Kitchen ¶¶ 4-6 (“[Lieutenant Hemp] admitted to me that the Jail is short of staff, and
28 indicated that there is a second exercise area on the roof of the old part of the Jail that is

1 not being used because the Jail does not have enough staff to do so.”).

2 35. The physical environment of the Old Jail recreation yard also presents
3 significant risks to prisoner safety. The bathroom area is located in a blind spot,
4 unobservable by the only surveillance camera positioned in the yard. Without continual
5 observation by Jail staff, there is high likelihood that prisoners will be injured in this area.
6 There is no emergency call button located within the video camera’s blind spot.

7 36. Given the dilapidated and dangerous state of the Old Jail yard, the yard
8 should not be used for prisoner recreation until improvements are made and adequate
9 staffing is provided to fully observe all prisoner activity areas. At minimum, the
10 observation post must be manned at all times while the Old Jail yard is in use and video
11 camera coverage must be sufficient to observe all prisoner activity areas without any blind
12 spot. With minimal effort and funding, the Old Jail yard could be greatly improved and
13 this outside area could be used year round. The Old Jail yard is preferable to the New Jail
14 yard, because the Old Jail yard is larger and provides real fresh air and sunlight. The
15 recreation area in the New Jail alone is inadequate to fully meet recreation needs given its
16 size and the number of prisoners at the Jail. As stated above, this leads to the Jail refusing
17 to allow prisoners to access exercise and recreation, even when the offer of exercise and
18 recreation has just been made by the Jail to the prisoner, and when that offer has been
19 accepted by the prisoner. Without regular use of the Old Jail yard, the Jail cannot provide
20 its prisoners with regular opportunities for exercise and recreation. If the Old Jail yard
21 were improved and made functional, and if a regular recreation schedule were adhered to,
22 the provision of exercise and recreation to prisoners could be vastly expanded and
23 seriously improved at the Jail.

24 37. Both yards are accessible only by using stairs or an elevator. I am told the
25 elevators break from time to time. This is obviously a problem for prisoners who have a
26 mobility impairment. In any event, transport by elevator requires more staffing resources.

27 38. I have reviewed exercise logs produced by the Jail, including those produced
28 as recently as August 2016. The pattern of offering exercise and recreation primarily in

1 the early hours of the morning continues. The logs indicate that exercise was offered as
2 early as 4:55 a.m. There is no sign that the Jail is utilizing the outdoor exercise space in
3 the Old Jail. There is no sign that the Jail has changed its policy of allowing a single
4 prisoner to decline exercise on behalf of an entire cellblock. On the contrary, the exercise
5 logs that I have reviewed show regular blanket refusals on behalf of all prisoners in all
6 cellblocks. The most recent exercise logs provided by the Jail include data from June 19,
7 2016 through July 23, 2016 (although logs from June 26, 2016 to July 2, 2016 are
8 missing). During this time, most prisoners in the A, S, and M cellblocks received between
9 zero and three hours of yard time a week. During this four-week sample, 63% of prisoners
10 housed in A-Pod received zero hours of yard time, 23% received 1-2 hours, and 14%
11 received more than two hours, with no prisoner receiving more than 6 hours. Of prisoners
12 housed in the M-cells, 79% received zero hours of yard time, 17% received up to 2 hours,
13 and 4% received more than 2 hours, with no prisoner receiving more than 3 hours, during
14 this four-week sample. In the S-cells, 95% of prisoners received zero yard time, and 5%
15 received up to one hour, during this four week sample. Of all offers for yard made to A-
16 Pod during this time, between 50-70% were made between 5:00 a.m. and 6:15 a.m., during
17 this four-week sample. In both the M- and S-cells, 20-50% of offers were made between
18 those same times, during this four-week sample. This is inadequate. The applicable ACA
19 standards require that a corrections facility “ensure that each inmate is offered at least one
20 hour of access [to exercise and recreation] daily.” ACA Standards for Adult Correctional
21 Institutions, 4th edition, 4-4154 at 43; ACA Core Jail Standards, 1st edition, 1-CORE-5C-
22 01. And California’s Title 15 requires that Type II Facilities, such as the Jail, adopt
23 policies and procedures “which will allow for a minimum of three hours of exercise
24 distributed over a period of seven days.” Cal. Code Regs., tit. 15 § 1065(a). In the
25 facilities that I oversaw as a correctional administrator, I strived to offer access to at least 1
26 hour of outdoor exercise time per day to each prisoner, starting in the morning and
27 continuing throughout the day and rotating offerings to different cellblocks so that one
28 cellblock did not receive recreation at the same time each day. The Jail’s current approach

1 is dangerously inadequate. Even if the offer of exercise at 5:00 a.m. did not render the
2 offer illusory, the Jail is still falling far short of this absolute minimum standard of
3 operation.

4 39. Exercise is critical to the health and safety of the incarcerated and to the safe
5 operation of a correctional institution. Prisoners who cannot use exercise to alleviate stress
6 may suffer negative physical and mental health repercussions. *See* November 21, 2014
7 Declaration of Gerardo Arroyo-Flores ¶¶ 10-11 (describing worsening depression as a
8 result of lack of genuine exercise opportunities). It is common for prisoners regularly to
9 experience great stress while incarcerated. While under such stress, prisoners may act out
10 against staff and one another. Exercise and recreation function to alleviate stress and
11 thereby help to avoid disorderly conduct, as well as combatting prisoner depression and
12 suicidality. Access to the Jail's recreation yards is critical to effective prisoner exercise.
13 The prisoners whom I interviewed and whose declarations I reviewed indicated the
14 difficulty of exercising in one's own cell and the frustration caused by being deprived of
15 access to outdoor exercise and recreation. *See* March 9, 2015 Declaration of Sukhbir
16 Singh re Exercise at YCJ ¶ 9 ("While I have tried to exercise in my cell, my pod is too
17 small and too crowded.").

18 40. At least once, a prisoner has engaged in disorderly and dangerous conduct in
19 the Jail as a result of being denied access to exercise. During prisoner Claborne's
20 incarceration, his mother died. February 15, 2015 Discipline of Shelton Claborne, Incident
21 Report No. 54220. Shortly after her death, Claborne also learned his brother was being
22 booked into the Jail. *Id.* Claborne spoke with staff and requested the opportunity to use an
23 exercise yard, explaining that his mother had recently died and that he needed some fresh
24 air. *Id.* Claborne's request was declined because the exercise yard was currently
25 occupied. *Id.* Claborne then proceeded to ignite multiple rolls of toilet paper and throw
26 them flaming from his cell. *Id.* This episode reinforces my impressions of prisoner
27 frustration over the lack of access to exercise and the dangerous consequences that can
28 result from prisoners' inability to address stress in a positive manner, such as through

1 exercise and recreation.

2 41. Contrariwise, regular access to exercise and recreation can relieve stress and
3 combat depression. One prisoner observed that his cellmate, who had recently attempted
4 suicide in the Jail, effectively dealt with stress and depression through rigorous exercise if
5 and when he was able to gain access to an exercise yard. March 9, 2015 Declaration of
6 Sukhbir Singh re Exercise at YCJ ¶ 11. A review of prisoner medical records also reveals
7 that many prisoners consciously look to exercise as a helpful way to cope with stress. *See*
8 Medical Records regarding Jonnyrae Witt dated January 28, 2016; Medical Records
9 regarding Jack Bracamonte dated October 10, 2015. In fact, the Jail’s medical and mental
10 health staff regularly advise prisoners to exercise as treatment for many different physical
11 and mental ailments. *See* Medical Records regarding Luke Matthews Jackson dated April
12 12, 2016 (prisoner “advised ... [to] stay active [and] exercise”); Medical Records
13 regarding Glenna N. Sprague dated March 9, 2016 (prisoner advised “to eat right and
14 exercise”); Medical Records regarding Daniel Butcher-Morrissey dated February 22, 2015
15 (prisoner advised to “continue [to] exercise”); Medical Records regarding Jessica Lynn
16 Collins dated March 20, 2016 (medical staff “advise exercise”); Medical Records
17 regarding Irita Latham dated June 7, 2014 (same). Correctional standards dictate that
18 exercise areas must be “available to meet the exercise and physical therapy requirements
19 of individual inmate treatment plans.” ACA Performance-Based Standards for Adult
20 Local Detention Facilities, 4th edition, 4-ALDF-4C-41, at 67. The Jail’s failure to provide
21 adequate exercise opportunities while its medical and mental health staff prescribe exercise
22 further underlines the dangerous negative health consequences that result when exercise
23 opportunities are not made reasonably available to prisoners.

24 42. An additional area of concern is the lack of adequate out-of-cell time
25 provided to prisoners in Administrative Segregation. Those prisoners are given merely 30
26 minutes a day outside their cells in the day room. These 30 minutes represent the only
27 time these prisoners have to shower, use the telephone, or exercise. So little time outside
28 of a cell per day is inadequate and harmful, especially for prisoners with mental illness. At

1 absolute minimum, all prisoners need at least one hour per day outside of a cell, either in a
2 day room or recreation area for prisoners in a segregation cell. Some types of prisoners
3 will require more time than this, such as those who are mentally ill, pregnant, serving long
4 sentences in segregation, or otherwise have mental or physical conditions that would be
5 aggravated or adversely affected by the isolation. Prisoners at the Jail in segregation are
6 let out of their cells one cell at a time, depriving these prisoners of any and all socialization
7 with fellow prisoners during the time they are held in Administrative Segregation. The
8 total lack of socialization during this brief and limited out-of-cell time is harsh for any
9 prisoner, but especially dangerous for prisoners suffering from mental illness who require
10 much more. California's Title 15 mandates that prisoners held in administrative
11 segregation units "shall be permitted a minimum of one hour per day, five days a week, of
12 exercise outside their rooms or cells unless security or safety considerations preclude such
13 activity." Cal. Code Regs., tit. 15 § 3343(h). In my opinion, more out of cell time should
14 be required than that mandated by this Title 15 standard. In the facilities that I oversaw as
15 a correctional administrator, I provided at least 1 hour of out-of-cell time each day to all
16 prisoners in segregation as an absolute minimum. Additionally, time out of doors must be
17 provided to these prisoners as well. The ACA standards mandate as much. *See* ACA Core
18 Jail Standards, 1st edition, 1-CORE-5C-03, at 51 ("Segregated inmates have access to both
19 outdoor and covered/enclosed exercise areas."). Regardless, the Jail is failing to adhere
20 even to the much weaker Title 15 standard, leaving no doubt of the inadequacy of its
21 provision of out-of-cell time for prisoners in Administrative Segregation. Allowing only
22 30 minutes per day of out-of-cell time to prisoners in segregation is wholly inadequate and
23 verges on being irrationally and excessively punitive. The Jail's practice creates a
24 substantial risk of serious harm to all prisoners in segregation.

25 **OBVIOUS SUICIDE HAZARDS PERSIST AT THE JAIL**

26 43. Prisoners with severe mental health issues are prevalent in jail populations
27 and the risk for suicide is therefore high. As stated above, the Jail itself estimates that, on
28 average, 17% of the Jail's population has some form of mental illness. YCJ 2015 BSCC

1 Grant Application at 13. This is a substantial portion of the population of the Jail.

2 44. During my December 9, 2014 tour, staff commented that a significant
3 number of prisoners are incarcerated who have been designated for transfer to a state
4 mental hospital after being found incompetent to stand trial or not guilty by reason of
5 insanity, but the Jail could not send them to these facilities due to lack of available beds.
6 This is not a problem that Yuba County can solve on its own, but it speaks to the severity
7 of the issue and the need for highly trained mental health staff in the Yuba County Jail.
8 During my December 9, 2014 tour, I was told that the Jail provides 2 hours per year of
9 training on suicide prevention conducted by a correction officer who has undergone
10 “training for trainers.” I confirmed that this practice was still in place during my February
11 23, 2016 tour. This is unacceptable. Suicide prevention training must be conducted by
12 qualified mental health staff. Adequate suicide prevention training can be the difference
13 between life or death for a prisoner. The Jail’s current training policy is contrary to
14 Section V of the Consent Decree, which requires that custody staff receive medical and
15 mental health training from the Bi-County Health and Mental Health Departments. The
16 Jail’s current training policy creates a substantial risk of serious harm to prisoner health
17 and safety. Further, the Jail’s Attempted Suicide policy, #C-1151, is sorely lacking in
18 instruction to staff about this very important subject. The policy should outline the
19 specific steps every officer should take to provide first aid to the prisoner who has
20 attempted suicide. Instead, the policy merely states that “[f]irst aid shall be administered.”
21 An adequate policy must provide much more detail to staff on appropriate actions to take.
22 The lack of detail in this policy places prisoners at great risk of harm.

23 45. During my December 9, 2014 tour of the Jail, I observed that the cellblocks
24 of the Old Jail, which existed when the Consent Decree was established, have significant
25 safety issues, some of which are potentially life-threatening. The exteriors of each cell are
26 made up of solid bars from floor to ceiling, presenting multiple opportunities to prisoners
27 housed there to tie off bedsheets or other implements for a suicide attempt. There are also
28 a number of places in the Old Jail where there is exposed piping, either water or waste

1 pipes, that could easily be put to the same purpose. Further, the Old Jail lacked any
2 emergency call buttons in the prisoner cell areas.

3 46. As of my February 23, 2016 tour, the Jail had made the distinct improvement
4 of placing emergency call buttons in each prisoner cell area. I took it as a positive sign
5 that the Jail took some measure to deal with this dangerous situation. However, the Old
6 Jail continued to present a substantial risk of prisoner suicide. Certain exposed plumbing
7 in the rear-right corner of H-Tank had been used as a tie-off point for three separate suicide
8 attempts in late 2014 and early 2015. There had been a recent attempt to modify this
9 exposed plumbing, but this work had not been completed. Attached as **Exhibit E** is a true
10 and correct copy of a photograph of the partially modified exposed plumbing taken by
11 Sergeant Brunhorst at my request on February 23, 2016 during my tour. This photograph
12 corresponds with what I observed during my tour. While the Jail should be commended
13 for taking some small steps to reduce suicide risks, there are other instances of dangerous
14 exposed plumbing throughout the Jail. The remaining bars that enclose the cells continue
15 to represent serious concern for future use as a place for suicidal prisoners to tie off.
16 Attached as **Exhibit F** are true and correct copies of photographs showing such exposed
17 plumbing and cell bars. The first photograph was taken by Sergeant Vaughn at my request
18 on December 9, 2014 during my tour. The second photograph was taken by Sergeant
19 Brunhorst at my request on February 23, 2016 during my tour. These photographs
20 correspond with what I observed during my tours.

21 47. In a letter to Plaintiffs' counsel dated May 20, 2015, Defendants admitted
22 that the Jail is full of dangerous tie-off points. That letter responded to an inquiry by
23 Plaintiffs' counsel as to whether suicide-prevention modifications had been made to the
24 aforementioned chronic tie-off point in the rear-right corner of H-Tank. In response, Chief
25 Deputy County Counsel John R. Vacek insinuated that suicide-prevention modifications in
26 H-Tank would do little good when the rest of the Jail is so full of similar suicide hazards.
27 According to Mr. Vacek, the prisoner's attempt to hang himself "could have taken place in
28 any of the barred cells in the Jail." As stated above, linear-style open bar front cells are

1 prominent in the Jail. This is not an appropriate response to addressing a chronic tie-off
2 point. The high number of suicide hazards present in the Jail should not be a basis for
3 inaction or failure to rectify the many hazards. If the Jail is so well aware of the multiple
4 and pervasive suicide hazards within the Jail, then the Jail must act to modify or otherwise
5 architecturally intervene to lessen the hazard as quickly as possible.

6 48. Based on the documents I have reviewed, it is my understanding that there
7 have been at least 41 suicide attempts at the Jail in the past thirty months. The size of this
8 number is startling for a jail of this size, and illustrates how serious and ubiquitous the
9 many suicide hazards present at the Jail really are.

10 49. At a minimum, no prisoner who has serious mental illness, who has any
11 history of suicidality, or who is showing signs of suicidal ideation as determined by a
12 qualified mental health provider should be placed in any cell in the Old Jail. In addition,
13 because prisoner screening alone is not sufficient to address suicidality, steps should be
14 taken immediately to ameliorate the many physical points where suicide attempts could be
15 made.

16 50. The New Jail contains fewer areas that present the potential for suicide
17 attempts, though during my tours I did observe small cages around the smoke detectors in
18 the cells. Attached as **Exhibit G** is a true and correct copy of a photograph of one such
19 cage taken by Sergeant Brunhorst at my request on February 23, 2016 during my tour.
20 This photograph corresponds with what I observed during my tour. These cages present a
21 dangerous suicide risk. Indeed, at least one prisoner has attempted suicide by tying off to
22 one of these cages. *See* May 3, 2014 Incident Report No. 50662. There are readily
23 available hardware designs for ceiling smoke detectors that could be employed to
24 significantly reduce the potential for suicide risk. Accordingly, these smoke detectors and
25 cages should be replaced with designs which minimize suicide risk. The Jail's failure to
26 do so even after a prisoner attempted suicide by using a cage as a tie-off point is startling.

27 51. Adjacent to the medical staff area, there are medical observation cells, two of
28 which are negative pressure rooms for treating prisoners with tuberculosis. The cells

1 include a light fixture which supplies ultraviolet light for tuberculosis treatment. When the
2 cells are not being used for prisoners with tuberculosis, they are used to house prisoners
3 who do not have tuberculosis. The light fixtures in these cells are conducive to tie off of
4 bedsheets or other implements for suicide attempt. Accordingly, unless modifications are
5 made to these light fixtures, these cells should only be used for prisoners with tuberculosis
6 who do not have a history of suicidality or show signs of suicidal ideation as determined
7 by a qualified mental health provider.

8 52. Overall, the Jail is filled with an inordinate and unacceptable number of
9 suicide risks. The pervasiveness of these suicide risks in the Jail places prisoners at a
10 substantial risk of serious harm to their health and safety.

11 **STAFFING AND INTAKE PROCESSES ARE INADEQUATE AT THE JAIL**

12 53. The Jail lacks sufficient staffing to provide adequate medical and mental
13 health care to prisoners. The medical problems presented by a prisoner population are
14 challenging and often complex, given that few prisoners practice healthy lifestyles or have
15 access to high quality healthcare prior to their incarceration time. In my opinion, a jail of
16 the size of the Yuba County Jail, which deals with the populations that the Jail deals with,
17 must have twenty-four-hour medical care available to its prisoners. In my experience, the
18 early hours of the morning represent the most dangerous hours of intake, when incoming
19 prisoners are more frequently intoxicated or otherwise likely to have critical medical
20 needs. These are precisely the times when no medical staff is present at the Jail.

21 54. At the time of my tours, the Jail lacked a Registered Nurse (“RN”), as
22 required by Section V of the Consent Decree. This is an unacceptable and dangerous
23 vacancy. It is also my understanding that the Jail also does not require its Medical
24 Assistants to update their certification. The Jail should begin to require certification
25 immediately.

26 55. The Yuba County Jail has a significant population of ICE prisoners, which
27 has led to overcrowding. Multiple bunks have been added to dormitory cells and double
28 bunks have been added to single cells. Greater numbers of medical and mental health staff

1 are required properly to monitor a population of the size currently housed at the Jail.

2 56. Prisoners have complained about overcrowding. One prisoner stated that he
3 spent his first four nights in the Jail sleeping on the floor in booking, as did four other
4 prisoners at the same time. January 30, 2015 Declaration of Antoine Lashawn Stewart re
5 Overcrowding at YCJ ¶¶ 4, 6. This prisoner observed that this was regular practice at the
6 Jail. *Id.* ¶ 7. Overcrowding is problematic because it limits prisoner access to all sorts of
7 programs and activities, including medical and mental health care and exercise and
8 recreation.

9 57. There is no medical or mental health staff present at the time of booking,
10 unless directly requested by Jail staff, which is not routinely done. The intake of a prisoner
11 is a critical stage for ascertaining medical and mental health needs to determine the status
12 of the individual as they prepare to spend time at the Jail. Medical and mental health staff
13 should be considered required participants in the booking process. Any adequate
14 screening process must seek to elicit accurate and honest responses from prisoners. In my
15 opinion and experience, this goal of accuracy and honesty is most greatly enhanced by a
16 confidential screening process conducted by a healthcare professional. Prisoners give
17 better answers to medical staff than they do to custody.

18 58. The importance of having qualified medical and mental health conduct this
19 process is reflected in California's Title 15 requirement that intake screening "include but
20 not be limited to, [screening for] medical and mental health problems, developmental
21 disabilities, and communicable diseases" and "be performed by licensed health personnel
22 or trained facility staff." Cal. Code Regs., tit. 15 § 1207. I disagree with this standard to
23 the extent that it allows trained facility staff to perform medical and mental health
24 screening at intake. Custody staff should have some medical and mental health training,
25 but even with substantial training custody staff will not have the depth of knowledge
26 necessary to identify critical medical and mental health signifiers that could mean the
27 difference between a prisoner living or dying. Regardless, I observed during my tours only
28 custody staff administering a medical and mental health questionnaire in a perfunctory

1 manner, which did not indicate any kind of specialized medical or mental health training.
2 The Jail's failure to use medical and mental health staff to conduct intake of prisoners
3 creates a substantial risk of serious harm to incoming and already booked prisoners alike.

4 59. Alcohol withdrawal in jails is frequently deadly. In recent years there has
5 been recognition in other jails across the country that prisoners often arrive at jails in a
6 toxic alcohol state that can lead to death within a short time during the withdrawal process.
7 Every prisoner entering a jail must be given a required medical examination to avoid this
8 and other dangerous and deadly consequences. Although a Sobering Assessment Form
9 appears to be used to document detoxification at the Jail, the form is filled out by non-
10 medical staff and is based on a subjective view of symptoms. In the wake of a prisoner
11 death related to alcohol toxicity, this document would be meaningless. Further, the
12 applicable ACA standard dictates that “[d]etoxification is done only under medical
13 supervision.” ACA Standards for Adult Correctional Institutions, 4th edition, 4-4376, at
14 112; ACA Core Jail Standards, 1st edition, 1-CORE-5C-14, at 37 (mandating that
15 “[d]etoxification from alcohol, opiates, hypnotics, and other stimulants is conducted under
16 medical supervision”). I agree with these standards, and when I was a correctional
17 administrator the facilities under my authority by policy and practice required that
18 detoxification was done only under medical supervision. I add that it is just as important
19 for the initial determination of whether a prisoner requires detoxification to be conducted
20 by medical personnel.

21 60. Title 15 also mandates that “facilities without medically licensed personnel
22 in attendance shall not retain inmates undergoing withdrawal.” Cal. Code Regs., tit. 15
23 § 1213. This standard shows how very seriously prisoner withdrawal and detoxification is
24 to be taken. Yet the Jail regularly houses prisoners undergoing withdrawal even though
25 the Jail does not have twenty-four-hour medical coverage. The Jail's failure adequately to
26 staff medical providers therefore places any prisoner who is going through withdrawal or
27 who is presenting withdrawal-like symptoms at a substantial risk of serious harm to his or
28 her health and safety.

1 61. While the administration of a breathalyzer test is no substitute for evaluation
2 by qualified medical staff, at the Jail arrestees are not even given a breathalyzer at the time
3 of intake. That the Jail fails to take advantage of such a cheap, simple, and readily
4 available stopgap measure illustrates the indifference of the Jail to the plight of incoming
5 prisoners.

6 62. The danger posed by the lack of twenty-four-hour medical care at the Jail is
7 exacerbated by the Jail's inadequate policies on emergency response. During my
8 December 9, 2014 tour, I learned that officers at the Jail do not wear personal protective
9 device kits on their duty belts. It is standard practice to issue these kits to all corrections
10 staff and require these kits to be worn at all times while on duty. When I asked about this,
11 Lieutenant Hemp told me that wearing such a kit was "optional" at the Jail. During my
12 February 23, 2016 tour, I learned that this policy had not changed at the Jail. This is
13 unacceptable and dangerous. Every officer on duty should have a personal protective
14 device kit on his or her belt. Officers must be able to respond immediately in the case of a
15 prisoner health emergency and be ready to perform cardiopulmonary resuscitation (CPR)
16 at a moment's notice. When a prisoner has a health emergency, the difference between an
17 officer responding immediately and an officer needing to walk to a control room 25 feet
18 away to retrieve a kit before responding can mean the life or death of that prisoner. The
19 Jail's policy of allowing the wearing of these kits to be "optional" creates a substantial risk
20 of serious harm to the health and safety of all prisoners.

21 63. The Jail's staffing shortfalls extend to areas other than direct medical and
22 mental health services. As described above, the Jail lacks adequate staffing properly to
23 observe prisoners and thereby ensure their safety during outdoor exercise and recreation.
24 Lack of adequate staffing also affects prisoners' access to programs offered at the Jail.
25 Staffing must be adequate to ensure safe access to the library, church, and socialization
26 time. Staffing must be adequate to enable staff regularly to assist those prisoners who
27 require use of the elevator for mobility. The current understaffing of the Jail impedes
28 prisoner access to these and other programs and accommodations, and threatens prisoner

1 safety where these and other programs and accommodations operate with insufficient staff
2 oversight and protection.

3 I declare under penalty of perjury under the laws of the United States and the State
4 of California that the foregoing is true and correct, and that this declaration is executed at
5 Seattle, Washington this 20th day of October 2016.

6

7

/s/ Phil Stanley

Phil Stanley

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9

10 Pursuant to Local Rule 131 (f) of the Eastern District of California, I hereby attest
11 that I have on file approvals for any signatures indicated by a “conformed” signature (*/s/*)
12 within this e-filed document.

13 DATED: October 20, 2016

/s/ Gay Crosthwait Grunfeld

Gay Crosthwait Grunfeld

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EXHIBIT A

Mr. Phil Stanley
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EDUCATION:

MA, Public Administration
SEATTLE UNIVERSITY, Seattle, Wa., 1977

BA Sociology
UNIVERSITY OF WASHINGTON, Seattle, WA., 1971

CORRECTIONS BACKGROUND:

Director, Chelan County Regional Justice Center-Wenatchee, WA 2007-2012
Provided leadership to ninety employees in operation of 380 bed co-ed jail in Central Washington. Managed \$9 million annual budget, responsible for all hiring/disciplinary decisions, reporting to three County Commissioners.

Probation Officer, Lake Forest Park Municipal Court, Lake Forest Park, WA 2004-2016
Supervise caseload of misdemeanant probationers. Prepare reports to the court. Provide monitoring compliance of probationers meeting court conditions. (part-time position)

Commissioner, Department of Corrections, New Hampshire, May 2000 -November 2003
Reporting to Governor and Executive Council, provide leadership for all staff and offenders under the authority of the Department of Corrections. Offender population consisted of 2, 415 inmates and 6,100 offenders under probation or parole supervision.

Regional Administrator, Washington State Department of Corrections 1997-2000
Provide leadership for prison superintendents and management staff in Northwest Region, consisting of Clallam Bay Corrections Center, Monroe Corrections Complex, Olympic Corrections Center and all community corrections offices within the region.

Prison Superintendent, Washington State Department of Corrections 1992-1997
Coyote Ridge Corrections Center, Special Offender Center, and Washington Corrections Center, each position reflected increasing responsibility for staff and inmates.

Associate Superintendent, Correctional Program Manager, Parole Officer, Washington Department of Corrections 1973-1992

Counselor, Echo Glen Children's Center, State of Washington 1970-1973

CONSULTANT EXPERIENCE:

Jail Expert, Mason County (WA) Completed report in Peggy Johnson v. Mason County, U.S. District Court-Tacoma on behalf of Mason County, represented by Law, Lyman, Kamerrer & Bogdanovich, February 2016.

Jail Expert, Coyte Law P.C. Albuquerque, NM, review court documents and provide expert report in *Abila v. Funk, Duckett, & Jorgensen*, U.S. District Court of New Mexico. 2016.

Jail Consultant, Island County (WA) Jail (58 beds) completed report to Sheriff on management and organization issues related to 2014 death of inmate, August 2015.

Jail Consultant, Snohomish County (WA) Jail (1,200 beds) completed report to Sheriff on management and organizational issues related to fatalities associated with the jail, August 2014.

Jail Consultant, Fife (WA) City Jail-advised city manager and police chief on issues related to expansion of jail from 35 to 170 inmates, 2013-2014.

Jail Expert, Rosen, Bien, Galvan & Grunfeld, San Francisco review court documents, conduct site inspection of Yuba County Jail, CA in *Hedrick v. Grant*, December 2014 and February 2016. Case in U. S. Eastern District Court of California.

Jail Expert, University of California-Davis Law School, review court documents, prepared a declaration and was deposed in *Jayne v. Bosenko*, case involving Shasta County Jail, CA for U.S. Eastern District Court of California, November 2015.

Prison Consultant, Vermont Department of Corrections, participated on investigative team, reporting to state legislature, to advise on management practices in their prison system, 2004.

EXHIBIT B

Documents Reviewed for Declaration

I. Court Documents

- A. Consent Decree (Dkt. 120)
- B. Order Denying Motion to Terminate Consent Decree (Dkt. 135)
- C. Plaintiff-Appellees' Ninth Circuit Answering Brief opposing Yuba County's Appeal of the District Court's Order denying Motion to Terminate

II. Policies, Procedures & Practices

- A. Yuba County Medical Manual, Order Nos.: A-1, A-2, A-3, A-4, A-5
- B. Yuba County Jail Manual, Orders Nos.: B-201, B-202, C-101, C-102, C-153, C-154, C-155, C-251, C-352, C-1151, D-201, D-202, D-203, D-204, D-205, D-206, D-208, D-211, D-215, D-216, D-217, D-218, D-221, D-300, D-401, D-701, E-301, E-401, E-501, E-901, E-903, F-201, F-401, Appendix F
- C. Sutter-Yuba Bi-County Mental Health Services Policy re Follow-up Services for Inmates
- D. Sutter Yuba Mental Health Policies: A-118, D-109, 08-040, 08-023, 11-015, 11-029, 11-030, 11-062
- E. Yuba County Inmate Handbook
- F. Intake Medical/Classification Screening Form
- G. Initial Custody Assessment Scale
- H. Inmate Questionnaire
- I. Example of Initial Encounter Review
- J. Inmate Check Sheet
- K. ICE Mental Health Appraisal
- L. Classification Form
- M. Sobering Assessment Form

III. Incident Reports & Declarations

- A. Incident Reports
 - 1. 51793 (Pettet, 8-7-14, Incident Report)
 - 2. 51943 (Clavelle-Newkirk, 8-17-14, Incident Report)
 - 3. 52052 (Laboy, 8-22-14, Incident Report)
 - 4. 52082 (Guerrero, 8-23-14, Incident Report)
 - 5. 52281 (Pettet, 9-4-14, Incident Report)
 - 6. 52460 (Leon, 9-16-14, Incident Report)
 - 7. 52961 (Sanabira, 10-25-14, Incident Report)
 - 8. 53053 (Victor, 11-2-14, Incident Report)
 - 9. 53092 (Anderson, 11-5-14, Incident Report)
 - 10. 53044 (Victor, 10-31-14, Incident Report)
 - 11. 52629 (Durbin, 9-30-14, Incident Report)
 - 12. 52437 (Durrett, 9-14-14, Incident Report)
 - 13. 52078 (Spears, 8-23-14, Incident Report)

14. 57962 (West, 10-20-15, Grievance Incident Report)
15. 59653 (Bailey, 2-22-16, Grievance Incident Report)
16. 58338 (Gonzalez, 11-20-15, Grievance Incident Report)
17. 59553 (Alvarez, 2-15-16, Grievance Incident Report)
18. 54220 (Claborne, 2-15-15, Discipline Incident Report)
19. 58293 (Ascensio-Garcia, 11-17-15, Grievance Incident Report)
20. 60904 (Tucker, 5-26-16, Grievance Incident Report)
21. 50662 (Buxton, 5-3-14, Incident Report)
22. 52503 (Martinez, 9-19-14, Incident Report)
23. 53565 (Martinez, 12-16-14, Incident Report)
24. 53658 (Martinez, 12-24-14, Incident Report)
25. 56588 (Martinez, 7-19-15, Incident Report)
26. 56647 (Martinez, 7-24-15, Incident Report)
27. 55690 (Bracamonte, 5-20-15, Incident Report)
28. 57629 (Bracamonte, 9-25-15, Incident Report)
29. 57639 (Bracamonte, 9-25-15, Incident Report)
30. 56131 (Esquivel, 6-15-15, Incident Report)
31. 56253 (Esquivel, 6-24-15, Incident Report)
32. 56258 (Esquivel, 6-25-15, Incident Report)
33. 56261 (Esquivel, 6-25-15, Incident Report)
34. 53602 (Jimenez, 12-19-14, Incident Report)
35. 54011 (Jimenez, 1-26-15, Incident Report)
36. 54389 (Wideman, 2-20-15, Incident Report)
37. 54577 (Wideman, 3-5-15, Incident Report)
38. 55571 (Ramos, 5-12-15, Grievance Incident Report)
39. 56156 (Heimbürger, 6-17-15, Incident Report)
40. 56183 (Rivera, 6-19-15, Incident Report)
41. 56429 (Brackett, 7-9-15, Incident Report)
42. 56643 (Ramos, 7-23-15, Incident Report)
43. 56696 (Cotter, 7-27-15, Grievance Incident Report)
44. 56763 (Cotter, 8-1-15, Incident Report)
45. 56771 (Cotter, 8-2-15, Incident Report)
46. 56802 (Cotter, 8-3-15, Incident Report)
47. 57175 (Brejcha, 8-26-15, Incident Report)
48. 52973 (Hall, 10-26-14, Incident Report)
49. 52942 (Hall, 10-23-14, Incident Report)
50. 52861 (Hall, 10-18-14, Discipline Incident Report)
51. 48020 (Hall, 10-14-13, Information Incident Report)
52. 52801 (Hall, 10-13-14, Discipline Incident Report)
53. 51283 (Hall, 6-28-14, Incident Report)

B. Declarations:

1. Declaration of Tiara Tyson
2. Declaration of Jennelle Cropsey

3. Declaration of Shannon Silva
4. Declaration of Jon Bechtel
5. Declaration of Sukhbir Singh
6. Declaration of Sukhbir Singh
7. Declaration of Tony Kitchen
8. Declaration of April Diaz
9. Declaration of Xavier Esquivel
10. Declaration of Arroyo-Flores
11. Declaration of Antoine Lashawn Stewart

IV. Medical Records

- A. Medical Records of Daniel Hall
- B. Medical Records of Jack Bracamonte
- C. Medical Records of Daniel Butcher-Morrissey
- D. Medical Records of Jessica Collins
- E. Medical Records of Luke Jackson
- F. Medical Records of Irita Latham
- G. Medical Records of Glenna Sprague
- H. Medical Records of Jonnyrae Witt
- I. Medical Records of Robert West

V. Reports

- A. 2014 Office of Detention Oversight Yuba County Jail Closeout Report
- B. 2014 BSCC Inspection Report of Yuba County Jail
- C. 2014 BSCC Monthly Jail Profile Survey
- D. Yuba County Grand Jury Report of Jail, Year 2013-2014
- E. Yuba County Grand Jury Report, 2014-2015
- F. Sheriff's Response to Grand Jury Report, 2014-2015
- G. 2013 ICE Inspection Report
- H. 2014 ICE Inspection Report
- I. 2013 Health Inspection Report
- J. 2012 Fire Bi-Annual Inspection Report
- K. 2012 U.S. Marshalls Bi-Annual Report
- L. 2011 Corrections Standards Authority Inspection Report

VI. Jail Logs, Budgets & Contracts

- A. Yuba County Jail Proposal Form for SB 863 Grant, dated 8-18-15
- B. Yuba County Sheriff's Department Budget, FY 2015-2016
- C. MOU between Yuba County Sheriff and SYMH, 7-1-15
- D. Dr. Zil Medical Contract
- E. Amendment to Dr. Zil Medical Contract
- F. Minutes, Community Corrections Partnership, September and October 2014
- G. 2014 Yuba County Jail Exercise Yard Log

- H. Jan.-Feb. 2015 Yuba County Jail Exercise Yard Log
- I. Jan.-July 2016 Yuba County Jail Exercise Yard Log
- J. 2014 Law Library Log
- K. Work Schedules of the Yuba County Sheriff's Dept. Jail Division, January 2014 – November 2014
- L. Sheriff's Budgets, FY 2010-2011 – FY 2013-14
- M. Jail Medical Costs-Rideout Hospital FY 2010-2011 – FY 2013-2014
- N. Jail Budget-all FY 2010-2011 – FY 2013-14
- O. ICE Budget and Revenue Receipts
- P. ICE Contract

VII. Correspondence

- A. Letter from Sheriff Durfor to M. Bien, December 8, 2015
- B. Letter from J. Vacek to M. Bien & C. White, May 20, 2015

EXHIBIT C





EXHIBIT D





EXHIBIT E

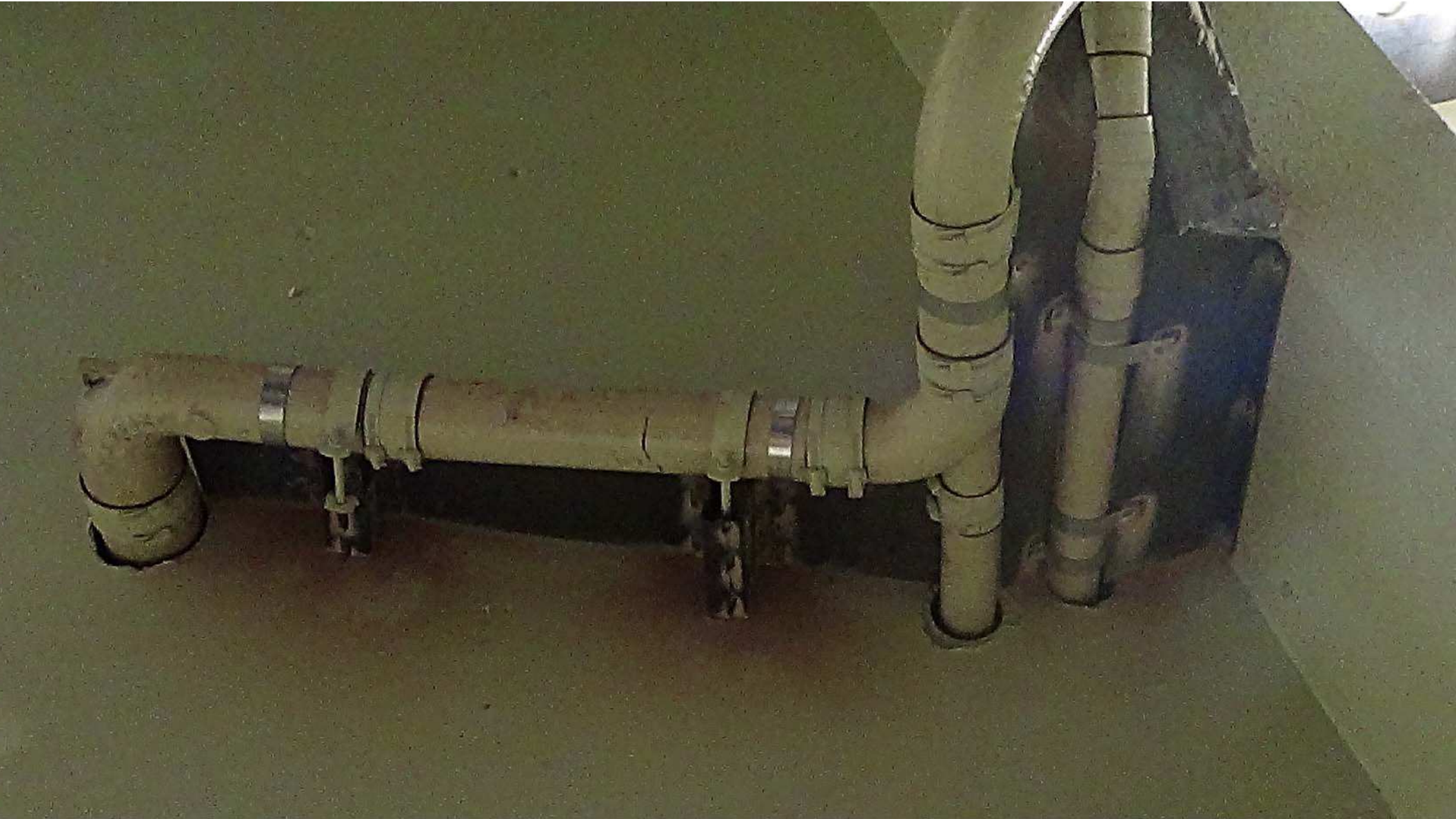


EXHIBIT F





EXHIBIT G

