

1 MICHAEL W. BIEN – 096891
GAY C. GRUNFELD – 121944
2 VAN SWEARINGEN – 259809
MICHAEL FREEDMAN – 262850
3 SARAH P. ALEXANDER – 291080
ROSEN BIEN
4 GALVAN & GRUNFELD LLP
315 Montgomery Street, Tenth Floor
5 San Francisco, California 94104-1823
Telephone: (415) 433-6830
6 Facsimile: (415) 433-7104
Email: mbien@rbgg.com
7 ggrunfeld@rbgg.com
vswearingen@rbgg.com
8 mfreedman@rbgg.com
spalexander@rbgg.com

ALAN SCHLOSSER – 049957
MICAELA DAVIS – 282195
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN
CALIFORNIA, INC.
39 Drumm Street
San Francisco, California 94111-4805
Telephone: (415) 621-2493
Facsimile: (415) 255-8437
Email: aschlosser@aclunc.org
mdavis@aclunc.org

9 JAMES EGAR – 065702
Public Defender
10 DONALD E. LANDIS, JR. – 149006
Assistant Public Defender
11 OFFICE OF THE PUBLIC DEFENDER
12 COUNTY OF MONTEREY
111 West Alisal Street
13 Salinas, California 93901-2644
Telephone: (831) 755-5806
14 Facsimile: (831) 755-5873
Email: EgarJS@co.monterey.ca.us
15 LandisDE@co.monterey.ca.us

ERIC BALABAN*
CARL TAKEI*
ACLU NATIONAL PRISON PROJECT
915 15th Street N.W., 7th Floor
Washington, D.C. 20005-2302
Telephone: (202) 393-4930
Facsimile: (202) 393-4931
Email: ebalaban@npp-aclu.org
ctakei@npp-aclu.org

*Admitted *Pro Hac Vice*

16 Attorneys for Plaintiffs

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA

19 JESSE HERNANDEZ et al., on behalf of
themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 COUNTY OF MONTEREY; MONTEREY
23 COUNTY SHERIFF’S OFFICE;
CALIFORNIA FORENSIC MEDICAL
24 GROUP, INCORPORATED, a California
corporation; and DOES 1 to 20, inclusive,

25 Defendants.

Case No. CV 13 2354 PSG

**EXHIBITS I TO J TO THE
DECLARATION OF GAY
CROSTHWAIT GRUNFELD IN
SUPPORT OF PLAINTIFFS’
MOTION FOR CLASS
CERTIFICATION**

Judge: Hon. Paul S. Grewal
Date: June 3, 2014
Time: 10:00 A.M.
Crtrm.: 5, 4th Floor

Trial Date: None Set

Exhibit I

Michael Hackett
Criminal Justice Consultancy
5168 Via Mindanao,
Oceanside, California 92057
760-473-0079

michael-hackett@sbcglobal.net

Rule 26 Report
Hernandez, et al v. County of Monterey, et al
Case Number CV 13 2354 PSG
United States District Court
Northern District of California

The following report is respectfully submitted in compliance with Section (a)(2)(B) of Rule 26. If called upon to testify as a witness in the above entitled matter, I would offer the following opinions contained in this report.

ORIGIN OF ACTIVITY AND METHODOLOGY:

I was engaged by all of the parties to the instant litigation to examine the custodial aspects of the Monterey County Jail facilities. Parallel examinations would be conducted by experts relating to medical issues, mental health issues and disability accommodation. While my work would primarily focus on the operation and practices of the jail system, by necessity there is some overlap into the other professional areas of corrections practice. It is impossible to completely separate these professional areas of concern as these components must interact cooperatively to properly operate a correctional facility. While I may discuss some issues relating to these other professional areas of expertise, I do so from the perspective of a jail administrator and defer to my colleagues for more in-depth examination of these areas.

I was contracted by the County Counsel's Office of Monterey County on behalf of all the parties and the County Counsel's Office was designated as the sole point of contact for any communication and administrative support. It remains my understanding that any communication between the parties and me would proceed through the County Counsel's Office and be shared with all parties.

The initial activities relating to this engagement included a document review of applicable documents and studies. I have listed all of the documents I've relied upon in developing my opinions in this report, which have included policies and procedures, Grand Jury reports and responses, inspection reports from the California Board of State and Community Corrections, and consultant's reports regarding assessments of the facilities.

After a lengthy document review, I conducted a site visit which included a tour of the facilities, review of additional documents and interviews and discussions with

Department executives, management and line staff. To a person, including Sheriff Miller and Undersheriff Houser, staff members were open, forthcoming and candid with me and assisted me without question.

OPINIONS:

Opinion 1: The Monterey County Jail is composed of a number of separate, but conjoined units which are inadequate for the present and future inmate population.

Opinion 2: Some of the housing units are poorly designed for their purpose.

Opinion 3: Staffing is inadequate for the Jail's rated capacity and more so with the overcrowded conditions.

Opinion 4: Inmate services currently meet the requirements of California jails despite overcrowded and understaffed conditions.

Opinion 5: Street and Prison Gang membership within the inmate population presents particular threats and challenges to the safety of the Monterey County Jail.

Opinion 6: The impact of AB-109 Realignment upon the Jail cannot be accurately determined today.

DATA AND INFORMATION RELIED UPON:

1. Complaint
2. 2003 Grand Jury Report and Responses
3. 2004 Grand Jury Report and Responses
4. 2005 Grand Jury Report and Responses
5. 2006 Grand Jury Report and Responses
6. 2007 Grand Jury Report and Responses
7. 2008 Grand Jury Report and Responses
8. 2011 Grand Jury Report and Responses
9. 2012 Grand Jury Report and Responses
10. 2000-2002 Board of Corrections Inspection Report
11. 2002-2004 Board of Corrections Inspection Report

12. 2004-2006 Corrections Standards Authority Inspection Report
13. 2006-2008 Corrections Standards Authority Inspection Report
14. 2008-2010 Corrections Standards Authority Inspection Report
15. 2010-2012 Board of State and Community Corrections Inspection Report
16. 2007 TRG Facilities Needs Assessment
17. Inmate Information Manual
18. CFMG Policy Manual, Pages 1-163
19. CFMG Policy Manual, Pages 164-432
20. MCJ Policy 1102.00, Responsibility of Personnel
21. MCJ Policy 1104.00, Receiving and Intake
22. MCJ Policy 1106.00, Housing Deputy Duties
23. Jail Records of Mr. Serab Serabi
24. Jail Records of Mr. Robert Yancy
25. Jail Records of Mr. Richard Murphy
26. Jail Records of Ms. Glenda Hunter
27. Jail Records of Mr. Jesse Hernandez
28. MCJ Policy 1105.00, Control Deputies Duties
29. MCJ Policy 1110.00, Inmate Classification
30. MCJ Policy 1114.00, Inmate Services
31. MCJ Policy 1116.00, Inmate Programs
32. MCJ Policy 1118.00, Training and Reporting Requirements
33. 2011 Facility Needs Assessment
34. Title 15, California Code of Regulations and Guidelines

35. Title 24, California Code of Regulations and Guidelines
36. NCCHC “Standards for Health Services in Jails”, 2008
37. ACA “Performance-Based Standards for Adult Detention Facilities”, 4th Edition

BASES FOR OPINIONS AND DISCUSSION:

Opinion 1: The Monterey County Jail is composed of a number of separate, but conjoined units which are inadequate for the present and future inmate population.

1.1 The Board Rated Capacity for the Monterey County Jail is 825 inmates. During my tour of the facilities, the actual inmate count was 918. Additionally approximately 50 Monterey County inmates were housed in Alameda County on a contract basis. Absent the contract with Alameda County and those hospitalized at Natividad Hospital next door, the inmate count would have been approximately 970 inmates. Inmate population numbers are somewhat meaningless and can be misleading unless placed in context.

1.2 The Board Rated Capacity (BRC) is computed by a field representative of the Board of State and Community Corrections (BSCC) during biennial inspections. Using the requirements set in Title 24 of the California Code of Regulations, the field representative computes the size of each cell or housing unit and determines how many inmates can be housed in that location. Adding the total number of cells and housing units, the total BRC is computed. Areas not designed for housing inmates are not included in the BRC computation.

1.3 Overcrowding does not become a great concern until the population reaches levels where inmates are housed in areas not designed and equipped for housing, required inmate services are reduced or eliminated, or inmates are required to sleep on the floor. Simply having more inmates than the BRC does not signify that the jail is overcrowded or deficient.

1.4 Unfortunately, that is not the case with the Monterey County Jail. By any definition, the jail population is such that the jail is overcrowded. Inmates are housed and living in areas not designed for inmate housing, inmates who should by most standards be housed in medium or maximum security housing are housed in less secure housing, and there are insufficient types of housing available to meet classification needs.

1.5 During my tour on November 21 and 22, 2013 I noted a number of examples of improper housing assignments. By improper housing assignment, I mean that inmates are housed in locations that their charges and conditions would dictate more restrictive housing *if it were available*.

1.5A One inmate who is suffering from a traumatic brain injury was housed in the Jail Infirmary. I was informed that this individual had attempted suicide in a previous

incarceration by jumping from an upper tier. He was housed in the infirmary as there was no single cell available to house him and he was unable to function in a lesser housing area. Consequently he was housed in the infirmary although he had no specific medical needs that would require sheltered living. According to custody staff, this individual is sometimes volatile with some nurses and quite amenable with others. Housing him in this situation was inappropriate and driven by the lack of available housing which would have been safer and more secure.

1.5B The four housing units in K Pod are dormitory style housing with bunk beds. During my tour, the entire unit housed members of the Nortenos Gang. Nortenos are reputedly dangerous inmates due to their association with the Nuestra Familia prison gang. While I did not review the classification file of each of these inmates, I relied on my guide, Sergeant Ted Durham of the Classification Unit, to describe the inmates and why they were housed in open units. In simple terms, there simply were no medium or maximum security cells available to house them away from the general population. Assuming that these inmates were in fact, medium or maximum security inmates, it would be both prudent and appropriate to house them in a celled housing unit. I would also note that an inmate housed in K Pod was attacked by fellow inmates during my visit and suffered a number of stab wounds. Apparently there is a power struggle within the Nortenos community and the organization has become factionalized with internecine conflict.

1.5C Inmates are housed in the Rotunda area. The Rotunda is the center of the Men's Jail and designed as an assembly area, with classrooms and other administrative offices around the perimeter. The Rotunda is divided by a pathway from one side of the Men's Jail to the other and inmates are escorted through the Rotunda constantly. The inmates housed in the Rotunda are sleeping on portable beds and are elderly, the infirm, or sensitive needs inmates. With the MCJ suffering such a level of overcrowding, there simply was no other place to house these inmates.

1.5D In the Rehab Facility, inmates are housed in a dormitory setting. There are five wings of the facility, with each wing serving as a dormitory. C Wing currently houses inmates with felony charges, while wings B, D, E, and F hold sentenced inmates. Wing F holds inmate workers. Wing B was of particular concern in that it has been divided into three separate housing units by adding extruded metal screen walls across the dormitory. Wing B houses sensitive needs inmates in each cage. When I inquired, I was informed that sensitive needs inmates was a concept taken from the local prison and includes gang drop-outs, the weak, and some sex offenders.

1.6 Jail construction at the Monterey County Jail has taken place over several decades with new construction being added to the existing facilities, thus forming a single campus. Inmates can be moved from one facility to another without leaving the security perimeter of the jail. As mentioned previously, inmates are housed in podular celled units or dormitory settings, as well as in areas not designed for inmate housing. There is no traditional linear housing at the MCJ. To clarify the terms, linear housing is a series of cells placed in a line and side-by-side. A good example of linear housing can be found

in almost any prison movie. Podular housing is found in most modern jail construction and is best described as a housing module which contains one or two-man cells arrayed around a common day room and separated from sister pods in the same building. Podular housing allows the flexibility to confine inmates in their cells at certain times and allows staff to release them to the day room as appropriate. Dormitory housing is much as the name suggests; an entire housing unit population housed inside a locked dormitory and living reasonably freely in an open setting. Lastly it is valuable to consider direct supervision housing. With direct supervision housing, a custody officer is stationed inside the housing unit at a work station and interacts with inmates throughout his tour of duty. Discussing direct supervision is germane to the MCJ in that A through D Dorms were designed and intended for direct supervision and have officer stations, but are being operated as open dormitories without an officer inside the unit.

1.7 Most troublesome is the fact that there are insufficient one and two-person cells available to house the appropriate classification level of inmates. Inmates who should be, and normally would be housed in more secure housing are currently housed in open dormitory settings. For example, inmates housed in K Pod are living in open dormitory units and are classified as gang members. Properly, inmates classified as such would be housed in secure one or two-person cells. Since those cells currently house those who are extremely dangerous, those who are only somewhat less dangerous are assigned less restrictive housing. To reach this opinion I rely on the representations of the Classification Sergeant that the gang members in K Pod truly warrant more secure housing than they currently experience. I did not review the classification packages of these specific inmates. Gang membership is certainly one of the factors that must be weighed in the classification process as part of the "whole person" process used in inmate classification.

1.8 Two facilities needs assessments were conducted by a respected corrections consulting firm. The first study was completed in 2006 and the second in 2011. Both were comprehensive and carefully analyzed the population of Monterey County, crime rates, demographics and other trends and conditions in order to predict future needs for inmate bedspace. Both studies came to the same conclusions that the MCJ is overcrowded today and will continue to be more and more overcrowded over time. As these assessments speak for themselves, I won't belabor their findings.

1.9 The Board of State and Community Corrections (formerly known sequentially as the Board of Corrections and Corrections Standards Authority) has inspected the MCJ every two years. Repeatedly the BSCC inspection reports have noted that the MCJ is overcrowded and that inmates are housed in areas not designed or intended for inmate housing. Again, those reports speak for themselves.

1.10 I have been informed that Monterey County has been selected for two jail construction bonds by the State of California, totaling \$89 million dollars in construction funds. I have no information about the design or timeline for new construction, but Sheriff Miller informed me that the intention was to build 400 additional inmate beds in a

new housing unit to be added to the existing campus. My understanding is that the new construction is scheduled for completion by 2017.

1.11 Sheriff Miller and his corrections staff have implemented a number of strategies to reduce inmate population. Most misdemeanor arrestees are released on their own recognizance, inmates eligible for statutorily reduced sentences are released as soon as legally possible, some arrestees are placed under the authority of the Probation Department and released from jail custody, those eligible are allowed to remain free on Work Release programs, and inmates are held by agreement with the County of Alameda. In short, those who can be removed legally from the inmate population are removed.

1.12 Given the BSCC inspections and Facility Needs Assessments over the past decade it is clear to me that the County of Monterey and the Monterey County Sheriff's Office are fully aware of the overcrowding issues in the Monterey County Jail. BSCC reports are sent to the Board of Supervisors and the Presiding Judge of the Superior Court and the Facility Needs Assessments would have been authorized by the Board as well.

Opinion 2: Some of the housing units are poorly designed for their purpose.

2.1 As discussed previously in Paragraph 1.6, A through D Dorms were originally designed as direct supervision units and are currently being utilized as simple dormitory settings. Between each pair of dorms a control center is located and staffed around the clock. Each dorm has a shower and toilet facility arrayed parallel along the length of dormitory with windows into the dormitory area and into the control center. The control center officer can look into the shower/toilet area to maintain security and a floor officer inside the dormitory can watch activities from the dorm floor, or enter into the area. I noted in particular that within A and B Dorms the shower/toilet windows were obstructed with newspapers pasted to the windows to create unwarranted privacy. Similarly, the window between the control center and the shower area were partially covered with printer paper and obstructed the view from the control center to the shower and toilets. When queried, it was explained to me that the window coverings were to prevent the inmates from seeing what was happening in the control center, or perhaps to protect the sensibilities of females employees assigned to the control center.

2.2 In the housing areas of the dorm there are two partial walls of concrete block construction to create a total of six housing areas in each dorm. The walls are approximately four feet high and create significant visual impairment from the control center. The officer in the control center simply can't see what is taking place behind those walls. There are no security cameras in place to overcome the visual impairment created by the dividing walls.

2.3 K Pod was particularly problematic in my opinion. Each of the four housing units faces a central control (Control 4) and are dormitory settings. Control 4 has an approximate 180 degree field of view of the housing units and the officer assigned there should be able to see what is taking place in each housing unit. On the contrary, the housing units each have two large concrete pillars inside the housing unit that block the

view of both the control center and any floor officer not actually inside the housing unit. Most importantly, the rear-most pillar blocks the view of at least four beds and immediate area.

2.4 Control 4 is raised to a midlevel between the floors separating the upper and lower housing units. As a result the angle in which the control officer can view into the individual unit is severely compromised.

2.5 The Rehab Facility is composed of several dormitory wings fanning out from a control center (Control 5). I visited the Rehab Facility during daylight hours and even with both electric and natural light, it was difficult to see what is taking place inside the dorms, more so the greater distance from the control center.

2.6 B Dorm of the Rehab Facility has been modified from an open dorm into three “tanks”. Each tank is a caged unit inside the dorm with walls constructed of extruded metal which forms three separate housing units within one dorm. Although difficult to see the length of any of the Rehab Facility dorms, it is virtually impossible to see and supervise any inmate activity beyond the first tank.

2.7 In many locations security cameras are used to observe areas of the facility, with few being recordable and a small number functioning as “snapshot” video. During my tour I noted that a number of cameras were inoperable or were of poor visual quality.

Opinion 3: Staffing is inadequate for the Jail’s rated capacity and more so with the overcrowded conditions.

3.1 Minimum staffing is the number of employees that are absolutely necessary to operate a correctional facility in a safe manner. That is an entirely different number of employees needed to perform all the tasks required to provide services beyond a mere constitutional minimum, to act proactively, and to efficiently supervise the conduct and behavior of inmates.

3.2 Routinely the MCJ operates at minimum staffing levels. That number, due to staff reductions has become the norm for jail operations. Any absence, regardless of reason, causes the jail to fall below minimum staffing for a portion of time. Unplanned absences such as illness, injuries, or emergency transports, require that some employees be held over shift and the succeeding shift come in early on an overtime basis. The officers of the MCJ operate on a twelve hour shift basis and those circumstances cause the first employee to work sixteen continuous hours, a four hour period uncovered, and the succeeding employee to work sixteen continuous hours. Not only do the employees working sixteen hour shifts experience fatigue and are less effective in the performance of their duties, the uncovered four hour period takes the jail staffing below minimum staffing levels. Overtime costs soar, efficiency is diminished, and facility safety and security are impaired.

3.3 Commander Jim Bass related to me that two initiatives have been approved to augment staffing. In February, 2014 the MCJ will convert to ten hour shifts which will largely eliminate the uncovered four hour period now experienced. Additionally, a new position of Custody Control Specialist has been created, with twenty-four positions approved and budgeted for. Custody Control Specialists (CCS) will replace deputy sheriffs in the control centers, freeing them to have inmate contact and supervise inmates. Commander Bass related that seven of the positions have been filled with the remaining seventeen in the hiring process.

3.4 The minimum staffing levels utilized today have no historical record. In standard corrections practice, staffing levels are determined by an analysis of workload and reviewed at least annually by the Facility Administrator. According to Commander Bass, the minimum staffing levels had been set for many years and reduced in response to forced staff reductions through the budget process.

3.5 Similarly no Shift Relief Factor has been computed or considered in developing the Department's staffing plan. The SRF is a calculation unique to each individual agency and is constantly changing due to experience factors. The SRF accurately determines the number of officers needed to man a specific post around the clock, seven days a week. Factors taking officers off duty and off post include vacation, training, sick leave, Family Medical Leave Act time, injury leave, disciplinary actions and other time off mandated by statute or contract. Most agencies find that a SRF of 5.5 to 6.0 is accurate for their specific agency. Overtime is the default SRF for the MCJ.

3.6 An example of the need and value of a current SRF is the new position of Custody Control Specialist. Twenty-four positions have been allocated to man six control stations 24 X 7 X 52. Within the first year, those twenty-four positions will be inadequate and will have to be covered by overtime expenditures.

3.7 Officer positions devoted to inmate supervision have additional duties which take them away from their posts for a portion of each shift. Escorting inmates to centralized services, laundry exchange, commissary delivery, and similar functions take floor officers off the floor for periods of time each day. In most facilities, officers are assigned duties as escort officers who move around the facility as needed in order to leave floor officers on the floor to properly supervise inmates. Escort officers are only assigned to the day shifts, and then only two are assigned. Normally day shift staffing is more labor intensive as night operations include the sleeping time and limited movement of inmates. The MCJ is no exception.

3.8 Escort officers are assigned to assist medical staff in performing their functions, with one officer assigned for eight hours each day. On Mondays and Fridays, two officers are assigned for eight hours and one additional officer for four hours. The purpose of these officers is to escort inmates from the housing units to medical for sick call, physical examinations, mental health and dental services, and to stand by and provide physical security for medical, mental health or dental practitioners. According to the Medical Program Manager, Mr. David Harness, the medical escort officer positions

are frequently unfilled and valuable time is wasted while a professional provider waits for an inmate.

3.9 Control center personnel are relieved for breaks and meals by floor officers. Obviously a floor officer relieving a control center officer is unavailable to properly supervise inmates during that time. Additional escort officers could be effectively act as the relief agent in these cases.

3.10 The Classification Unit is staffed with a sergeant and four deputy sheriffs on ten hour shifts. Initial inmate classification is conducted by booking officers in the Receiving area of the MCJ using an instrument called an "Intake Screening Questionnaire" or ISQ. The ISQ guides the booking officer in asking specific questions of the incoming inmate and assigning appropriate housing. Specific responses will trigger housing the inmate in the receiving area until he can be interviewed by a member of the Classification Unit. Proper classification of inmates is a critical task of any jail and largely determines how safe the inmate, the staff and other inmates will be. It cannot be emphasized enough how important an aggressive and comprehensive classification program is to institutional safety and security.

3.10A The Classification Unit has been assigned other duties beyond just classification activities. In addition to assisting booking officers with unique classification circumstances, classification officers conduct all reclassification actions, review all inmate disciplinary reports and criminal reports, and interact with medical and mental health staff to appropriately house special needs inmates. These functions are routinely performed by a classification unit. At the MCJ, classification officers also function as criminal investigators who investigate serious crimes committed in the jails, do crime scene forensic work in the jails, and act as an intelligence unit interacting with outside agencies. Additionally, the Classification Unit also performs all mail screenings and inmate phone monitoring in aid of other investigative units.

3.10B These additional duties of the Classification Unit are invaluable to public safety and certainly should be continued. However the demands of the additional duties impact the workload of the Classification Unit and demonstrate that additional staff should be assigned to the Classification Unit or those duties assigned to investigators in the Operations Bureau.

3.10C The Intake Screening Questionnaire meets the standards established in Title 15 relating to the classification function. It would be preferable to develop an objective classification process using either a formal decision tree or point system. If an objective classification process were initiated, booking officers could more effectively assign inmates to the available housing at the earliest stages and reduce some of the workload of the Classification Unit.

3.11 Line of duty injuries and illnesses have had a negative impact on staffing. During my site visit I was informed that approximately fifteen employees were off duty with industrial injuries or illnesses. Managing LOD employees is a function of County

Human Relations and their independent Workers Compensation contractor and largely beyond the authority of the Sheriff's Office.

3.12 Recruiting and retention have been identified as serious problems for the Monterey County Sheriff's Office. Hiring qualified and quality employees has always been challenging for law enforcement and corrections agencies. Unlike most employment, officers have the literal power of life and death over citizens and only those of the highest qualities of character, integrity and common sense should ever be entrusted with that power. In order to qualify those applicants who wish to become officers, MCSO and other California agencies conduct written tests, background investigations, physical and psychological examinations, and polygraph examinations. Most applicants are rejected through this rigorous screening, frequently in the 90th percentile. Obviously agencies can lower their standards, but the costs are overwhelming in financial and human terms.

3.12A Retaining quality employees may be more difficult in Monterey County than in many other jurisdictions. Salaries are reportedly only moderate in the Department with allied agencies in the region paying higher salaries and benefit packages. Housing costs are high and many employees can only afford housing beyond the County borders and thus face a long commute. Job satisfaction is most frequently cited by officers choosing to move to another agency. Although my limited observation of the interaction of officers and their leadership was limited, I am confident that constant required overtime work may also be a significant factor of retention.

3.12B When an officer leaves the Department, there will be a necessary lag time before he can be replaced. Not only is the hiring process long, the new officer selectee will be required to successfully complete a certified academy of almost six months duration. Upon academy graduation, the newly hired officer is required to successfully complete Field Training of an additional three months. At the very least, it will take nine months to a year to replace an officer.

3.12C Monterey County has no provision for over-hiring Deputy Sheriff positions. Many jurisdictions have authorized their police and corrections agencies to hire more employees than there are actual budgeted positions in order to significantly reduce the hiring and training lag time involved. These unbudgeted positions are subsidized by salary savings enjoyed when employees quit or are retired.

3.12D In another facet of the vicious cycle of staff shortages, the Department is unable to free officers to aggressively recruit employees from the numerous academies throughout the state. Many academy students are not sponsored by public agencies and attend the academy at their own expense in hopes of being hired by a department. Reaching out to these candidates directly has proven successful for those agencies who can afford the manpower to actively recruit them in person. MCSO hasn't sufficient staff to afford this luxury.

3.13 Shift briefings are currently not conducted due to staffing shortages. Instead, officers report to their duty station and are briefed on the current events and activities of that station. This is a large departure from the practices of most police and corrections organizations. Shift briefings allow each employee to understand a larger picture of the current trends and problems faced within the organization, allow for “hip pocket” training, provides an opportunity to inform employees of new or changed policies and procedures, and allows a valuable forum for employee feedback and recommendations. Once again, I was informed that the Department is planning to implement periodic shift briefings on a bi-weekly basis. While that is a step in the right direction in terms of quality management and leadership, it is no substitute for consistent daily shift briefings.

3.14 Staffing of the medical, dental and mental health functions appeared to be adequate, but low. Again, I will leave that determination to the other experts involved in this matter.

Opinion 4: Inmate services currently meet the requirements of California jails despite overcrowded and understaffed conditions.

4.1 Inmate services are those functions within a jail that provide for a reasonable quality of life, maintain the health and comfort of inmates, and assist them in transitioning to freedom upon release.

4.2 Meals are prepared at the MCJ in an appropriately equipped kitchen facility. One hot meal is served daily and sack meals are served twice a day. The menu is reviewed and approved by a registered dietitian as an adjunct to the BSCC biennial inspection process. All meals are prepared under the direction of County food service employees with the assistance of inmate workers who are cleared for food service work by medical staff. Special diets to meet medical or religious needs are readily available and provided as required. Meals are not furnished to employees or available for purchase.

4.3 A full-time Jail Chaplain is employed by the Sheriff’s Office and coordinates religious services with a staff of volunteers.

4.4 Substance abuse programs including Alcoholics Anonymous and Narcotics Anonymous are provided regularly for inmates, and inmates can choose to participate in General Education Development (GED) classes.

4.5 There are very limited vocational education opportunities for inmates at the current time and largely confined to food service, janitorial, and limited maintenance work.

4.6 Inmates have access to a commissary system operated on behalf of the MCJ by Aramark Corporation, a private vendor company. Inmates may purchase approved items, which include health and comfort items, snacks, and stationary using funds from their own inmate trust accounts. A percentage of each sale is held in the required Inmate Welfare Fund and a formal committee determines how that money may be spent to

benefit the inmates. The televisions in the housing units are paid for by the IWF for example. Indigent inmates are furnished necessary grooming articles and letter writing materials on a regular and prescribed basis without charge.

4.7 Mail services are provided at the jail without limit. Incoming mail is inspected for contraband and legal mail is not trifled with in any manner. Neither incoming nor outgoing mail is read unless there is a legitimate governmental reason for doing so. Mail is not censored. Indigent inmates are provided with both stationary and postage in order to maintain contact with those outside the jail, and *pro per* inmates are given unlimited mailings at no expense.

4.8 Those inmates eligible to vote are afforded opportunity to do so in local, state and national elections.

4.9 Inmates are given recreation periods on a regular basis in conformance with Title 15, CCR, along with playing cards and board games which are provided through IWF purchases.

4.10 Inmates are afforded the opportunity to make inquiries of the staff or file grievances through a formal "kite" system in which the inmate writes out his request or grievance on forms provided and places them in a mailbox within the housing unit. Staff members retrieve the forms regularly and attempt to resolve them at the lowest level possible. If the receiving officer is unable to resolve the issue, the request or grievance is forwarded up the chain of command until a person with the specific information or authority can resolve the issue. Informal requests and complaints may be given to staff orally on simple matters such as a need for toilet paper or something similar.

4.11 Library services are provided to MCJ inmates and recreational reading material appeared to be in abundance. I observed books in each housing unit and visited the library situated near the Rotunda area. There are no legal books available in the jail, but the Sheriff contracts with a legal research service to provide those services in inmates. Use of the contract service is somewhat restricted, however those inmates who are representing themselves have unlimited access to the service.

4.12 Local newspapers are provided to the inmates and they may receive periodicals through the mail. Inmates can purchase, or have purchased for them, books with a "publisher only" rule. That term is a misnomer in that books *can* be sent by a distributor through the mail to an inmate, but not delivered by a family member or friend to prevent the introduction of contraband.

4.13 There is no contact visiting allowed in the MCJ, but visitors including minor children may visit inmates on a regular and scheduled basis. Social visitation is conducted in a face-to-face setting with a window separating the visitor from the inmate. Communication is through telephones which may be monitored as appropriate. Visiting may be restricted as a disciplinary action, or cancelled in it's entirely under certain circumstances. Visitation was cancelled for inmates housed in K Pod during my site visit

as a result of the assault mentioned previously in Paragraph 1.5B above for example. Legal representatives may visit at almost any waking hour. Private offices are set aside for legal visits and are equipped with duress alarms for the attorney's safety and comfort. At the choosing of the attorney, non-contact visits may be conducted.

4.14 Incoming inmates are provided with an inmate handbook which explains the jail rules, how to acquire services or treatment, and has an inmate request/grievance form attached.

4.15 Laundry services are provided on site by inmate workers under the supervision of a jail employee. Uniforms, underwear, sheets and blankets are laundered and exchanged on a regular basis. Female inmates are provided additional undergarments and are allowed to launder their underwear in washers and dryers provided in the Woman's Jail.

4.16 Medical, Dental and Mental Health services are provided to inmates through a private vendor, California Forensic Medical Group.

4.16A Mr. David Harness, CFMG Program Manager, met with me and discussed the nature and level of services provided to inmates. As I noted before, other experts have been retained in this matter, but as an experienced corrections administrator it is incumbent upon me to examine the totality of the jail setting to properly provide informed opinions.

4.16B Dental services are provided for twelve hours once a week, and for an additional four hours every other week by a licensed dentist.

4.16C CFMG provides a psychiatrist, a psychologist, a therapist, a psychiatric RN, and a peer review psychiatrist to provide mental health treatment to inmates. Mr. Harness informed me that approximately 15 to 16 percent of inmates are receiving psychotropic drugs as of November 1, 2013 and estimates that 60% of all inmates of the MCJ have some level of mental health issues. Those inmates who are experiencing an acute mental health episode are moved to the Natividad Hospital immediately next door to the jail. At the time of my site visit there were six inmates hospitalized in the mental health unit of Natividad Hospital.

4.16D A licensed physician is the Medical Director and conducts sick call each Monday and Friday and is available around the clock for consultation and direction. There are 2 registered nurses, 2 licensed vocational nurses, and 4 certified nursing assistants assigned to the day shift, 1 RN, 1 LVN, and 2 CNAs assigned to the evening shift, and 1 RN, 1 LVN, and 1 CNA assigned to the night shift each day. Additionally a LVN reports for duty each afternoon to set up medicines for delivery that evening. Established protocols are in place for specific situations, and nurses conduct sick call each day and respond to any special or emergent situations. Serious medical conditions or trauma situations beyond the capacity of the jail medical staff are transported to Natividad Hospital for treatment. Nurses conduct pill call at least twice a day and

provide medication to inmates in their housing units. In addition to these duties, nurses assess those inmates in detoxification and safety cells on a scheduled basis.

4.16E Nurses are available each shift to assess incoming arrestees prior to booking as necessary. An intake health screening instrument is filled out by a trained custody officer who makes observations of the arrestee, looking for obvious illness, injury, distress, level of sobriety and consciousness, ability to ambulate, conduct and behavior. The custody officer also makes specific inquiries about medical and mental health history and medications, pregnancy, suicide ideation and history, as well as alcohol and drug use and the likelihood of withdrawals. Based on the officer's observations and the arrestee's responses, a nurse may be summoned to determine what, if any, level of care the arrestee may need. Either the custody officer or the nurse can elect to reject the arrestee for booking until he receives medical care and clearance for booking by a physician. This process is uniform across the nation and is standard practice in almost all jails and approved by Title 15.

4.16F Inmates claiming to be under a doctor's care and taking prescribed medications are referred to the next sick call and a medical determination is made whether to continue the medications. Those presenting at the jail with medications will be referred to sick call and the medications will be examined and retained by medical staff. After consultation with the treating physician, the jail physician will make a medical decision to continue the medication, change the medication or discontinue it.

4.17 Those inmate services such as religious services, NA and AA meetings are difficult to provide due to the inmate population, limited staffing and classification issues. These types of program depend on the ability to have numbers of inmates in one place at one time to conduct the classes, meetings, or services. With the mentioned problem issues, it is difficult to reach the number of inmates desired. While the services are provided, the impact of overcrowding, classification and staff shortages is significant.

Opinion 5: Street and Prison Gang membership within the inmate population presents particular threats and challenges to the safety of the Monterey County Jail.

5.1 As I discussed in Paragraphs 1.5B and 1.7 above, I did not review the classification files of the inmates. To do so would be beyond the charter of my present engagement and would have required several days, if not weeks, to review the files of the 970 inmates.

5.2 Street and prison gangs have always presented institutional safety and security risks in jail settings. Gangs develop their strength and power through violence and intimidation. Some gang members are particularly violent individuals who will attack other inmates or staff to bolster street credibility or at the direction of gang leadership. The inmates at the Monterey County Jail are quite likely cut from the same cloth.

5.3 Not all gang members or associates are necessarily particularly dangerous. It is a matter of assessing the whole person, along with his association with a street or prison

gang. There are two dangers associated with not assessing the whole person in the classification process. The first is that a dangerous or predatory inmate will be placed in less secure housing. The second is that gang members are over-classified and placed in more restrictive housing than necessary. In the former case, violence against other inmates or staff may ensue. In the latter circumstances, the limited resource of maximum security housing may be inappropriately assigned. Without a thorough analysis of the current inmate population and examination of individual inmate files, I am unable to confidently opine whether the practices employed by the MCJ are appropriate. During my conversations with Sergeant Durham of the Classification Unit I was certainly made aware that he and his staff were conversant with the nuances of classifying gang members and followers.

Opinion 6: The impact of AB-109 Realignment upon the Jail cannot be accurately determined today.

6.1 Housing inmates who have spent time in prison is nothing new to local detention facilities. Inmates who have committed crimes subsequent to a prison sentence are often housed in local jails prior to conviction and sentencing. Parole violators are routinely housed in the jail until a determination is made to release the individual or return him to prison. Historically, the number of “prison” inmates has been a small part of the inmate population of jails in California. That ratio of inmates is already changing due to the advent and implementation of Realignment. While most “veteran” inmates were considered “joint-wise”, their stays were reasonably short in duration and most simply went along with the flow of the jail. The influence on the jail population was limited and seldom had much impact.

6.2 The number of “realigned” inmates who will be housed in the Monterey County Jail cannot be accurately forecast or determined today. As a new legislative initiative, there are sure to be modifications in the law in the near future to address concerns not anticipated in the initial laws. There will be two distinct classes of realigned inmates confined in the jail; those removed to local custody from prison, and those who are sentenced to the jail directly for what would have been a prison sentence in the past. Additionally, some individuals who violate the terms and conditions of parole can be “flash” incarcerated; confined to the jail for a period of not more than ten days.

6.3 The former category of realigned inmates will, at least in the short term, create the most difficulty in inmate management. Coming from a prison in relatively large numbers, these inmates will share a common experience and are likely to carry that experience with them in the jail. Most will be far more sophisticated in criminal behavior and inmate culture than local inmates. Most will be accustomed to the rules, regulations, and practices of the both the prison administration and the world of the prison inmate. Many will be members or associates of prison gangs and are very likely to use the jail inmate population for recruitment and to further the interests of the prison gang organization. Turf battles, criminal activity, and violence will transfer to the jail as surely as the individual inmates transfer from the prison environment.

6.4 The prisons operated by the Department of Corrections and Rehabilitation operate with the theory that most inmates in their charge will be confined under their authority for considerable periods of time, often years at a time. As a result, in an effort to reduce recidivism, the prisons provide programs, education and training to inmates. Most county jails are not currently equipped to provide the same level of inmate services and the Monterey County Jail is no exception.

6.5 As I visited the Monterey County Jail I was able to easily identify realignment inmates by their demeanor and behavior. For example, in one dormitory housing unit, I observed that the inmates had essentially self-segregated themselves along racial lines, and that they were walking in groups around the dorm in the same fashion I've seen prison inmates interact in the prisons I've visited. This particular dorm, A Dorm, has a maximum inmate capacity of 65 inmates. Some of the bunk areas were messy and cluttered by the occupant and others were very orderly, almost to the point of military regimentation, suggesting that the neat areas were occupied by former prison inmates. Additionally, during my visit to this dorm in particular, the inmates presented my guide with a number of inmate request forms. While they were respectful, they were also clearly demanding that action be taken on their requests.

6.6 Where the challenges will come to the Monterey County Jail will be in finding appropriate housing for these inmates, providing additional services with limited resources, and facing waves of inmate litigation that are surely to be generated by this new initiative.

OBSERVATIONS:

During my site visit I made a number of observations concerning the Monterey County Jail which bear noting, but did not rise to the level of a formal opinion.

O1: I watched a number of staff-inmate interactions and noted that staff members treated the inmates with courtesy, dignity and respect. In response, the inmates behaved in the same fashion. In the jail setting there is a time for exerting authority and control to include the use of force. For most interactions however, both parties recognize the relative power involved and can communicate in a respectful manner. It was my distinct impression that treating inmates with respect was commonplace and the default mode of officer conduct.

O2: Commander Bass accompanied me through parts of the MCJ, and as we entered the various housing units, I observed that the inmates were not surprised by his presence. That demonstrated to me that senior officers commonly move through the inmate population and interact with inmates. That interaction is a critical component of the practice of MBWA – Managing By Walking Around. Again, both the Commander and inmates spoke respectfully back and forth and inmates discussed specific problems with him. In some cases he was able to provide answers for previous questions and took other issues under advisement.

O3: My review of jail policies and procedures revealed that the practices of the MCJ comport and comply with the requirements of Title 15 CCR and are consistent with the standards of the American Correctional Association and the National Commission on Correctional Health Care. These standards represent the best practices of the industry. When I discussed specific practices with staff members, management, supervision, or line staff, I found that the individual knew the policies and procedures, suggesting a trained and disciplined staff.

O4: I discussed staff morale and discipline with Undersheriff Max Houser. The Undersheriff and I discussed the classic indicators of morale and he explained that the custody staff experienced very few disciplinary episodes, primarily improper use of sick leave. Accidents, grievances, and litigation were minimal.

O5: The common areas of the jail such as hallways, offices and program spaces appeared clean, but worn, cluttered and in need of paint. Housing units were cluttered with books and papers and I noted that inmates are apparently allowed to plaster pictures torn from periodicals on their walls. Of particular note, I observed that meal sacks from delivered meals were retained by inmates well beyond meal times. Retaining food in housing units is a poor practice that leads to hoarding, spoilage, vermin infestation, and sometimes the production of “pruno”, an alcohol product made in jails. The Safety Cell in the Woman’s Jail was out of order for some sewer problem. When I inquired, I was told that it had been taken out of service for “a couple of weeks”. As a result, a female inmate requiring a safety cell placement would have to be taken through the facilities and housed in a safety cell in the Receiving Area.

O6: I observed that the control centers were housed behind locked doors, however the doors are opened by a staff member from the *outside* with a key. I consider this to be a poor security practice. With the exception of Control Center 7 and Control Center 8, the control centers electrically lock and open the doors to the housing units and/or the perimeter security doors. Control centers should be opened only from the *inside* to authorized personnel, and keys to operate those doors should not be within the secure portion of the jail. In the event that inmates overwhelmed a floor officer, access could be gained to a control center and a large number of inmates could be released into the jail.

O7: Control Center 3 supervises the Woman’s Jail and controls the doors into each housing unit. During my site visit I noted that the door to Control Center 3 could not be closed and locked because staff members had tied a towel from inside handle to outside handle and across the locking mechanism. As I visited Control Center 3 I observed a large amount of food and beverages inside the area. The food was obviously in such quantity that it wasn’t just for the officer operating the control center. I was informed that a staff member was celebrating a birthday and the food was there for that purpose. I fully support collegial activities, but it would be far more appropriate to conduct these events outside the facility, or at least in the staff lunchroom. A control center is a place of serious business and is critical to institutional safety and security.

O8: I was able to observe numerous interactions between staff members, and custody officers and medical staff. It was apparent that they were working as a team with common goals. I witnessed conversations regarding specific inmates and it was obvious that information was shared for the benefit of the inmate discussed.

O9: I noted a strong practice for the prevention of improper releases from custody. An inmate being released is quizzed as to his identify and that information is compared to his inmate records, photograph, wrist band, fingerprints, and finally through an Iris scan device. Nothing is impossible in the world of corrections, but it is quite unlikely that an inmate will be misidentified and released from custody.

O10: During my site visit I noted that the appearance and bearing of the staff was sharp and professional. On the surface this may seem a meaningless esthetic, but has great value to inmate custody and control. Well groomed and well-appointed staff present an air of professionalism that is immediately recognized by inmates and respected. Sloppy officers are perceived, rightly or wrongly, as being sloppy in their performance of duty and often singled out by manipulative inmates.

QUALIFICATIONS:

I am qualified and competent to render my opinions in the case before this Court due to my experience, training, and professional activities in criminal justice and corrections.

I am currently self-employed as a criminal justice consultant and enter private engagements with criminal justice agencies to perform a wide range of services, including audits and inspections, review of policy and procedure, administrative investigations, audits of practices and processes, development and delivery of training courses, original research, surveys, draft policies and procedures, staff development, meeting and conference facilitation, and expert testimony in court and before governing bodies.

I served as the Administrative Services Manager of the Santa Clara County Department of Correction, one of the largest jail systems in the United States. My duties included the management of Finance and Budget, Management Information Services, Personnel, Labor Relations, Training, Food Service, Warehouse, Laundry, Building Operations, and Inmate Rehabilitation Programs. I managed 251 employees and \$ 120 million dollar annual budget. My tenure with the Department of Correction was from December, 1998 until my retirement in January, 2002.

From January, 1970 until October, 1971 and again from January, 1976 to December, 1998 I served as a deputy sheriff of the Imperial County Sheriff's Department. I retired as the Assistant Sheriff in December, 1998. During my tenure with Imperial County I served two tours of duty assigned to the jails as a deputy sheriff, served as Main Jail Commander as a Chief Deputy Sheriff, and served as Corrections Bureau Commander as a Chief Deputy. My tour as Corrections Bureau Commander was eight years until my

promotion to Assistant Sheriff, when I became responsible for the operations of the entire Sheriff's Department.

Previous corrections experience included approximately one year assigned to the Station Brig, Marine Corps Air Station, Kaneohe, Hawaii.

I am a former Certified Jail Manager, an award presented by the American Jail Association to corrections professionals who meet rigorous standards for education, training, experience, and professional activities in the corrections environment. There are approximately 35 Certified Jail Managers in California's almost 400 jails, and approximately 375 Certified Jail Managers nationwide.

I am a past President of the Southern California Jail Manager's Association and a member of the American Jail Association, American Correctional Association, National Sheriff's Association, and the California State Sheriff's Association. Additionally, I am a member, or former member, of several other professional organizations devoted to law enforcement practices, including the International Association of Chiefs of Police, FBI National Academy Associates, Command College Alumni Association, California Peace Officers Association, American Society for Criminology, and the Retired Peace Officer's Research Association of California.

My professional training related to this matter includes the FBI National Academy, POST Command College, Basic Peace Officer's Academy, Internal Affairs Course, POST Supervisory Academy, Field Training Officer's Course, POST Management Course, POST Executive Development Course, Administrative Services Management Course, Jail Manager's Seminars conducted by the California State Sheriff's Association annually, STC Jail Manager's Course, and numerous other courses as part of the annual POST and STC training requirements.

I have been awarded the Basic, Intermediate, Advanced, Supervisory and Management Certificates by POST, Imperial County's Distinguished Service Medal for leadership in corrections and Resolutions of Commendation by the Boards of Supervisors for Imperial and Santa Clara Counties.

Associated professional activities have included serving as a Member of the Title 15 Revision Project in 1992, Sub-Committee Chairman of the Title 15 Revision Project of 2000, and as a member of the STC Training Standards Revision Project in 1994. I have presented corrections related programs to the American Jail Association in 1999 and 2000, The California State Sheriff's Association, Bay Area Jail Manager's Association, the Southern California Jail Manager's Association, the American Correctional Health Care Association, the California Training Manager's Association, and the County Counsel's Association of California. I have served as a mentor to three Command College students. I have served as a Criminal Justice Instructor at Imperial Valley College and as a Visiting Lecturer at San Diego State University and Kaplan University. My Command College research work was corrections related and entitled "*The Impact of an Aging Inmate Population in 2003*". That particular work can be found at the FBI

Academy Library in Quantico and at the POST Library in Sacramento. I have conducted jail operations staffing studies for Tuolumne County and have recently finished work in drafting an evidence collection, preservation and disposal manual for the Oceanside Police Department.

I have qualified as a *voir dire* expert in corrections on several occasions in the Superior Courts of California, testified as an expert witness in Superior Court and the United States District Court, and have testified before the Boards of Supervisors in Imperial, Santa Clara, and San Diego County on jail related matters. Additionally, I have testified before the California State Legislature on corrections legislation.

I read several professional journals as they are published to remain current in my profession. These include, but are not limited to, *The FBI Law Enforcement Bulletin*, *Police Chief*, *California Sheriff*, *Sheriff*, *American Jails*, *Corrections Today*, *The Journal of California Law Enforcement*, and *Criminology and Public Policy*.

PUBLICATIONS:

I have written the following published articles:

“*Avoiding the Pitfalls of Civilianization*”, Police Recorder, April, 1987
“*Life on the Border*”, California Sheriff, Winter, 1987
“*Sheriff’s Spotlight*”, California Sheriff, Summer, 1988
“*Desert Diving: The ICSURT Story*”, The Back-Up, September, 1989
“*The Negotiations Approach*”, The Tactical Edge, Winter, 1995
“*Elderly Prisoners*”, Criminal Justice, Salem Press, Los Angeles, 2005

PREVIOUS CASES:

I have testified as an expert witness in the following cases within the past five years:

Davila v. San Joaquin County, et al, 2008
Rule 26 Report and Deposition for Plaintiff regarding deliberate indifference
United States District Court, San Francisco

Hagar v. County of Tulare, et al, 2008
Deposition for Plaintiff regarding excessive force, corrections procedures
Superior Court of California, Tulare County

Estate of Brown v. Churchill County, 2008
Rule 26 Report for Defendants regarding in-custody death
United States District Court, Nevada

Flores v. County of Los Angeles, et al, 2008
Rule 26 Report for Defendants regarding excessive force
United States District Court, Los Angeles

Kimble v. City of Banning, 2008

Civil Service Hearing for Appellant regarding supervisory responsibility

Mitchell v. County of Orange, 2008

Rule 26 Report and Deposition for Defendant regarding corrections practices
United States District Court, Los Angeles

Ramirez v. County of Orange, 2008

Rule 26 Report for Defendant regarding inmate classification
United States District Court, Los Angeles

Ayers v. Village of Ruidoso, 2008

Rule 26 Report for Plaintiff regarding excessive force
United States District Court, New Mexico

Bishop v. Macomb County, 2008

Rule 26 Report for Plaintiff regarding failure to protect inmate
United States District Court, Michigan

Mock v. County of Los Angeles, et al, 2009

Deposition and trial for Defendant regarding probable cause for arrest
Superior Court of California, County of Los Angeles

Robin Smith v. Johnson County, et al, 2009

Rule 26 Report for Plaintiff regarding deliberate indifference in medical care
United States District Court, Indiana

Valerie v. Ansell, et al, 2009

Rule 26 Report for Plaintiff regarding in-custody death
United States District Court, Michigan

Meissner v. County of Orange, et al, 2009

Trial for Defense regarding use of force in custody
Superior Court of California, Orange County

Havard/Barker v. Hutzel Hospital, et al, 2009

Deposition for Plaintiff regarding inmate medical care
Circuit Court of Michigan, Wayne County

Elseth v. Spiers, et al, 2009

Rule 26 report for Defendant regarding excessive force in Juvenile Hall
United States District Court, Sacramento

Johnson v. Fulton-El Camino Parks and Recreation District, 2010

Rule 26 report for Defendant regarding wrongful termination of peace officer
United States District Court, Sacramento

White v. Orange County Sheriff, et al, 2010

Rule 26 report for Defendant regarding search and seizure, wrongful arrest,
excessive force
United States District Court, Santa Ana

King v. Snohomish County, et al, 2010

Rule 26 report for Plaintiff regarding failure to protect inmate in custody
United States District Court, Washington

Powell v. Fulton-El Camino Parks and Recreation District, 2010

Rule 26 report for Defendant regarding termination of probationary peace officer
United States District Court, Sacramento

Ensworth v. County of Orange, et al, 2010

Rule 26 report for Defendant regarding excessive force in jail
United States District Court, Sacramento

Harrigan v. County of Orange, et al, 2010

Rule 26 report for Defendant regarding excessive force during consent search
United States District Court, Santa Ana

Cortez v. City of San Luis, et al, 2010

Expert report for Plaintiff regarding negligence in firearms security
Superior Court of Yuma, Arizona

Bonine v. Fulton-El Camino Parks and Recreation District, 2010

Rule 26 report for Defendant regarding termination of police chief
United States District Court, Sacramento

Qu v. Central Falls Detention Facility Corporation, et al, 2011

Rule 26 report and Deposition for Plaintiff regarding deliberate indifference to inmate
health care
United States District Court, Rhode Island

Spinks v. County of Los Angeles, et al, 2011

Rule 26 report for Defendant regarding excessive force
United States District Court, Los Angeles

Cole v. County of Los Angeles, et al, 2011

Rule 26 report and trial for Defendant regarding unlawful arrest, excessive force
United States District Court, Los Angeles

Parker v. County of Los Angeles, et al, 2012

Rule 26 report and Deposition for Plaintiff regarding excessive force
United States District Court, California

Lee v. Washtenaw County, et al, 2012

Rule 26 report for Plaintiff regarding conditions of confinement
United States District Court, California

Grabow v. County of McComb, et al, 2013

Rule 26 report for Plaintiff regarding inmate suicide
United States District Court, Michigan

Keller v. County of Kalamazoo, et al, 2013

Rule 26 report for Plaintiff regarding in-custody death during drug withdrawals
United States District Court, Michigan

Vala v. County of Los Angeles, et al, 2013

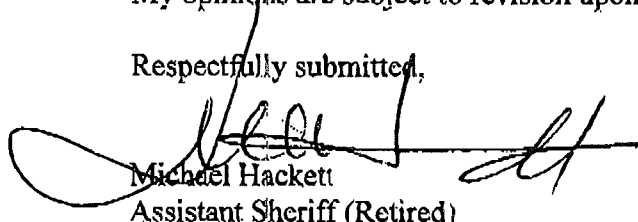
Trial for Defendants regarding excessive force during arrest
Superior Court of California, Los Angeles

FEES:

Case Evaluation Fee:	\$ 1,000.00
Hourly Rate:	\$ 200.00
Trial and Deposition:	\$ 1,200.00 per day
	\$ 600.00 per half day
Standby and Travel Time	\$ 100.00 per hour
Mileage	\$.58 per mile
Plus direct expenses	

My opinions are subject to revision upon review of additional materials.

Respectfully submitted,



Michael Hackett
Assistant Sheriff (Retired)

Signed under penalty of perjury according to the laws of California and the United States
on 3/20/13 at OCEANSIDE, CA.