

Alameda County SB823 Subcommittee Minutes 9.30.21

12:30pm - 2:30pm

Virtual Meeting Information Below

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SB 823 Subcommittee Members in Attendance:

Interim Chief Marcus Dawal, ACPD

Alphonso Mance, PD

Juan Taizan, ACBH

Hon. Ursula Jones Dickson

Monica Vaughan, ACOE

Andrea Zambrana, Conflict Counsel

Sgt. Young, OPD

Vamsey Palagummi, JJDPC

Emily Young, DPN

Caryn Quezada, District 1 Representative

Dauida Scott, District 2 Representative

Erin Palacios, District 3 Representative

Trevor Arceneaux, District 4 Representative

1. Call to Order & Roll Call
 - a. Meeting called to order by Interim Chief Dawal
 - i. The updated subcommittee member list will be posted on ACPD's website following today's meeting.
 - b. Roll call took by Deputy Chief Chambers
2. Approval of Minutes
 - a. 9.23.21
 - i. "Abject" will be corrected to "object"
 - ii. Moved to approve by Monica Vaughan; seconded by Al Mance
 - iii. Approved
 1. 2 abstentions
3. Proposed Extended Timeline - Discussion and Action
 - a. Interim Chief Dawal, ACPD - I propose to submit a request to bypass public protection in October and submit SB 823 plan to BOS in November. I propose we vote on the plan on Oct 28 that way the subcommittee can submit a board letter to BOS by November 2nd, so

that it can be presented to the BOS on Tuesday, Nov 16th, 2021. This allows us and the BOS additional time; this gives us an additional 3 weeks to work through the plan and allows the subcommittee to get the plan to the BOS prior to the holidays.

- i. Motion to approve the new timeline made by Al Mance; the motion is second by Monica Vaughan.
 1. Unanimously approved
 - b. Erin Palacios, District 3 Representative - Should we consider the process in this discussion or separate discussion? I think two separate discussions.
 - i. Al Mance, PD - Agreed that should be a second discussion.
4. Meeting Logistics - Discussion and Action
 - a. Dani Soto, Impact Justice - Are there any updates on the subcommittee continuing to meet virtually?
 - i. Interim Chief Dawal, ACPD - The BOS has approved the recommendation from the HSA; if the subcommittee agrees we can continue to meet virtually; BOS will revisit in 30 days; I want to put this to a vote.
 - b. Erin Palacios, District 3 Representative - Do we have to mirror any language as the BOS?
 - c. Ray Lara, County Counsel- Any action to keep meeting virtually as long as the BOS does so is an adequate action.
 - d. Juan Taizan, ACBH - I move that the subcommittee continues virtually as long as the BOS approves such meetings; the motion is seconded by Hon. Ursula Jones Dickson.
 - i. Unanimously approved
 - e. Dani Soto, Impact Justice - The final vote with, dissents noted, will be no later than Thursday, October 28th; any specific issues that arise that may require a vote will be noted and agendized for action at a future meeting no later than Thursday, October 21st; that gives us this week and two additional weeks to go through the plan, with a final language vote on October 21st.
 - f. Emily Young, DPN - If something goes in the plan but is not possible from a probation standpoint, does that mean ACPD figures it out, or is that what the back and forth looks like between now and the 28th?
 - i. Interim Chief Dawal, ACPD - As we go through the plan I will be raising concerns with some items that I don't believe belong in the plan; they are direct changes to our policies, not aligned with Title 15, and impact working conditions. I have concerns about them going into the plan and going beyond the scope of the subcommittee.
 - ii. Emily Young, DPN - What if 80% of the subcommittee votes yes on an issue but you as the Chief and chair dissents, who has the final say? Is this the subcommittee's decision or is this ACPD's decision? As we're thinking about the process, how do we make the conversation more expedient so that we don't spend time on things that aren't possible?



- iii. Interim Chief Dawal, ACPD - The statute is vague on what authority the subcommittee has or doesn't have. The argument can be made that we are an advisory body to put together an SB 823 plan specific to secure track. My concern is talking about policy changes and current regulations under Title 15, I think that's beyond the scope of this subcommittee. I don't believe it's within the scope and authority of this subcommittee to direct ACPD to make specific policy changes.
- iv. Al Mance, PD - Are there specific examples of what ACPD has concerns about?
- v. Interim Chief Dawal - Elimination of OC peppers spray, elimination of room confinement, and the elimination of propone restraints; those are policy items and are covered by Title 15. My concern is that we are operating under the current regulations, and the recommendation would not allow the county to have time to do a full assessment, determine if and when policies need to be updated or revised; these three policies impact the working conditions of staff and doesn't take into account how to phase certain elements of our policies.
- vi. Erin Palacios, District 3 Representative - There are going to be implementation problems with a lot of the plan because this is new. Logistic, labor, and funding problems should not dictate what the subcommittee can do. The subcommittee should not consider all the logistics of implementation; our job is to define what we think is the best plan. A subject matter expert brought in by ACPD has said OC spray doesn't belong in this facility.
- vii. Vamsey Palagummi, JJDPC - Title 15 sets the minimal standard of confinement, in 2019 they said room confinement could no longer be used for punishment, this county was not in compliance with that, through oversight discussions it forced negotiations to end that; no one is expecting overnight implementation.
- g. Erin Palacios, District 3 Representative - I suggest we have two longer meetings; agendize it open to the public; time markers that outline when parts of the plan will be discussed; make where there are issues and bring it back to the subcommittee.
- h. Caryn Quezada, District 1 Representative - 5 hours is too long; open to 2-3 blocks.
- i. Monica Vaughan, ACOE - I've read the draft and it has been posted for over a week now. I would prefer accepting language and ask if there are areas subcommittee members want to raise for discussion that those be submitted; so that the subcommittee doesn't have to go through the entire plan. The workgroups have done their duty and the language should sit as it is.
- j. David Scott, District 2 Representative - If we are going to add time it should be 30 minutes, no more than an hour to the already allotted subcommittee meeting time. We should respect people's schedules.
- k. Interim Chief Dawal, ACPD - If we don't have a quorum we may risk a Brown Act violation.
- l. Erin Palacios, District 3 Representative - The time would be used to track any suggestions.

- m. Al Mance, PD - If a small group gets together to work out language I think it would be more useful.
- n. Dani Soto, Impact Justice - There are two suggestions; schedule additional meetings for line edits; and a suggestion to extend the current meeting by 30 minutes to an hour to go through the plan as a full subcommittee.
- o. Interim Chief Dawal, ACPD- This is why we had workgroups; language was drafted based on those discussions.
- p. Ray Lara, City Counsel - Amorphous meetings make me nervous; you can lose a quorum; if you have a quorum you have a meeting. You don't need a decision for a meeting under the Brown Act; attendance, discussion, or deliberation is what concerns me.
- q. Erin Palacios, District 3 Representative - if the meeting was public would it matter?
 - i. Ray Lara, City Counsel - Yes
- r. Erin Palacios, District 3 Representative - We can do two shorter meetings.
- s. Monica Vaughan, ACOE - we agreed on the workgroup process; that work needs to be honored.
- t. Sgt. Young, OPD - With the police commission; we've put milestones down; those are reported back to everyone.
- u. David Scott, District 2 Representative - We have a deadline; the workgroups have done hours of work; we can't commit to having multiple more meetings.
- v. Emily Young, DNP - I agree about the role of the workgroups; can the workgroups still be used in another capacity?
- w. Al Mance, PD - Can individual subcommittee members meet with Impact Justice to discuss their issues?
- x. Juan Taizan, ACBH - Any changes need to be made in the public; I have an issue with individuals wanting to change specific words in the document; we should not get in the intrinsics and formatting of the document; I propose we focus on the section here as a subcommittee
- y. Vamsey Palagummi, JJDPC - There is language in core programming that was not agreed upon in the workgroup.
- z. Davida Scott, District 2 Representative - I make a motion to continue meeting as planned and make changes in these meetings and vote on the final plan by October 28th.
 - i. Juan Taizan - I second the motion
 - ii. 7 in favor, 5 against, 1 abstain
 - 1. Motion is passed
- aa. Interim Chief Dawal, ACPD - We need to move on to the next agenda item.
- bb. Erin Palacios, District 3 Representative - Can subcommittee members meet with IJ for suggestion changes in one document?
- cc. Ray Lara, City Counsel - There is a risk of a spoken hub.

- dd. Al Mance, PD - I would like to Impact Justice to make time for individual members to meet and make suggestions and edits.
 - ee. Emily Young, DPN - Are talking about edits versus suggestions because that is a big difference.
 - ff. Monica Vaughan, ACOE - I agree, we should be making suggestions for substantial changes as opposed to edits.
 - gg. Al Mance, PD - This clears up more time to talk about the substantial issues.
 - hh. Interim Chief Dawal, ACPD - I call for a point of order; we passed a motion to move on.
 - ii. Erin Palacios, District 3 Representative - I'm not suggesting we make edits outside the meeting.
 - jj. Hon. Judge Dickson - This looks and feels dysfunctional; these meetings are meant to do the work.
 - kk. Interim Chief Dawal, ACPD - Can Impact Justice give a timeline for people to submit suggestions?
 - ll. Emily Young, DPN - I make a motion that suggestions be sent to Impact Justice by Monday to be agendized for the Thursday meeting.
 - i. Monica Vaughan, ACOE - I second the motion.
 - mm. Andrea Zambrana, Conflict Counsel - Can the amended motion be repeated?
 - nn. Dani Soto, Impact Justice - the amended motion is to allow topics of concern and edits by Sunday, Oct 3rd by 7:00 am.
 - i. Unanimously approved
5. CANS Assessment Required - Discussion
- a. Juan Taizan, ACBH - Our subject matter expert advised that best practice in other areas lead me to believe that we need to do assessments that align with program and probation assessments to avoid redundancy; my fear is being held to the CANS if we find it's not working.
 - b. Erin Palacios, District 3 Representative - We should say we are developing a plan based on those assessments that are already done and are required under state law.
 - c. Erin Palacios, District 3 Representative - Any youth getting a CFT has to be provided with a CANS assessment by law.
 - d. Deputy Chief Chambers, ACPD - CFT are for probation youth.
 - e. Al Mance, PD - Can I make a suggestion that youth who have had a CANS assessment considered in addition to other assessments?
 - f. Juan Taizan, ACBH - CANS is not required for incarcerated youth; I agree with the CANS being reviewed as an assessment.
 - g. Interim Chief Dawal, ACPD - This issue will be agendized for a vote at the next meeting.
6. Alameda County SB 823 Realignment Plan - Discussion
- a. Dani Soto, Impact Justice
 - b. Workgroup Leads & Co-Leads



7. Public Comment
 - a. Sasha YWC & FOK - we want a plan developed for specialized treatment at JJC.
8. Next Steps
 - a. Topics of concern and edits will be sent to Dani Soto by Sunday, Oct 3rd by 7:00 am.
9. Meeting adjourned at 2:23 pm