

Alameda County SB823 Subcommittee Minutes 10.26.21

5:00pm - 7:00pm

Virtual Meeting Information Below

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SB 823 Subcommittee Members in Attendance:

Interim Chief Marcus Dawal, ACPD
Mechelle Corriero, ACDA
Alphonso Mance, PD
Juan Taizan, ACBH
Monica Vaughan, ACOE
Andrea Zambrana, Conflict Counsel
Vamsey Palagummi, JJDPC

Emily Young, DPN
Ericson Amaya, FOK
Caryn Quezada, District 1 Representative
Davida Scott, District 2 Representative
Erin Palacios, District 3 Representative
Trevor Arceneaux, District 4 Representative
Xochtil Larios, Youth Representative

1. Call to order & Roll call
 - a. Meeting called to order by Interim Chief Dawal at 5:00pm.
 - b. Roll call taken by Deputy Chief Chambers.
2. Approval of minutes
 - a. 10.21.2021
 - i. Motion to approve made by Juan Taizan, ACBH, seconded by Xochtil Larios, Youth Representative.
 - ii. Unanimously approved. [Emily Young abstained].
3. Opening Remarks
 - a. Interim Chief Dawal, ACPD: I'll make it quick, good evening and thank you for your flexibility and availability for this evening's meeting. The board has tentatively added our final plan to the 11/16 board agenda, date will be confirmed at Thursday meeting. Let's work together to create an actionable plan to submit to the Board in November and to OYCR by the deadline of January 2022. Dani, can you please move us forward on our next Agenda item.
4. Proposed Action regarding Edits to Data & Evaluation and Facilities sections (Pgs. 45-61 - excluding Rows 78, 84, 86 and 89)
 - a. Antoinette Davis, Impact Justice: Let's move into the proposed mass motion, Donna will lead us. I want to remind people of the mass motion, when you're discussing accepting that, IJ has recommended accepting some and rejecting

some language, Dani will go through and show the highlights, Donna will lead us through the mass motion.

- b. Dani Soto, Impact Justice: Dani reviewed the sheet. Note that a few items are pulled out for further discussion in the next agenda section.
- c. Donna Linton, Impact Justice: Good evening, Dani, can you fill in one of the cells for item number 95 where there is no recommendation, correct?
 - i. Dani Soto, Impact Justice: Yes, apologies, this item is referring to the DPOs and JIOs being supervised by different folks, as Brian explained they have processes in place to ensure there is still consistency in the milieu, with that clarification we recommend adopting ACPD's suggested language.
 - ii. Dani Soto, Impact Justice: Having some technical difficulties, I reshared my screen.
- d. Donna Linton, Impact Justice: Good evening everyone, as the Chief has mentioned we have a number of things on the agenda, given the number of pressing issues, I would like to request of the subcommittee, I know at a couple of meetings we have pulled items from the mass motion, if you have a question or comment about an item that can be answered in a straightforward manner, don't pull it, we can discuss it once mass motion has been made, but if your question needs more discussion, you can pull it. Keep in mind when we meet Thursday there are a number of items we will need to discuss that have been pulled, my request is to be judicious in what you pull from this evening's mass motion. With that, I would like a subcommittee member to make a mass motion to accept the text in column E noting that 78, 84, 86, 89 have been pulled out for further discussion.
- e. Al Mance, PD: I am prepared to make a motion, there are four things I was going to maybe pull, I request we take 5 minutes to see if these are items we can discuss easily. Rows 10, 12, 17, 23, if we can take 5 mins to look at them and see if we can reach agreement?
 - i. Donna Linton, Impact Justice: Can you repeat the lines?
 - ii. AL Mance, PD: Row 10, 12, 17, 23, those are the items I would request that we discuss further.
 - iii. Dani Soto, Impact Justice: Row 10, the difference is between ACPD "will make" alterations and adjustments or original language is "shall explore."
 - iv. Al Mance, PD: The reason I asked to pull is section 851 says that the JJC is supposed to be a homelike environment, so language suggested just mirrors what is in the welfare institutions code, not to explore, just what should be done.
 - v. Donna Linton, Impact Justice: Is the reason you're highlighting, rather than rejecting language in line 10 you would suggest adopting it?
 - vi. Al Mance, PD: Yes, that is correct. I'm putting the welfare and institutions code in the chat so you can take a look, it's just a paragraph, it's highlighted, it says it is to be a homelike environment.
- f. Donna Linton, Impact Justice: Are there comments?

- i. Emily Young, DPN: Procedurally I have a couple of short questions, not related to AI so you can do those first.
 - ii. Erin Palacios, District 3 Representative: Similar short questions.
- g. Donna Linton, Impact Justice: Shall we look at line 12 and then back to Erin and Emily?
 - i. Al Mance, PD: Line 12, I feel that having this program in the hall is problematic, the language is just too vague, clear in their belief, I would like something stronger, like it is our intention to move this program out of the hall or that the program only be housed temporarily in the hall. I just want it to be more definitive that we are moving it out of the hall, it is simply not suitable for this program.
 - ii. Dani Soto, Impact Justice: ACPD suggested to delete this sentence, I agree it is worded awkwardly, recommend accepting deletion both because it doesn't stand alone well, and I believe on page 49 it is spelled out clearly ACPD recognizes that it is not in the youth's best interest to stay long term and acknowledges that it is not in the youth's best interest to stay in hall long term. I believe it is best to delete this sentence, because it's clear elsewhere in the plan.
 - iii. Al Mance, PD: I would like to add "Accordingly, it is the intention of the subcommittee to move the secure track into more appropriate facilities as soon as possible."
 - iv. Dani Soto, Impact Justice: AI, can you put language in the chat, I can add it in if we have no objections.
 - v. Erin Palacios, District 3 Representative: The language, think that's a place where we intended for it to say the subcommittee believes this is not a good long term option, would switch it to the subcommittee, language just suggested not as strong, would suggest "The subcommittee believes that the current facility is unsatisfactory and that an alternative must be developed as soon as possible."
 - vi. Dani Soto, Impact Justice: Can you put that suggested language in the chat and we will put it in cell 12.
- h. Donna Linton, Impact Justice: AI, line 17?
 - i. Al Mance, PD: Would ask that one be pulled out, I'm okay with the suggested changes in 10 and 12, still asking that we pull 17, needs further discussion.
- i. Donna Linton, Impact Justice: And item 23?
 - i. Al Mance, PD: With regards to 23, I would think JJDCPC would be more appropriate, rather than delete, just remove JJCC, more of a policy oversight question and more in the responsibilities of the JJDCPC.
 - ii. Donna Linton, Impact Justice: Can we have a comment from the ACPD on that?
 - iii. Interim Chief Marcus Dawal, ACPD: It's probably more appropriate that we provide data to JJDCPC.
 - iv. Donna Linton, Impact Justice: AI, does that address your concern?

- v. Al Mance, PD: Yes, but I'm asking that it not be deleted, just say JJDP.
- j. Donna Linton, Impact Justice: If there's no concern from other members of the subcommittee?
 - i. Erin Palacios, District 3 Representative: What was the change to 10?
 - ii. Donna Linton, Impact Justice: To adopt rather than reject the language.
 - iii. Al Mance, PD: The change I suggested was to adopt language because it's required by the welfare code.
- k. Interim Chief Marcus Dawal, ACPD: I have a comment, there's one I'd like pulled before a mass motion is considered.
- l. Donna Linton, Impact Justice: We'll get to that in just a second. Dani, are we making a change there, on row 10 will it be adopted with some reference to code?
 - i. Dani Soto, Impact Justice: I have changed it, I have resisted citing law and regulations because we don't have the capacity to vet those citations, hoping we can adopt without that citation because I've pushed back in other places, but that's up to the subcommittee.
 - ii. Al Mance, PD: Fine with me.
- m. Antoinette Davis, Impact Justice: Monica had her hand up.
- n. Monica Vaughan, ACOE: I had a separate clarifying question.
- o. Donna Linton, Impact Justice: OK, we've talked about 10, 12, 17 will be pulled, and 23 suggestions are to delete the information in column E and change the language to state that data will be provided to the JJDP, ok? We've addressed most of Al's, I will go through the others who have raised their hands.
 - i. Erin Palacios, District 3 Representative: Can you scroll back down to 23, you have to also delete "whichever body meets more frequently."
- p. Donna Linton, Impact Justice: Erin, do you still have your hand raised?
 - i. Erin Palacios, District 3 Representative: Yes, but it's about other items.
- q. Donna Linton, Impact Justice: Emily?
 - i. Emily Young, DPN: Discussion last week about including the reentry case manager didn't make it to mass motion, line 25, don't think there are objections so I wanted to make sure it was captured.
 - ii. Donna Linton, Impact Justice: Yes, we were missing language so Dani added and recommended adoption.
 - iii. Emily Young, DPN: Yes, but specifically to add the reentry case manager to the MDT.
 - iv. Donna Linton, Impact Justice: Go ahead, is there something else?
 - v. Emily Young, DPN: On 29, what kind of support beyond training the milieu trainers will get, will a consultant support with a couple of years of implementation? Want to confirm what support other than training folks will get for the critical work of holding the milieu.
 - vi. Dani Soto, Impact Justice: Would ACPD like to respond?
 - vii. Interim Chief Marcus Dawal, ACPD: No objections.
 - viii. Donna Linton, Impact Justice: In terms of clarification requested that shows in the table, will you make modifications in that item?

- ix. Dani Soto, Impact Justice: Yes.
- x. Emily Young, DPN: I can't put anything in the chat, but connecting two sections, we had the role of the consultant in first couple of years, just connecting it back to that earlier part of it, the list of training seems like it's not going to do what it needs to do, if we have the consultant that will help, related to any training.
- xi. Vamsey Palagummi, JJDPC: I'm not sure we agreed to a consultant, to Emily's point.
- xii. Dani Soto, Impact Justice: I think ACPD didn't have any objections to the consultant for facilities.
- xiii. Emily Young, DPN: It was for program implementation, but notes show it as adopted, we voted to reject ACPD's concerns.
- xiv. Vamsey Palagummi, JJDPC: Thank you.
- xv. Al Mance, PD: I just put some possible language in the chat.
- r. Monica Vaughan, ACOE: Clarifying question on row 5, I want to clarify the appropriate subcommittee, is there clarification yet? Eventually I feel like I need an org chart or flowchart delegating roles and responsibilities.
 - i. Donna Linton, Impact Justice: Would ACPD like to respond?
 - ii. Interim Chief Marcus Dawal, ACPD: I don't think the group settled on where we're going, last we talked the court raised objections and wanted to have discussion. The last recommendation was to include that work with YAC and we still maintain the same stance.
 - iii. Donna Linton, Impact Justice: As I recall, the judge's objections were pretty strong in terms of JJDPC.
 - iv. Vamsey Palagummi, JJDPC: The concern she shared was having a programmatic advisory subcommittee, does that mean new additional members are being added? The clarifying language we discussed last was creating a separate subcommittee and keeping JJDPC, is it the YAC vs JDDPC or a subcommittee of JJDPC.
 - v. Donna Linton, Impact Justice: Not sure if that totally clarifies modification. Suggested change?
 - vi. Vamsey Palagummi, JJDPC: I think we can just take out "subcommittee" language, but give me enough time to talk to the judge to be sure those are her concerns, if we can pull that out for future discussion, so I can meet with the judge and make sure we are close on language.
 - vii. Antoinette Davis, Impact Justice: Makes sense to pull it.
- s. Donna Linton, Impact Justice: Erin, you're next.
 - i. Erin Palacios, District 3 Representative: Questions were on 5, but we're pulling that now, and with respect to 4, hoping to clarify what relevant data means. Have it read "ACPD commits to providing relevant data *regarding the target population*" and also noting we need to change SPTF to SYPF, correcting that.
 - ii. Dani Soto, Impact Justice: Let me change that.

- t. Erin Palacios, District 3 Representative: I also want to confirm that we're already pulling out 8, 14, 16, and 19 based on lines at the top of the sheet?
 - i. Donna Linton, Impact Justice: Yes, those will be excluded from the mass motion, they are identified by line number in the agenda.
- u. Donna Linton, Impact Justice: Probation?
 - i. Interim Chief Marcus Dawal, ACPD: First one Erin added suggested language for, row 4 would it be included with the suggested edit so we can move forward on that item? One I would like pulled or maybe could be resolved is row 21, original language in draft is suitable, however the suggestion to add by the Chief Probation Officer I don't agree with, we have staff I delegate to as part of their job, we have an internal policy to review use of review confinement, use of spray and restraints, to add language that CPO will review every single instance, don't think that needs to be included.
 - ii. Andrea Zambrana, Conflict Counsel: What I intended Chief, was in another part of plan, says at the Chief Probation Officer level, if we added level would you feel better about that?
 - iii. Interim Chief Marcus Dawal, ACPD: I'd like to resolve it, what is the difference between what is written and what you said?
 - iv. Andrea Zambrana, Conflict Counsel: In another part of the plan, it says at the Chief Probation Officer level, which I would assume is executive level, rather than you personally reviewing it?
 - v. Deputy Chief Chambers, ACPD: That's in regards to transfer, not sure who is at that level, there is already a body that reviews all incidents of use of force.
 - vi. Andrea Zambrana, Conflict Counsel: In the passage related to transfer hearings, reviewed at chief level, what is going to happen there?
 - vii. Deputy Chief Chambers, ACPD: The case would be presented to the Chief and recommendations on behalf of the probation department presented to him, more of a one on one meeting as opposed to a body that exists that reviews these on a regular basis.
 - viii. Andrea Zambrana, Conflict Counsel: Does the body report directly to the Chief?
 - ix. Deputy Chief Chambers, ACPD: Yes.
 - x. Andrea Zambrana, Conflict Counsel: So then you'd be reviewing it.
 - xi. Brian Ford, ACPD: I'll help out with that, the reason we included the language "at Chief level" is that it happens far less frequently than incidents, throughout the facility throughout the day there might be a number of incidents. The volume of incidents is unreasonable to ask the Chief to review personally, considering there's a whole structure below him that assumes the responsibility. I think there's a misunderstanding of what room confinement is, as part of today's meeting we need to flesh out exactly what that means, that will provide some clarity as to why it would be unreasonable to have the Chief review each instance.

- xii. Donna Linton, Impact Justice: You have an organizational structure that provides oversight and it's unnecessary to have each of them reviewed by the Chief. Andrea, it sounds like oversight is being provided, seems like that's what you hope to achieve.
- xiii. Andrea Zambrana, Conflict Counsel: In a way, I'm happy to have room confinement taken out, maybe physical restraints, but would ask that it remains for pepper spray.
- xiv. Donna Linton, Impact Justice: Perhaps you can hold those questions, we will provide you with another opportunity in the next section to see if language needs to be added or changed.
- xv. Antoinette Davis, Impact Justice: Just want to do a time check. Let's give 30 seconds to each person and then try to cut it off. I'm hoping we don't have to pull it but we need to move on.
- xvi. Interim Chief Marcus Dawal, ACPD: I wanted to speak to Al's question, we want to have it reviewed at a high level, incidents including pepper spray, every use of force incident is reviewed at supervisor, asst superintendent, and superintendent levels, and if any questions, it is also reviewed by the use of force coordinator who reports directly to the Chief. They meet monthly and review use of force, if there is any potential abuse or violation it's reviewed at the Chief level, but if incidents are within policy the review stops at superintendent level.
- xvii. Al Mance, PD: That answers the first question, my second is to recommend we just limit it to pepper spray, should we just pull 21 and discuss with 89 and others?
- v. Antoinette Davis, Impact Justice: I think we should pull it and move forward with other items.
 - i. Donna Linton, Impact Justice: Al, are you prepared to make the motion. It appears only 2 items have been pulled in addition to the four that were excluded, line 5, 17, 21.
 - ii. Al Mance, PD: I move that we approve all these items with the exception of row 17, 5, 21.
 - 1. Seconded by Erin Palacios, District 3 Representative
- w. Donna Linton, Impact Justice: Further comment?
 - i. Xochtil Larios, Youth Representative: Are we already voting on item 25 or is that item still pulled? I just want to know the difference between a psychologist and clinician.
 - ii. Dani Soto, Impact Justice: Psychologists have particular degree which may or may not allow them to provide clinical services, clinical services require a license, can be provided by LCSW, different kind of folks that provide what we would consider clinical mental health,
 - iii. Xochtil Larios, Youth Representative: I feel this is kind of problematic. Will this be an in house clinician or will they be contracted, feel that's important. I was in juvenile hall and lucky to be here and speak for young

people and mental health, we're just going to cheaper options versus investing in mental health.

- iv. Donna Linton, Impact Justice: Juan do you want to respond?
- v. Juan Taizan, ACBH: I'm not a mental health clinician, the director of mental health, I can only speak to ACBH clinicians. I have committed to staffing an in-house clinician whose sole responsibility will be that unit.
- vi. Xochtil Larios, Youth Representative: I will pray on that, thank you.
- x. Monica Vaughan, ACOE: I'm confused about what the motion is and which items are pulled, the motion is to exclude the four listed as proposed at the top, 78, 84, 86, 89, and the four AI pulled?
 - i. Donna Linton, Impact Justice: Yes, row 5, row 17, and row 21.
- y. Ericson Amaya, FOK: I wanted to add on clinicians, and also want to say a lot of mentors or healthcare providers work wonders in our neighborhoods but don't have degrees, but work wonders in our neighborhoods, can we include those people in some way, could we extend that language to include those folks in these places, may not be degree person or folks holding a license, but would like to potentially include them.
 - i. Dani Soto, Impact Justice: I can address that, that is the intent with the credible messenger.
 - ii. Donna Linton, Impact Justice: That they would be part of the therapeutic milieu team.
- z. Donna Linton, Impact Justice: Opening up for public comment on the motion. Do we have any members of the public who have comments to make to the motion?
 - i. Ryant Diew, Juvenile Institutional Officer for Probation Department: I've been listening to this for a while, just listening to some of the comments, all I want to say is we've got to take offense to this perception that we abuse the kids, that we have bad intentions towards these kids by spraying them. I heard one young lady do a poem, she expressed why do you want to spray us, do you want to spray me because I'm Black, spray me for stealing a 20 dollar t-shirt from a million dollar company? We don't have one kid that's in there for something like shoplifting, every kid is there for attempted murder, murder, armed robbery, we don't have just kids in there. So this perception that we have kids that aren't supposed to be there is wrong, second, kids we do have there it is not a permanent setting, it's a place to reset. Our role is to be their mentors, for every former kid that these people have talking against us, I could have 50 that would say the opposite, we treat those kids very well, you can talk to them yourself.
- aa. Antoinette Davis, Impact Justice: Donna, I know there are going to be comments, and want to have 30 minutes after the vote, can we target the public comment to things that are dealing with the mass motion, so we can get to the questions and discuss chem spray, and you will have opportunities to make other comments.

- i. Interim Chief Dawal, ACPD: There is a motion on the table with a second, the subcommittee had comments, public comment needs to be specific to motion on the table.
 - ii. Erin Palacios, District 3 Representative: It would be helpful if you told the community what the motion was on. Not everyone can follow this chart, to be frank it's preposterous, it would help to narrow comments if people were clear on what was up for a yes or no vote.
 - iii. Trevor Arceneaux, District 4 Representative: Going back to Ericson's comment, what he shared was good when thinking about community healers. There are lots of organizations in Oakland alone, like the Freedom Community Clinic, doing work outside mental health, doing acupuncture, yoga, breathwork. I felt that comment was slightly brushed over with mentioning credible messengers, a lot of value to having CBOs that do that type of work engaging as part of the therapeutic milieu.
 - iv. Donna Linton, Impact Justice: Don't see any hands raised, the motion is to approve all these items with the exception of row 17, 5, 21 and the ones that were pulled already. Adrian can you do a roll call vote?
 - bb. Deputy Chief Chambers did a roll call vote.
 - i. The motion passed unanimously.
- 5. Proposed Action for Facilities section - Rows 78, 84, 86, and 89: Discussion, Public Comment, & Action
 - a. Donna Linton, Impact Justice: Antoinette, I'll turn it back over to you for action on the facilities section.
 - b. Antoinette Davis, Impact Justice: Yes, I will do the proposed action and discussion on items. Brian is going to start and we will discuss 78 and 89 and then Dani will review 84 and 86.
 - i. Interim Chief Marcus Dawal, ACPD: I will say something and then pass to Brian. I want to be transparent about what can be committed to in this plan, the things in this part of the plan, OC spray, confinements, I don't think they should be in the plan. We aren't voting against or for these things, we are voting on whether they should be included in the plan. It impacts the safety of the youth and the staff, in retrospect that should have been highlighted and as I mentioned in our meeting last week, public protection has given me direction on reporting back to them on OC spray. It's not a matter of saying we're for or against OC spray, I believe it needs to be addressed outside of plan.
 - ii. Brian Ford, ACPD : One of the things that became apparent was the thought around removing room confinement. I feel there is a thought that there is a separate space where youth are locked in for some amount of time, that is not the case and has not been the case at the Juvenile Hall. We have a 10 page policy, I want to explain exactly what room confinement is. It is the policy of ACPD that youth shall be provided a safe environment in the safest place possible, youth shall never be placed in room for punishment, coercion, etc. by staff, room confinement is limited

to the amount time required to deal with imminent risk, and youth will be removed as soon as there is no longer a safety threat. It's their own room that they are sent to, if there's an imminent threat to themselves or others, and they should be checked on by staff and documented by staff every 15 minutes. If at the first 15 minute check, there is no longer a threat, they are released. But when the door is closed, that is room confinement, what's being asked to be eliminated? That's the only opportunity for control when there's a risk, if there's no imminent threat they're released back to programming within 15 minutes.

- c. Antoinette Davis, Impact Justice: Brian will be doing 78 and 89, so can you do 89?
 - i. Brian Ford, ACPD: On the elimination of prone restraint, James Rivers is the superintendent of Juvenile Hall, also our NRCT instructor, he will describe what happens with prone restraints.
 - ii. James Rivers: With a prone restraint, it's only going to occur when necessary, when there's an active threat or act of violence. Staff initially engage with verbal de-escalation, and if the youth don't comply, they attempt to restrain youth or separate youth from a combative situation. Prone restraint is only used when youth are actively engaged and can't be controlled, when youth cannot be controlled because they're mobile, they can still actively strike, even if they're in restraints. I have seen head butting, kicking. That's the only time a youth would be placed in prone restraint, we work on getting youth out of prone as soon as possible. Staff are trained to look for signs of medical distress, and then to call a medical code and quickly put youth in a recovery position. It is only used in the worst situations with active acts of violence.
- d. Antoinette Davis, Impact Justice: Thank you, I want to be conscious of time, do you have more? I want to move us along and allow other folks to ask questions. I want to open it up for discussion and then move to the next ones.
 - i. Brian Ford, ACPD: I want to add, when we do prone restraints, we're never on a youth's neck, shoulder, anything to be sure we don't obstruct the airway.
- e. Antoinette Davis, Impact Justice: Next we have 2 items to discuss, 78 and 89.
 - i. Erin Palacios, District 3 Representative: First question is item 78 says see tab, where's the tab?
 - ii. Dani Soto, Impact Justice: Apologies, I was muted, this tab was PDFd and attached to the calendar invite, I've pulled it up here on the screen. It broadly covers the 3 policies we are talking about, that's the main gist of the language, there are also some subtle edits around clothing.
 - iii. Erin Palacios, District 3 Representative: This is stuff in attachment 5? That's the tab?
 - iv. Dani Soto, Impact Justice: Yes, regarding eradication...
 - v. Erin Palacios, District 3 Representative: I want to talk about the misunderstanding with regards to prone restraint, the issue is that it is

used at all, not that it's used in egregious cases, but that it's used at all. There are multiple definitions of what room confinement is, some that you've given is outside of definition that would make it usable. Using it for security purposes is outside of what is already prohibited. Part of the difficulty is that we don't have access to the policies, which we've asked for. If we're going to bring people in to speak about these things, we should have people talking about what can go wrong with prone restraints, we have had a number of children die from this, including Cornelius Fredericks, and George Floyd. This is a highly specific restraint, we should invite some guests that can talk about what it is like to be in one.

- f. Antoinette Davis, Impact Justice: Duly noted, thank you Erin. I do see Probation, so we'll go back to probation, this is likely to require further discussion.
 - i. Interim Chief Marcus Dawal, ACPD: Erin raises valid points, which is why we are suggesting these don't belong in this plan, this subcommittee doesn't have standing to change policies, they've been vetted and gone over with the union.
 - ii. Erin Palacios, District 3 Representative: I don't want there to be the last word that it isn't in our jurisdiction.
 - iii. Antoinette Davis, Impact Justice: We need to return to these, in terms of time, we need to pull and continue forward.
 - iv. Interim Chief Marcus Dawal, ACPD: Need to make one last comment, the plan talks about prone restraints, also talks just about restraints, that's a problem for Probation operationally, as written in the plan this is a problem operationally.
- g. Antoinette Davis, Impact Justice: I'd like to move to the next items, Dani will discuss them. I want to be able to have time to discuss and public comment, so I am suggesting that we will need to revisit 78 and 89, and move to 84 and 86. Are you ok with that?
 - i. Interim Chief Dawal, ACPD: Yes.
- h. Antoinette Davis, Impact Justice: Dani, can we go to 84, 86?
 - i. Dani Soto, Impact Justice: Line 84 and 86 are both with regards to long term planning, it refers to the tab "Long Term Planning for Facilities" which is attached as a PDF. There are edits proposed by ACPD and from Erin and Vamsey, hopefully this is not confusing, and there are some places I tried to reach a compromise. In column F, it has IJ's recommendation with regard to each section.
 - ii. Dani reviewed each suggestion and IJ's recommendations.
 - iii. Antoinette Davis, Impact Justice: Any questions regarding this section?
 - iv. Donna Linton, Impact Justice: No action requested tonight, correct?
 - v. Antoinette Davis, Impact Justice: I'm posing this as a question -- there are clearly, we've had discussions, probation has put their point in terms of what they believe in terms of prone restraint and chem spray and the community has shared their points. I don't know if there will be a meeting

of the minds. I think it may be time to vote, we can take comments and try to move the vote.

- vi. Emily Young, DPN: Procedurally, I think we're not going to have a meeting of the minds. Is there a way to make a value statement about what I hear more consensus of, I don't know what language would make it strong enough, but say this is what's going to happen but the process has to play out how it has to play out? I hear consensus on values.
- i. Monica Vaughan, ACOE: If we could put forth the subcommittee's desire to see these things addressed and recognize there is a process outside of this plan for that to happen, can we merge those ideas and put a value statement but not have the process for getting there included in the plan?
 - i. Erin Palacios, District 3 Representative: I don't think this is a value statement, I think this is a position that these should not be used in this facility, there is not currently a process in place to get rid of them, the board did not ask for them to be gotten rid of. There is no timeline and no process in place to eradicate their use, Probation does not have a plan, a date, anything except a consistent position that labor is in the way of it. This is not a labor decision, it's a policy decision that needs to be made, it has been in front of the board before.
 - ii. Antoinette Davis, Impact Justice: You have made your point, are you in favor of voting now or not voting now?
 - iii. Erin Palacios, District 3 Representative: My issue is that the table is difficult to follow, my idea is we should reject all edits, put in the eradication language and vote on that.
 - 1. Antoinette Davis, Impact Justice: Can you put that in the chat?
 - 2. Erin Palacios, District 3 Representative: I can send it to you or Dani to share but I can't get it in the chat.
 - 3. Antoinette Davis, Impact Justice: Send it to Dani.
 - iv. Davida Scott, District 2 Representative: We are running out of time, but how would we be able to decide if we want to vote or what to do? There are consistent concerns from both sides, but we're at the same place after all these meetings, we're not moving forward.
 - v. Antoinette Davis, Impact Justice: I'm at a loss myself, I don't know how to move forward, there probably needs to be a vote.
 - vi. Interim Chief Marcus Dawal, ACPD: If I may, there's a question from AI in the chat, these items are on the agenda for discussion and action, so if someone puts a motion forward we could address it. Even during the workgroup Erin and I both expressed our views, I know where she's coming from, she knows where I'm coming from, but putting aside for subsequent discussion, we already know what the discussions are. If it's what the subcommittee wants to do as far as putting it up, we need to go forward because it's not going to change, we're not going to be able to move forward, and there are lots of other things we still need to address.

- vii. Antoinette Davis, Impact Justice: Agreed, we know the perspectives, I'm not a decision maker here but you are as subcommittee members.
- viii. Donna Linton, Impact Justice: It's noticed for action, so if a subcommittee member wants to make a motion there can be discussion and a vote.
- j. Monica Vaughan, ACOE: I would like to make a motion that we adopt a value statement as described by Emily, and recognize that there are processes outside of this plan for those values to be realized.
 - i. Seconded by Emily Young, DPN.
- k. Erin Palacios, District 3 Representative: What is the value statement?
 - i. Donna Linton, Impact Justice: That's open for discussion.
 - ii. Vamsey Palagummi, JJDPC: I'm quite concerned this morphed into an amorphous value statement, there is no process outside this meeting, we're tasked by the law to create what this program should be aligned with. And this is not a labor issue, the Supreme Court of California just ruled that use of force isn't a labor discussion. With previous changes, for 18 months they were outside of the law. Now is the time to take bold action, it's ridiculous how this motion came on board with a value statement we don't have and a process that doesn't exist.
 - iii. Ericsson Amaya, FOK: I completely reject a value statement. We've seen this a lot of times, this won't move further than what it is. I agree with Vamsey, Erin, a lot of people feel the same way, we want to bring in the community, and apparently y'all are not listening to us, but this is the time to put these statements up. If other policies and programs haven't resolved issues, put the statement and make it clear what our policy is, any force or trauma to youth should be evaluated by everybody, not just the people in charge.
 - iv. Trevor Arceneaux, District 4 Representative: I'm trying to understand the purpose of a value statement, not clear on purpose of value statement, is it specific to force? Need to get clear.
 - v. Monica Vaughan, ACOE: May I respond? The intention is trying to find a way for us to move forward, I think there is a lot of sentiment that these practices/policies need to be changed, eliminated, phased out, but that we are as a group are recommending some kind of value statement that we do not see these as helpful for youth but we do not fail to recognize that there are processes for that to be approved or disapproved, whether that's the Board of Supervisors or whoever probation was speaking to. Trying to find a way to move us forward that shows what the subcommittee feels without disregarding what probation sees as the way to move forward.
 1. Antoinette Davis, Impact Justice: Was that helpful?
 2. Donna Linton, Impact Justice: Perhaps we can get someone to put language in the chat that embodies that sentiment.
 3. Dani Soto, Impact Justice: We may not have time to craft that language tonight.

- vi. Emily Young, DPN: It's fine to make it a statement, if a values statement does not capture it in a way that is compelling enough, recognize that we're not the sole forces, recognize that there are outside forces.
 - vii. Vamsey Palagummi, JJDC: That's what the plan is, this plan is our recommendation to the ultimate decision makers who are the board of supervisors.
- l. Antoinette Davis, Impact Justice: Can you chime in in terms of the proces?
 - m. Donna Linton, Impact Justice: We have allowed a number of subcommittee members to make a statement, allowing people to comment again is discretionary, when the subcommittee has completed comments, we need to open to public comment and then vote.
 - n. Antoinette Davis, Impact Justice: Donna, can you do this part, Erin and then AI?
 - i. Erin Palacios, District 3 Representative: Don't think it's up to the Impact Justice team to decide whether it's up to their discretion if people are going to talk, if you're going to call the question you have to do it with a $\frac{2}{3}$ vote, I'm making a motion to table the motion that's on the table that describes these processes and ideas.
 - 1. Vamsey Palagummi, JJDC: Second.
 - o. Erin Palacios, District 3 Representative: I also made a motion to adopt the language that's on the table, but we can table that.
 - p. Donna Linton, Impact Justice: We have a motion with a second, Erin is trying to make two more motions, we have too many motions on the table.
 - q. Interim Chief Marcus Dawal, ACPD: Can we have county counsel chime in? We had a motion with a second.
 - i. Erin Palacios, District 3 Representative: I'm making a motion to table that or amend that, I can make an amendment, otherwise you're trying to use rules we don't have written, very curious to see what we relate to now, we need language to vote on, I can amend my language to table the amendment.
 - ii. County Counsel: Have we adopted Robert's rules?
 - iii. Interim Chief Dawal, ACPD: No.
 - iv. Ray Lara, County Counsel: What's on the is the first motion that was seconded, that was seconded. As far as I know, a motion that was seconded, and then a motion to table, I'm not sure if it was seconded, then a motion to go back and amend it. Let's deal with the first motion. Is motion to table it or to amend it?
 - 1. Al Mance, PD: The question is what does it need to be?
 - 2. Ray Lara, County Counsel: It can be amended
 - 3. Al Mance, PD: Can it be tabled?
 - 4. Ray Lara, County Counsel: It could be tabled.
 - 5. Al Mance, PD: A point of order, there is a motion to table it that's seconded, if that's valid we don't need any other motions. So the question is, is that valid?

6. Ray Lara, County Counsel: So there would be discussion before it's voted on.
- v. Monica Vaughan, ACOE: Could IJ draft a statement based on my motion and table it until we meet Thursday? I do think it's reasonable for people to see the language before voting on an off the top idea I put forth without language.
- r. Ray Lara, County Counsel: Because Erin made motion to table, would Erin accept the amendment from Monica, what she just stated?
 - i. Antoinette Davis, Impact Justice: Erin, are you there?
 - ii. Andrea Zambrana, Conflict Counsel: looks like she's frozen
- s. Dani Soto, Impact Justice: Do we have to have a roll call vote to table it?
 - i. Al Mance, PD: I would think that vote would occur before vote on the motion, so let's have the vote as to whether or not to table it.
- t. Ray Lara, County Counsel: You do need discussion. If the discussion is over, that's fine.
- u. Donna Linton, Impact Justice: Any discussion on motion to table?
 - i. Vamsey Palagummi, JJDPC: I wish we just voted up or down instead of having another convoluted thing, we know our values, I understand that some of us don't want to spray kids and some of us think it's a labor union issue, but it's not a labor union issue. The Board of Supervisors has said they don't value it either but it never gets done, it would be great if we could have an up or down motion, this is really frustrating. Erin is saying it kicked her out and won't let her back in so just want to say that for the record.
- v. Antoinette Davis, Impact Justice: Can someone make sure that Erin can get in?
- w. Donna Linton, Impact Justice: It doesn't appear there are other comments on the motion to table. Shall we open to public comment?
 - i. Nicole Lee, Urban Peace Movement, member of FOK coalition: I want to speak on this issue, I believe this issue does belong in the plan. The intent of SB 823 was to do something different. Many of us have been following since when DJJ was CYA, there were horrific abuses in that system. Now that DJJ is closing, how do we not transfer the abuses of that system back here locally? There is the intent and opportunity to do something really different, a values statement is essentially the subcommittee supporting the continuation of these practices. I don't understand how you can talk about therapeutic milieus and defend the use of these practices. These practices expose the shadow and underbelly of Alameda County and the DJJ. In a County that likes to tout itself as progressive, there are very clearly distinct differences in what we want and know is right and what is being proposed in this discussion. There aren't things we all agree on, the Bible says "what you do to the least of them you do to me." This is an opportunity to do something different for our young people.
 - ii. Yasmin: I think people were before me, should I just go?

1. Donna Linton, Impact Justice: Please.
- iii. Yasmin Tager, FOK coalition: I want to second a lot of what Vamsey has been saying, most people know what their values are. I don't understand what it is we're waiting for, why this subcommittee feels like it can't take the extra step to follow through on what our values are. I disagree that the subcommittee hasn't been tasked with this, that's exactly what the subcommittee has been tasked with. I hope you can vote in agreement with what you've said your values are, not to pepper spray, use restraints. I'm astounded by the pushback against ending dangerous practices. We're doing irreparable harm to kids at juvenile hall; we have the power to end that today, I wish folks would do that.
 - iv. Laura Radolphi, Burns Institute and FOK Coalition: I urge you to not simply make a values statement but an affirmative commitment to not do harm. A plan that lays out how youth will be treated is the place for this, we need to be clear that the County won't resort to abusive practices, no room confinement, no chem spray. This is our opportunity to declare a new way forward, there is no place in our County for violent and abusive practices that have killed too many. Picture your child, niece, cousin, and ask if you want them exposed to these practices and affirmatively commit to no abusive practices.
 - v. B. Turner, member of the community in District 4, East Oakland: Pepper spray is a tool used to deescalate emergency situations, gang style attacks on youth and staff and suicide attempts. I have heard words used like traumatizing, what's more traumatizing, 4 young adults stomping on a kid's head or then spray to stop the attack? The Department's goal is to have a victim centered approach, we should protect victims and not culprits. What's more of a liability, a kid being injured due to staff not being able to intervene effectively, or 4 culprits? Is it appropriate for people who don't work in these environments to take away security measures? These kids are treated better at the hall than at home, I have seen them attack staff, female staff, attempting to sexually assault, physically assault them, we should look at a victims centered approach.
 - vi. Ibrahim Safir, President of Probation Peace Officers at Juvenile Hall: I want to apologize to the Chief, Assistant Chief, people are implying that what we're doing here is unlawful. And we're not up there abusing these youths with pepper spray, room confinement, chokeholds, I resent that that's what you're implying, what's on the real agenda here? You're not serving every youth if you're implying this is the way. Speaking for myself, I'm not going to stand for it, that's not how this is to be done, every life matters.
 - vii. Ericson, member of the community: In my daily life I'm a mentor, I work at a transitional high school, I see these youngsters, they come from different experiences, in the system and coming out. Their friends that once they're in the system are exposed to all these issues, sometimes not

even left in the right position to get to the right spot to achieve what they want. I look down at this process, there's so much potential to change lives I've seen impacted by the system. We're not talking about street issues, we're talking about state funded violence, we could change this. If we're not thinking about better approaches, what are we actually doing here? I want us to put a statement that there has been time after time where we come to these points in time where we're coming to a change but we stop because maybe this maybe that, but it is time, I want you to take that into perspective, on changing these youths lives.

- x. Donna Linton, Impact Justice: Seeing no further hands raised, time to vote on the motion. The previous motion was to include a statement on the values of the subcommittee, the motion to the subcommittee is to table that motion.
 - i. Antoinette Davis, Impact Justice: There are additional hands raised for public comment.
 - ii. Dieudonnee, UPM: I want to be frank and really clear, any vote on any plan tonight is going to be unacceptable, especially if we can't draw a line about using pepper spray and restraints. I understand folks need to figure out how to protect themselves, if grown people cannot restrain young people without causing harm that's a problem and young people won't be safe at the end of the day. We just had an incident with George Floyd passing away because of prone restraints, we're blocking airways, talking about using those same restraints. You guys are saying you want to create a therapeutic trauma informed milieu, but you still talk about methods that should not be used in any setting if we're talking about creating a healing centered space.
 - iii. Sikander: I want to urge the committee to go past making value statements, we need the committee to make a firm stand and say pepper spray and chokeholds are unacceptable. There's no circumstance where that action is warranted or acceptable. It's not hard to make that stance, I'm strongly urging this committee to make that stance and go beyond a value statement.
 - iv. Amelia Ortiz: I echo a lot of what's being said, I'm concerned with the idea of a value statement, because if you listen to the language we're talking about whether you can have values concerning lives and the treatment of children in facilities, whether or not you care about their lives or treatment. Instead of writing your values, take a stand. There is a time place for this to happen, we are in the 11.89th hour, we have gone way too far. Alameda county is the place where this can happen, I want the representatives who are representing me in this committee to take a stand and make it happen.
- y. Donna Linton, Impact Justice: The motion before the subcommittee is to table, it's time to vote.
 - i. Deputy Chief Chambers took a roll call vote.
 1. The motion passed unanimously.

- z. Antoinette Davis, Impact Justice: Is there any other public comment? We need to open to public comment and then will ask for a motion to adjourn. Are there other members of the public that would like to comment?
 - aa. Wayne: This meeting was brought to my attention by Mr. Turner, I'm a juvenile probation officer with Alameda County, hoping to give a comment at this time, in terms of pepper spray, I feel that it is only used, I have been with the County 4 years, seen incidents where 3, 4, 5 youth attack a youth based on gang affiliation, assaults where kids are stomping each other out, there is a great potential for bodily, spray is vital in safely securing youth. It's never used retaliatorily or offensive, always defensive. One situation was 9 youth involved in a riot, 3 or 4 fights at the same time, lot of shortages of staff in law enforcement facilities, we don't have staff to deal with situations like that, the safest way to break it up is pepper spray, while it does incapacitate, it's no more than wheezing.
 - bb. Antoinette Davis, Impact Justice: Any other comments from the public? I don't see anybody, can we have a motion to adjourn? Do you want to go ahead with next steps?
6. Next Steps
- a. Dani Soto, Impact Justice: My assumption is the agenda items we did not get to will be added to next week, the intent is to begin discussing items that have been pulled, items on the table that require further discussion.
 - b. Antoinette Davis, Impact Justice: Can we have a motion to adjourn?
 - c. Erin Palacios, District 3 Representative: That includes the stuff we pulled out and item number 6?
 - i. Dani Soto, Impact Justice: Yes, we will have time.
 - d. Donna Linton, Impact Justice: Procedurally, do we need to continue item number 6 to our meeting on Thursday so we're able to add that to our agenda?
 - i. Ray Lara, County Counsel: The Chair can continue it on his own.
 - ii. Donna Linton, Impact Justice: Thank you.
 - e. Erin Palacios, District 3 Representative: Motion to adjourn.
 - i. Second by Al Mance.
 - ii. Adjourned at 7:05pm.