

Alameda County SB823 Subcommittee Minutes 10.21.21

12:30pm - 2:30pm

Virtual Meeting Information Below

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SB 823 Subcommittee Members in Attendance:

Interim Chief Marcus Dawal, ACPD

Matthew Golde, ACDA

Alphonso Mance, PD

Juan Taizan, ACBH

Hon. Ursula Jones-Dickson, Juvenile Court
Representative

Monica Vaughan, ACOE

Andrea Zambrana, Conflict Counsel

Sgt. Young, OPD

Vamsey Palagummi, JJDP

Emily Young, DPN

Ericson Amaya, FOK

Miguel Quezada, District 1 Representative

Dauida Scott, District 2 Representative

Erin Palacios, District 3 Representative

Trevor Arceneaux, District 4 Representative

Kelly Thompson, District 5 Representative

Xochtil Larios, Youth Representative

1. Call to order & Roll call
 - a. Meeting called to order by Interim Chief Dawal at 12:30.
 - b. Roll call taken by Deputy Chief Chambers.
2. Approval of minutes
 - a. 10.14.2021
 - i. Motion to approve made by Monica Vaughan, seconded by Al Mance.
 - ii. Unanimously approved.
3. Opening Remarks
 - a. Interim Chief Dawal, ACPD
 - i. I value everyone's time and collaboration in this process; although we don't all agree on everything we have the same goal in mind of putting together the best program for the SB 823 youth. We've accomplished a lot and I'm confident that we can finalize this plan and come to a consensus. We have two youth that has been committed to the secure track; the impetus is on us to put together a solid plan that can be implemented with fidelity.
4. Proposed Action regarding "Edits to Pages 25- 45 (Core Programming and Reentry)"
 - a. Discussion, Public Comment, & Action
 - b. Donna Linton, Impact Justice - The proposed motion is to adopt the motion to the plan as represented in column F which is labeled "suggested text or issue," on the proposed items

for mass motion document, noting that there are four items, row 3, 12, 19, and 26 where we are rejecting the suggested edits and keeping the language as is. One item, row 7, will be pulled out for further discussion. Edits that are shown in red are edits that were submitted by subcommittee members noted in column G, the green text is revised language by Impact Justice.

- c. Erin Palacios, District 3 Representative - Can you clarify rows 31 & 32?
 - i. Dani Soto, Impact Justice - There are two different sections in the document that discuss options for step-down; the suggestion from ACPD is to delete it from this section, and the note in column C is to clarify that new and unique language will be added to the other step-down section.
- d. Erin Palacios, District 3 Representative - Line 27, is the idea to keep it and expand the program to defense counsel?
 - i. Al Mance, PD - It is a specific program within the Public Defender's office; I suggest we add "will be expanded to include court-appointed counsel."
- e. Vamsey Palagummi, JJDP - I motion to approve the proposed actions regarding the edits to pages 25-45 core programming and reentry document, pulling out rows 6, 7, 8, 20, 25, 27 for further discussion; seconded by Trevor Arceneaux.
- f. Andrea Zambrana, Conflict Counsel - Can row 27 be added to the motion of items to be pulled out for further discussion?
 - i. Vamsey Palagummi, JJDP - Yes, I amend my motion to include row 27 to be pulled out for further discussion.
 - ii. Andrea Zambrana, Conflict Counsel - I second that motion.
- g. Monica Vaughan, ACOF - Correction to row 18, it reads "request to conduct an IEP," it should read "request to conduct an assessment for an IEP."
- h. Emily Young, DPN - Can we pull line 28 for further discussion; I would like a qualifier that reads something to the effect of "efforts will be made to provide services in locations where people live and help to get transportation," I'm fine with most of what's there but I want to ensure we have equity in distribution and services even if most people live in a certain area.
 - i. Antoinette Davis, Impact Justice - Impact Justice will clarify the language.
- i. Andrea Zambrana, Conflict Counsel - Can you clarify Antoinette's comment, my question is about the procedure because that line hasn't been pulled out of the mass motion.
 - i. Donna Linton, Impact Justice - Emily's suggested language doesn't change the substance of the text.
- j. Al Mance, PD - Can we change "prioritize" to "concentrate?"
- k. Emily Young, DPN - If there are other small changes that people agree on is that a way we can move through the document quicker?
 - i. Donna Linton, Impact Justice - I believe it's acceptable if it's a small change.
- l. Ray Lara, County Counsel - To clarify, should the column you are referencing on the spreadsheet be E rather than column D?
 - i. Dani Soto, Impact Justice - Yes, that is a typo; it should say "in regards to column F."
- m. Nicole Lee - Can it be clarified what the public can comment on?
 - i. Donna Linton, Impact Justice - The public can comment on the motion on the floor.
- n. Roll call vote was taken by Deputy Chief Chambers.
 - i. Donna Linton, Impact Justice - The motion is unanimously approved.



- o. Vamsey Palagummi, JJDP - If we can get clarity on row 7 first we can get clarity on row 6; the language I suggested is aligned with the discussion we had in the core programming workgroup; the language in the plan is not. The JJDP is committed to partnering with ACPD to create what that plan could look like.
 - p. Brian Ford, ACPD - ACPD has contracts in place with reentry providers for stipends, we can continue to do that and increase those stipends; it's tied to participation in reentry programming. We also cover the cost of housing, training, school, transportation. We don't want to create a situation that may cause net widening.
 - q. Vamsey Palagummi, JJDP - Quick clarification: The language that was presented does not suggest giving them free money, rather they "can earn" - program participation, educational goals, etc. Also being sentenced to Camp for 6 months rather than spending multiple years in the hall; I'm not sure young people will choose being locked up for a number of years, even for 12K, in fact, I'm 100%. We are potentially going to incarcerate youth in the hall for 3+ years, stipends post-release won't give the youth opportunities they need to overcome the many barriers they are going to face, like getting meaningful employment, finding affordable housing, etc.
 - r. Erin Palacios, District 3 Representative - For 27 can we make a small change and pass it, I propose we keep the original language, but add after "place" add "which will be expanded to include other defense counsel."
 - s. AL Mance, PD - We meet with the placement supervisor and the reentry PO bi-weekly; I think it would benefit anyone in reentry. I suggest "will include."
 - t. Matt Golde, ACDA - I like the idea of youth being paid for work, but where does the money come from; as it's written the language is vague.
 - u. Trevor Arceneaux, District 4 Representative - In regards to row 25, the biggest issue here is the removal of a community representative as a part of or participating in the MDT process. And beginning the reintegration phase sooner.
 - v. Erin Palacios, District 3 Representative: Motion to adopt row 27 with the language in the original language column, inserting after the word "place," "which will be expanded to include other defense counsel." Seconded by Al Mance, PD.
 - i. Andrea Zambrana, Conflict Counsel - Can we amend it to say "will be expanded to include the youth's defense counsel?"
 - 1. Erin Palacios, District 3 Representative - Yes, I accept that amendment.
 - 2. Al Mance, PD - I second that amendment.
 - ii. Roll call vote taken by Deputy Chief Chambers.
 - iii. Donna Linton, Impact Justice - Unanimously approved.
5. Alameda County SB 823 Realignment Plan - Review
- a. Data & Evaluation (pgs. 45-46)
 - i. Summarized by Pilar Victoria, Impact Justice.
 - b. Update from County Counsel
 - i. Ray Lara, County Counsel - The data has to be publicly available; policy changes on OC spray, confinement, and restraint are subject to MMBA meet and confer requirement; ACPD has not had any policy change without going through the MMBA. If the subcommittee were to approve these items as is they may not be enforceable because the MMBA will trump them; the OYCR has not been formed, we don't know what the reaction will be and it may put funding at risk. We may open ourselves up to lawsuits.



- ii. Erin Palacios, District 3 Representative - Meet and confer is up to the board, not something for this subcommittee to worry about. What we recommend is what we decided is in the best interest of our youth.
- iii. Vamsey Palagummi, JJDPC - Meet and conferring is not our concern, just like when BSCC makes their Title 15 minimum standards of confinement; case in point - in 2019, Title 15 prohibited the use of room confinement for punishment; it took Probation over a year to comply, but they had to because it's the law; BSCC didn't worry about Alameda County's pro-labor meet and confer precedence before saying we can't use room confinement for punishment - the law is clear on our scope and mandates.
- c. Facilities (pgs. 47-52)
 - i. Summarized by Dani Soto, Impact Justice.
 - ii. Dani Soto, Impact Justice - Is row 77 feasible?
 - 1. Brian Ford, ACPD - Yes, it is feasible.
 - 2. Dani Soto, Impact Justice - Impact Justice recommends adopting.
- d. Erin Palacios, District 3 Representative - Row 80; the language in the draft doesn't say "explore" and has a caveat, "if ACPD can't get some of these things done they will provide an explanation of the attempts to do it and the reasons it can't be done." I'm not sure we need the explore and the secondary language.
- e. Erin Palacios, District 3 Representative - In row 92; The language in the section is changed in a significant way from the workgroup language to "explore" rather than "have."
 - i. Deputy Chief Chambers, ACPD - We are ok with the original language.
 - ii. Dani Soto, Impact Justice - "Explore" will be removed.
- f. Hon. Ursula Jones-Dickson, Juvenile Court Representative - Conversation needs to be had about the JJDPC; the JJDPC, the entire body, has the obligation of certain oversight, to create a subcommittee for that purpose is confusing to me so I think further conversation is needed. This branch of the JJDPC is under the court; they are required to evaluate any facility that any child is confined in. Further conversation is needed to determine if a subcommittee is necessary or appropriate.
- g. Erin Palacios, District 3 Representative - Does it make sense to eliminate it as a subcommittee and instead discuss it as the JJDPC?
 - i. Hon. Ursula Jones-Dickson, Juvenile Court Representative - That is the further conversation I would like to have with the JJDPC; that is possible.
 - ii. Vamsey Palagummi, JJDPC - I agree with the Judge, we should just put ACJJDPC instead of a subcommittee of the JJDPC.
- h. Brian Ford, ACPD - In regards to row 95; The JIOs and DPOs fall under Superintendent Fort.
 - i. Emily Young, DPN - This issue is about setting the tone for the milieu, Superintendent Fort would need to be part of the team regularly and I don't know if she has the capacity for that. Should the reentry case manager be listed here too?
 - ii. Brian Ford, ACPD - Yes, Superintendent Fort is part of the milieu and has been a part of the program implementation. ACPD has no problem with that language.
 - iii. Dani Soto, Impact Justice - We will update the language.
- i. Interim Chief Dawal, ACPD - Row 89; I am seriously concerned about OC spray, prone restraints, and room confinement being included in this plan. I understand that this is a critical area of discussion; from ACPD's perspective, they do not belong in this plan. These issues impact working conditions for all staff, logistically and logically we would need to go



through the meet and confer process to change these policies. If these three issues are written into the plan the practical implementation would be delayed; there is the possibility that the addition of these items could affect our funding depending on OYCR. ACPD is not against making changes or phasing out these policies, this needs to be a thought process through the appropriate channels. We are compliant with BSCC on room confinement. ACPD is not saying yes or no to this item, we are saying it does not belong in this plan. We want this plan to be actionable. At the last public protection meeting, the JJDPC gave a report on their annual inspection; Supervisor Valle instructed me to provide the following information at the public protection meeting in either November or December; I have to outline how other counties were able to eliminate OC spray, appropriateness for removal from our county, bargaining issues, the future possibilities of eliminating, and the conditions of how other counties phased out OC spray. The supervisor's comments to me were specific to OC spray, these concepts are similar as they relate to prone restraints and room confinement policies that affect working conditions; this discussion will occur under the direction of the BOS and in conversation with our labor unions.

- j. Vamsey Palagummi, JJDPC - No one expects perfect or overnight implementation, but calling it out in the plan will force implementation, even if it's delayed implementation, just like room confinement
 - k. Erin Palacios, District 3 Representative - It is speculative to say funding could be cut by OYCR. This discussion is ultimately up to the BOS, the recommendation of this subcommittee as to what it thinks is best in this environment is up to the subcommittee; the doctor that was brought in by ACPD agrees that OC spray cannot be a part of this program.
 - l. Kelly Thompson, District 5 Representative - I strongly support that we should move forward with what our recommendation should be regardless of what the BOS may do.
 - m. Vamsey Palagummi, JJDPC - Contra Costa County just announced that OC spray will be phased out.
 - n. Sgt. Young, OPD - I suggest bringing in a use of force expert.
 - o. Al Mance, PD - Dr. Khumalo suggested that OC spray be removed.
 - p. Brian Ford, ACPD - We are trying to communicate that we are not in opposition to eliminating OC spray; OC spray was eliminated at Camp through the meet and confer process; all policies have to go through meet and confer.
 - q. Davida Scott, District 2 Representative - Can we change "shall" to "should?"
 - r. Al Mance, PD - Can the procedures be changed? Can we have one JIO who has the pepper spray?
 - s. Juan Taizan, ACBH - What about changing the language on page 48 to say "ACPD shall utilize the same process (as Camp) to establish a policy to eliminate the use of pepper spray..."
 - t. Trevor Arceneaux, District 4 Representative - I think we have to go back to Dani's presentation on "other people's children." This county typically develops systems and practices designed for other people's children. No one would want their own child sprayed in the face with chemicals!
6. Proposed Action regarding Rows 4 & 5 in the proposed 10/14/21 mass motion
 - a. Discussion, Public Comment, & Action
 7. Public Comment



- a. Sasha, UWFC & FOK - Today I want to present a petition that our coalition created; we were shocked to see ACPD try to defend the use of OC spray on youth in the new SB 823 program, this is unacceptable to us or members of the community. So far we have 580 signatures calling for an end of the use of OC spray. Our petition site is change.org/freeourkids.
 - b. Natasha - I want to express my shock at the resistance of ACPD not to remove OC spray and room confinement; it contradicts the trauma-informed care of our children.
 - c. Sandy, UPM & FOK - I want to express my concern that this committee is not taking a stronger stance against harmful and abusive practices against our children in the system.
 - d. Evelyn - It's obvious that ACPD doesn't have the best interest of our youth in mind. Your practices cause more trauma to youth who have already been traumatized. It is fundamental that youth learn financial literacy skills.
 - e. Nicole Lee, UPM & FOK - I want to express consistent concern with the language being softened in the plan; the mass motion process doesn't allow the community to see where members stand on individual issues.
 - f. Mary Lim-Lampe, Genesis & FOK - A budget is a moral document; whatever you put your effort and investment behind you should get the results you hope for. I believe that this subcommittee hopes for youth who will have a second chance and productive members of our community. Using the labor union as an excuse was disgusting.
 - g. Esmeralda Rosales, EBCL & FOK - I truly believe using harmful and abusive practices on our youth is inhumane.
 - h. Nifa, Ella Baker Center & FOK - It's unfortunate that constant brutality is being pushed on our youth in these spaces; this space should be used to reimagine justice for our youth. A letter was sent to cure and correct these issues.
 - i. Kaleb Wilson, UPM & FOK - Actions speak louder than words, regardless of what you decide to put in this document your actions need to reflect that. As it stands right now it is not a space of healing and upliftment for youth.
 - j. Manuel La Fontaine, Burns Institute & FOK - Safety and pepper spray are not compatible, chokeholds and safest in the nation are not compatible; it's critical that those who have been justice-involved have a greater voice in this process.
 - k. Yasmine Tager, FOK - I am appreciative of the progress and work of this subcommittee. I'm shocked by the pushback on ending the use of pepper spray, room confinement, and prone restraints. What about the effect this has on the youth who are in our care?
8. Next Steps
- a. Interim Chief Dawal, ACPD - We are going to request a special meeting for Tuesday, October 26th.
 - b. Erin Palacios, District 3 Representative - What time?
 - i. Interim Chief Dawal, ACPD - Possibly 12-2.
 - c. Andra Zambrana, Conflict Counsel - Can Impact Justice send out a poll?
 - i. Interim Chief Dawal, ACPD - ACPD will send out a poll.
 - d. Hon. Ursula Jones-Dickson, Juvenile Court Representative - I won't be available on October 26th.
 - e. Dani Soto, Impact Justice - We have been working on making the edits that have been approved by vote; we are ensuring that language is as consistent as possible and is coming from one subcommittee; I will not be softening language; I will not be making any



edits that impact the intent or content; we will get a new draft to you as quickly as possible.

- f. Andrea Zambrana, Conflict Counsel - Can we not add new row numbers?
 - i. Antoinette Davis, Impact Justice - No, Impact Justice can not commit to that.
 - g. Erin Palacios, District 3 Representative - We need the data pages that are still outstanding before next Tuesday's meeting. Do we have to take a vote and set an agenda for that?
 - i. Ray Lara, County Counsel - The chair can call a special meeting or a majority of the members can.
9. Meeting adjourned at 2:45.