



Alameda County SB823 Subcommittee Minutes 10.28.21

12:30pm - 2:30pm

Virtual Meeting Information Below

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Subcommittee Members in Attendance:

Interim Chief Marcus Dawal, ACPD
Mechelle Corriero, ACDA
Alphonso Mance, PD
Michelle Love, ACSS
Juan Taizan, ACBH
Monica Vaughan, ACOE
Andrea Zambrana, Conflict Counsel
Sgt. Young, OPD
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
Kelly Thompson, District 5 Representative
Xochtil Larios, Youth Representative

1. Call to Order & Roll Call
 - a. Call to Order by Interim Chief Dawal at 12:30pm.
 - b. Roll Call was taken by Deputy Chief Chambers.
2. Approval of Minutes
 - a. 10.26.2021
 - i. Motion to approve made by Caryn Quezada; seconded by Monica Vaughan.
 - ii. Unanimously approved.
3. Opening Remarks
 - a. Interim Chief Dawal
 - i. We are on the BOS agenda for the 11/16 meeting; will have a special meeting if necessary, however, I would prefer us to get through as much as we can today. I want to have a discussion on the high-priority items today. I'm transparent and I want to be honest with you, I want to share that I have received multiple emails from the public and

a petition from the Free Our Kids Coalition voicing their support to end OC spray, prone restraints, and room confinement; six members of FOK demanded to see me yesterday at my office while I was out of the office, unfortunately, FOK members yelled at our receptionist and she was visibly shaken from this incident. I respect communities' right to voice their opinions, however, I also support our staff who help us be one of the safest communities in the nation; safety for staff and the public is very important to me. As we move forward I ask that we all remain respectful, we can agree to disagree; our goal is to complete this plan as a team with a common purpose. I am making a change to the order of our agenda; agenda item 6 will be moved to the top of the agenda due to its high importance.

4. Discussion and Action of Items pulled from the Mass Motion of the 10/26/21 Meeting
 - a. Rows 78 & 89 and 84 & 86
 - b. Donna Linton, Impact Justice: I ask the subcommittee to make a motion to begin the discussion of these items.
 - i. Vamsey Palagummi, JJDPC: In response to the Chief's comments; that was a mischaracterization of what took place.
 - ii. Interim Chief Dawal, ACPD: I make a motion to remove OC spray, prone restraint, and room confinement from the plan. Seconded by Michelle Love.
 - iii. Al Mance, PD: Point of order, was the motion to remove them from the plan?
 1. Interim Chief Dawal, ACPD: Yes.
 2. Erin Palacios, District 3 Representative: I move to amend that to include discussion from the last meeting; I ask that we consider the language I submitted in Motion A. Seconded by Vamsey Palagummi.
 3. Ray Lara, County Counsel: First we have the Chief's motion; Representative Palacios tried to amend the motion; Representative Mance asked what happened to the motion that was tabled. In order to bring back the tabled motion, a motion has to be made to bring it back to the subcommittee; if there is no motion made it is tabled for good. Representative Palacios is amending the motion made by the chief. Are we now debating the motion made by the Chief which has been seconded?
 4. Monica Vaughan, ACOE: I wanted to amend the motion made, I don't know when the appropriate time for that is.
 5. Ray Lara, County Counsel: It is common practice to limit the number of amendments to three.
 6. Interim Chief Dawal, ACPD: I call for no more than three amendments to the motion.
 7. Erin Palacios, District 3 Representative: The procedure is being misused; what are the rules of procedure?
 - a. Ray Lara, County Counsel: This is a common approach to the parliamentary procedure; the chair has the discretion.
 - b. Erin Palacios, District 3 Representative: This common approach appears to favor one side.
 - c. Ray Lara, County Counsel: I'm not creating anything as I go along, I'm responding to questions and issues as they come from the subcommittee.
 8. Monica Vaughan, ACOE: I would like to amend the motion as follows; "Within one year from the submission of this plan to the Office of Youth and Community Restoration, ACPD commits to procuring an independent Use of Force expert to review all of the policies and procedures relative to the utilization of OC Spray, room confinement, and prone restraints with the intent to acquire policy recommendations to align with current research and best practices for providing

trauma-informed care for youth in a detention setting”. Seconded by Davida Scott.

9. Vamsey Palagumm, JJDPC: The county hired a mental health expert who stated this plan cannot be implemented if we use OC spray. We are the only county in the Bay Area which still uses OC spray. It is now time to end the use of OC spray.
10. Al Mance, PD: Dr. Khumalo, who the county brought in, said OC spray can not be used in this environment. We’re talking about a small group of youth who are known, secure track staff are well trained and respected by the youth. I understand the concerns but we are not leading the way, we are being dragged into the future. I think pepper spray can be replaced by training; we are talking about a small group of youth on a secure track which will give ACPD an opportunity to figure this out; this is not subject to collective bargaining; if we are not following the advice of the experts I don’t think I can vote for the plan.
11. Xochtil Larios, Youth Representative: I was in United 6 in 2017; pepper spray was used to break up a fight; the JIOs were aware of the dynamic of the units, which includes training; when I went to my room it reminded me of past domestic violence experiences.
12. Caryn Quezada, District 1 Representative: OC spray can be replaced by training; I taught in a different county in the juvenile hall; I’ve experienced OC spray three times in that environment; one time I ended up in the emergency room. OC spray affects everyone, not just those being targeted; we need safety for everyone.
13. Erin Palacios, District 3 Representative: Can we see the language we are voting on? Where would the language be inserted? I want to make sure we know what we are voting on.
14. Donna Linton, Impact Justice: Can Monica’s motion amend the Chief’s motion and eliminate Erin’s motion?
15. Ray Lara, County Counsel: I thought she was amending Erin’s motion. It has to go in inverse order.
16. Monica Vaughan, ACOE: To clarify, my amendment was prepared in response to what was tabled Tuesday night. It is not in response to your motion.
17. Interim Chief Dawal, ACPD: Point of order; I made the motion to remove the three policies; is Erin’s motion an amendment to my motion?
 - a. Erin Palacios, District 3 Representative: Your original motion was to remove those policies from the plan as I understand it.
 - b. Interim Chief Dawal, ACPD: It’s to remove it from the plan.
 - c. Erin Palacios, District 3 Representative: Are those policies discussed in other sections of the plan?
 - d. Dani Soto, Impact Justice: They are discussed in numerous parts of the plan. It doesn’t seem like Motion A is a true amendment, it seems like a separate motion.
 - e. Erin Palacios, District 3 Representative: I can explain why I think it’s an amendment; to the extent that it is asking to be removed from the Discipline and Behaviour Management section; it would instead be to allow that language, with respect to OC spray and prone restraint to remain, it still keeps the language on room confinement, and adds a date.
 - f. Ray Lara, County Counsel: A motion to amend amends the back motion; a motion to substitute does away with the original motion and moves forward the motion to substitute; I think subcommittee member Palacios is calling an amendment we would move with that motion. The motions

- can be withdrawn and we can start over.
- g. Donna Linton, Impact Justice: So we need to start with Monica's motion and then move forward.
 - h. Dani Soto, Impact Justice: I suggest subcommittee members withdraw their motions and we start over.
 - i. Trevor Arceneaux, District 4 Representative: Let's vote on Motion A.
 - j. Emily Young, DPN: Looking at Motion A, is there room to add things from Monica's amendment; what does a realistic timeline look like for ending these policies?
 - k. Mechelle Corriero, ACDA: I understand the significance of this vote, I am filling in for my supervisor and I don't have significant information on this issue; I will be abstaining from a vote if it is taken today. If it is taken at a later date I will get up to speed on the issue so I can make an educated and informed decision.
 - l. Kelly Thompson, District 5 Representative: Can we vote on the Chief's motion; if it gets voted down we can move forward?
 - m. Andrea Zambrana, Conflict Counsel: What is Motion A; is there going to be a vote on the overall plan?
 - i. Donna Linton, Impact Justice: Motion A is Erin's motion. There will be a vote on the overall plan.
 - n. Interim Chief Dawal: Call for a point of order; I recommend that we move forward with the vote in inverse order.
 - o. Emily Young, DPN: What about the part about the development of a plan? I feel that might be an area to include Monica's motion.
 - p. Monica Vaughan, ACOE: I withdraw my amendment.
- iv. Public comments on the motion
1. Elana Metz, JJDPC: I want to start by saying that the use of force issue has been brought up by the commission numerous times. We would like to see it out of all units but especially out of Unit 3 right now. I don't think we need a year or more expert advice, the data is clear. As a county, we need to be in front of these issues.
 2. George Galvis, JJDPC & CURYJ: I want to add the use of chemical agents has been rejected across the board, data shows these practices further traumatize youth. We must create environments that are positive, healthy and trusting; this is sabotaged by the use of OC spray. This is the crudest form of control.
 3. Debra Mendoza: As a former AC Juvenile Probation officer and now a community based provider I'm asking you to vote in favor of eliminating these practices. We are at a pivotal point in time; we know better and this is negligence. Once youth are in our custody we have the responsibility for the care, custody, control, and conduct, that is a responsibility and opportunity.
 4. Evelyn C, FOK: I'm speaking as a previous justice-involved youth. Would you pepper your child for not having the skills they need to calm themselves down in a moment of crisis and distress? The answer is no, but it is done carelessly in JJC. ACPD does not rehabilitate youth. No child deserves to be sprayed with a deadly substance.
 5. Sandy V. UPM & FOK: If staff can not stop a fight without use of force then that is a reflection on ACPD training. Youth's health should not be compromised because of lack of training. If your values were in the right place you would end it now.
 6. Nicole Lee, FOK: Yesterday a group of us came to the probation office to drop off

our petition which has signatures from over 800 community members; calling for a ban of these policies in the document. When we got to the office the Sheriff was immediately called on us, without listening to our concerns. We asked nicely to have the Chief hear our complaints. The experience left me traumatized and in shock and gave me insight as to what it must be like for youth in JJC. We urge this committee to stand up for what is right.

7. Yasmine Tager, FOK: The motion you have before you right now is your value statement with a concrete date. The moment is now, please don't shy away from your obligations.
 8. Esmeralda Rosales, EBCL & FOK: I delivered the petition to ACPD yesterday. I am shaken right now, I apologize if the receptionist felt that way, it was not our intention, we were dismissed as community members. As a community member I encourage subcommittee members to permanently remove these policies from JJC.
 9. Mary Lim-Lampe, Genesis & FOK & JRI: I believe it clear that the criminal justice system is a clear way racism and classism are expressed in our communities. It was shocking to me yesterday to see how ACPD views us as threats.
 10. Kelvin Potts, Positive Communication Practices: There needs to be a balance; to totally remove ways and means of defusing violence; sometimes you may have to go to the extreme because of who some of these youth are. I think we need to come up with a way that works for the system and youth.
 11. Pamela Mchombo, JJDPC: I am appalled by this process and the pressure to use chemical substances on youth. It is barbaric to use pepper spray on a child.
 12. Manuel La Fontaine, Burns Institute & FOK: I don't expect my children to ever be inside JJC, but neither did my mother when I was younger. The fundamental problem is the stakeholders who are financially attached to this policy. We propose that we adopt a healing paradigm, it doesn't have to be us against them. We can still begin to imagine something different.
 13. Kaleb Wilson, FOK & UPM: This system is completely inadequate. The constituency agrees that this practice needs to be ended, subcommittee members need to listen to their constituents.
 14. Gina Peralta, JJDPC: I am appalled and it is shameful that we are debating the use of chemical weapons on youth. We are the only county that still uses these practices on our youth. We are failing our youth and our communities. We need to use other ways of addressing conflict inside JJC.
 15. Amelia Ortiz, UPM & FOK: There is overwhelming support of Erin's motion and ending these practices inside of JJC. I ask all those who are against ending this practice on children: are you ok with it being used on you? This is a social justice issue. Our youth need trauma-informed care, their brains are still developing.
 16. Krea Gomez, FOK: I am in support of the amendment that will end these practices, I am disappointed that we are still at this place. If JJC was filled with kids from Berkely you would not be having this discussion. Who are you protecting? Whose safety is really at risk?
- v. Donna Linton, Impact Justice: Erin Palacios' amendment to the Chief's motion is on the screen. Is everyone clear on what we are voting on?
 - vi. Monica Vaughan, ACOE: Any proposed amendments to this would happen after a vote; if this motion was to pass and one wanted to amend what is here would that be a separate vote?
 1. Donna Linton, Impact Justice: An amendment can be entertained to amend this amendment, If the language is specific as to what amendment you are making to

this language.

- vii. Roll call vote was taken on the amendment by Deputy Chief Chambers.
 - 1. 9 in favor, 2 opposed, 6 abstain.
 - 2. The motion passes
 - viii. Donna Linton, Impact Justice: I suggest we move forward with rows 75, 87, & 91. Can we have a motion to adopt the edits to the plan as represented in the suggested text of the proposed items for the mass motion document for row 75, 87, & 91?
 - ix. Interim Chief Dawal, ACPD: Object to added language to row 91; I think the original language is appropriate.
 - 1. Erin Palacios, District 3 Representative: Is there a level of review that makes sense to place here?
 - 2. Brian Ford, ACPD: All use of force incidents are reviews at the assistant superintendent level at JJC, the superintendent level at JJC, and separately we also have a use of force coordinator who does not report to anyone in that chain of command, he reports directly to the Chief, there's a use of force committee review that reviews use of force incidents monthly.
 - x. Dani Soto, Impact Justice: Andrea, does that satisfy your concerns?
 - xi. Andrea Zambrana, Conflict Counsel: It does not, it sounds like it only goes to the independent use of force expert if it is warranted.
 - 1. Brian Ford, ACPD: No, it happens in two-track; the use of force coordinator review is independent of the superintendent, if the use of force coordinator finds that there is something questionable it is brought to the attention of the Chief.
 - xii. Andrea Zambrana, Conflict Counsel: I am prepared to take out room confinement from the edit, but would still want the physical restraints and pepper spray included.
 - xiii. Vamsey Palagummi, JJDPC: Can we add JJDPC; we are entitled by law to review youth records as long as we don't make information public; I think adding the JJDPC with statutory authority might help.
 - 1. Andrea Zambrana, Conflict Counsel: I would be fine to add JJDPC.
 - xiv. Andrea Zambrana, Conflict Counsel: I move to adopt the edits as reflected in column C of row 75, 87, 91. Seconded by Al Mance.
 - xv. Trevor Arceneaux, District 4 Representative: Including JJDPC; would that also involve getting audio and video footage of use of force in juvenile hall?
 - 1. Vamsey Palagummi, JJDPC: No.
 - xvi. Erin Palacios, District 3 Representative: I would like to pull for discussion row 17.
 - 1. Andrea Zambrana, Conflict Counsel: Agree.
 - 2. Erin Palacios, District 3 Representative: Seconded.
 - xvii. Roll call vote was taken by Deputy Chief Chambers on the adoption of Rows 75 & 91
 - 1. 11 in favor, 1 oppose, 1 abstain.
 - 2. The motion has passed
 - xviii. Erin Palacios, District 3 Representative: Motion to move forward on rows 87 & 27.
 - xix. Interim Chief Dawal, ACPD: Call to point of order, I think for us to be able to have a discussion about this we need more time, we've already gone over time and we still need to have public comment. We will send out a doodle poll for a special meeting next week. I suggest we table subcommittee members Palacios' motion.
 - xx. Erin Palacios, District 3 Representative: I move to withdraw.
- 5. Proposed Action regarding items pulled from 10/14/21 Mass Motion: Rows 4, 5, 8, 18, 23, 27, & 35
 - a. No discussion or action was taken.
 - 6. Proposed Action items pulled from 10/21/21 Mass Motion: Rows 44, 45, 46, 58, & 63
 - a. No discussion or action was taken.
 - 7. Discussion and Action of High Priority Items and any pending items pulled from the mass motion of

10/26/21 Meeting

- a. No discussion or action was taken.
- 8. Public Comments
 - a. None
- 9. Next Steps
 - a. Interim Chief Dawal, ACPD: We will send out a doodle poll for a special meeting.
- 10. Meeting adjourned at 2:45pm.