

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
APPROVED Meeting Minutes-October 4, 2016
DA's Crime Lab Conf Rm, 250 W. Hedding St, San José, CA**

Commissioners Present: Jean Pennypacker, Vice Chair Bonnie Charvez
Ronald Hansen, Secretary Brittney Dong
Anusha Agarwal Nora Manchester
Raymond Blockie Carol Rhoads
Victoria BurtonBurke Vincent Tarpey

Commissioners Absent: Commissioners Raúl Colunga, Penelope Blake, Gustavo Gonzalez, and Courtney Macavinta

Also Present: Honorable Katherine Lucero, Superior Court
Honorable Franklin Bondonno, Superior Court
Honorable Pat Tondreau, Superior Court
Alejandra Serrano, Superior Court
Carissa Keller, Superior Court
Carl Tademaru, Probation Department
Chia-Chin Lee, Valley Medical Center
Chris Arriola, Supervising Deputy District Attorney, District Attorney's Office
Craig Carpenter, Private Citizen
Gap Le, Probation Department
David Epps, Alternate Defender Office (ADO)
Elisa Kuhl, VSU-DAO
Elsa Jennings, Probation Manager, Probation Department
Janice Jones, Superior Court
Jennifer Hubbs, SSPM, Department of Family and Children's Services/RAIC
Jennifer Kelleher Cloyd, LACY
Jermaine Hardy, Deputy Chief Probation Officer, Probation Dept.
Kate Manning, LACY
Kathy Martinez, Deputy Chief, Probation
Kevin Rudich, Alternate Defender Office
Katia De Groot, Ombuds, Juvenile Welfare Office of the Ombudsman
LaRon Dennis, District Attorney
Lauren Gavin, Behavioral Health
Lyn Johnson, Private Citizen
Michael Clarke, Probation Manager, Probation Department
Nick Birchard, Probation Department
Nisreen Baroudi, Juvenile Court Supervising Attorney, Public Defender's Office
Karen Steiber, Independent Defender's Office
Robert Young, Probation Manager, Probation Department

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Ruth Maurice, OHR-VOMP
Sandra Franco-Liauson, Commissioner, SCC
Sean Rooney, Probation Manager, Probation Department
Vone Kegarice, Probation Manager, Probation Department

Call to Order & Introductions: Vice-Chair Pennypacker called the meeting to order at 12:16 p.m. All who were in attendance stated their names and organization.

Explanation by Vice-Chair: Seasons Productions filming for LACY’s Awards, and will be conducting interviews and filming the meeting as background for the video. JJC will be receiving an award during the award lunch and the video will be used as part of the awards ceremony. Efforts will be made to avoid persons opposed to being on camera.

Oath of Office: Vice-Chair Pennypacker invited Judge Tondreau to swear in newly appointed Youth Commissioner Brittney Dong. Judge Tondreau administered the Oath of Office to Youth Commissioner Dong and congratulated her. Youth Commissioner Dong was invited to sit and join the Commissioners in front of the audience.

Agenda Approval: Moved by Commissioner Manchester and seconded by Commissioner Tarpey, the agenda for October 4, 2016, was approved unanimously.

Public Comments/Oral Petitions: None.

Approval of Minutes:

Corrections are as follows:

1. Nisreen Baroudi notes: page 6 under Public Defender’s Office, the bulleted statement, “21 out of 66 kids at Juvenile Hall are traceable thanks to the efforts of Probation,” but intended to state, “66 kids at Juvenile Hall was a record, and 21 of those kids were direct file.”
2. Commissioner Hansen notes: page 6 under Medical Services, the bulleted statement, “Training for Probation...” should instead state, “A demonstration for Probation...”

Moved by Commissioner Manchester and seconded by Commissioner Blockie to approve the minutes as amended of September 6, 2016, the minutes were approved.

Recognition: Commissioner Raymond Blockie

Commissioner Pennypacker presented a certificate of recognition and appreciation to Commissioner Raymond Blockie for his service of nearly ten years to the Juvenile Justice Commission, most of those served on the Executive Committee, from which he helped evolve the Commission into the well-respected organization it is today. Commissioner Blockie was the Commission Lead over the award winning LGBT Training Projection, and oversaw the Court User Survey. Commissioner Blockie was active on the Systems Collaborative Project, serving on the Preventions and Programs Workgroup. Commissioner Blockie was often the Lead Author on many of the inspections, and available to others when any tasks needed to be completed.

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When a new person came on to the Commission, Commissioner Blockie was always there to mentor. His energy and commitment will be missed.

Commissioner Blockie expressed gratitude to all of the organizations involved with the Juvenile Justice Commission.

REPORTS

Presentation: “SCC Juvenile Justice 2015 Annual report”

Mariel Caballero, Juvenile Probation Program Manager

The full 50 page report is available on the Juvenile Probation website.

Ms. Caballero presented a brief overview of the 2015 Juvenile Probation Annual Report compiled in partnership with the following departments: Behavioral Health, District Attorney, Juvenile Court, DFCS, and with the assistance of many partners. Data is retrieved from many locations including the Juvenile Hall Clinic.

New additions to the report include sections on Health and Wellness and the type of services being received. The report continues to focus on disproportionality for race, ethnicity, gender, and age. The information in the report is about youth who come and are referred to the Probation Department, not about what crimes occur in the city or county. Trend information as seen by the mentioned departments are visible in the report which reflects community activity. Crime statistics data from police departments are not included in the report.

Data collected from the Office of Juvenile Justice Delinquency Program. The presentation showed decreases in Santa Clara County in White population by 23% since 1993 making them no longer a majority. Asian/Pacific Islander have increased by 84% and Latino by 48%. The Black population decreased by 16% and Native American by 25%. The data includes youth between the ages 10 to 17.

Trends of System Involvement – five data points were mentioned in brief (more information contained in full report). Significant decreases in the number of youth arrested in Santa Clara County from 2011-2015, and across the Juvenile Justice System, especially at the point of arrest. Arrest and citations decreased by 59%. Petitions filed decreased by 32%. Referrals to Juvenile Hall decreased by 41%. Admissions to Juvenile Hall Decreased by 37%. (All for the calendar year)

2015 Highlights: 3,990 arrest, 36% property crimes (almost 30% decrease from 2014); tied for second are drug and alcohol related offenses and other offenses against other people. Disparities, Black and Latino youth were 7.5 and 4 times more likely to be arrested in Santa Clara County than white youth. The comparison of the population of the youth in the County and the population of youth being arrested is how to calculate the disparity, and is based on per 1,000 youth in the general population.

Residence of youth arrested: 61% reside in San Jose, 7% in Sunnyvale and 6% in Gilroy.

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Nonviolent crimes comprise a majority of arrest and citations in 2015 and violations of probation arrests and citations decreased by 32%. The department has concentrated on behavior using evidence based practices and graduated sanctions.

Who is being arrested: 59% 16 years and older; 75 percent are male; 67 % are Latino; 10% are Black; 13% are White; Female youth are under represented in arrests for all crimes except misdemeanor fighting (51% are females), and are handled by Intervention and Prevention Unit.

Where the youth lives (information is collected on youth residence, not where crime occurred, to better serve the youth): The numbers decreased from 2014. Of the top ten most populated zip codes where the youth resides, 95122, 95127, and 95020 are the top three and have been for the last several years alternating the number one spot.

Chris Arriola mentioned Sunnyvale, which was in the top ten in 2014, is no longer in the top ten, and asks about Sunnyvale's current ranking. Ms. Caballero states they are within the top 20, possibly 11 or 12, but just out of the top ten ranking. Sunnyvale has three zip codes. The combined three zip codes for Sunnyvale represents 7% of crimes committed in the county. When smaller cities are broken up by zip codes, they are knocked out, but are still an area of concern. Sunnyvale and certain pockets of Mountain View are areas of concern.

Intakes and admissions: Of the total number who come to the front door and are detained by screening officers in Juvenile Hall, 1,017 youth were admitted and detained which is 22% lower than 2014. The top three reasons were Violations of Probation (29%), Property Crimes (25%) and Felony Crimes against People (22%). The percentage of youth detained and released has remained fairly constant over the last 3-5 years at 80-85% detained in Juvenile Hall. Disparity gap does increase with Black and Latino youth being 12 and 7 times more likely to be detained than White youth. Efforts have been made to reduce the number of youth detained who violate probation and were on gang caseloads by having probation officers issuing a Promise to Appear and using evidence based practices to address the behavior. Zip codes 95127 and 95111 have the highest number of youth detained, and majority is older and 1/3 are detained for a longer time because they are direct files. Current policy does not allow 12 years and under to be detained, therefore the 23 youth detained were more than likely 13 years olds with few exceptions. The vast majority are older and about 20% are female and 76% are Latino.

A question by Commissioner Tarpey in reference to the pie chart: How would the demographics compare to the population of the county? Ms. Caballero respond with about 34% are Asian/Pacific Islander, 35% are Latino, 3% are Black and 28% are White; therefore the disparity gap is seen when 73% detained are Latino, yet only make up 35% of the population.

Commissioner Tarpey questions why Asians are underrepresented. Ms. Caballero was not able to answer the question. It is a nationwide issue without an answer.

A look at who serves the youth from public defense perspectives. With decreases also comes a decrease in number of youth being serviced by the differing defense counsels offices. The majority of youth are served by Public Defender's Office, followed by the Alternate Defender's Office, then Independent Defender's Office.

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With data provided by the District Attorney's Office, the number of Petitions filed, 1,414, is 10% lower than in 2014. Top reasons were car theft, residential burglary, resisting arrest, and robbery. The disparity gap decreases to equal arrests. Of the 158 youth eligible for direct file (offense in Section 707(b) and 14 years or older), 17% or 33 youth were directly filed. Latino youth had the highest number of direct files at 26 youth or 19% and White 6%, Black 17%, and Asian/Pacific Islander 12%. The three year trend shows the numbers have decreased, Overall 30% of the youth held in Juvenile Hall detained under direct file, the average length of stay an is 261.6 days (almost 15% increase from 2011). The Daily Population Sheet now shows almost 400 days for direct files which is a considerable amount of time.

Deferred Entry of Judgement and success rates: With the joint collaboration of the stakeholders involved attempt to reduce the number of youth who failed DEJ, 175 youth participated and 122 youth were successful, which equated to 70%. But breakdown of race and ethnicity shows 2013 and 2014 African American youth were failing at almost 60%. A majority were failing for status offenses or violation of probation, not for new crimes. Stakeholders with FLY, helped implement Court Appointed Friend and Advocate Program (CAFA). Probation and Fly is now looking to improve outcomes for Latino youth through similar services. Latino rate had higher percentage committing new crimes; therefore trying to work on different services for Latino youth. The number of youth in DEJ has declined possibly due to Proposition 47.

Behavioral Health Services is a brand new section for out of custody youth. It shows where youth receive services: In Mental Health – Aftercare 37% , Family & Children's Outpatient 35%, and 20% via Wraparound Services. The Bar Chart shows the number of youth receiving mental health services and the primary cause: Behavior disorder – 44 youth, substance abuse/dependency disorder – 28 youth, adjustment disorder – 27 youth. Secondary causes are listed in report. Report on Health and Wellness is 5 pages. Behavioral Health assisted with the pages, and should have more detailed information in the future.

241.1 Hearings, also referred to as Dually Involved Youth (Juvenile Justice and Dependency Systems), have been involved in collaboration with Behavioral Health Department. Joint recommendations have gone up considerably. Not all youth are able to be serve due to capacity. With the assistance from Board of Supervisors, the intent is to expand the program in the future to see better outcomes for more involved youths

The Dispositional Outcomes in the five year comparison show the number of youth being committed to the Hall has decreased from 204 in 2013 to 84 in 2015. Foster care has decreased as well. The number of kids sent to the Ranch went up slightly, and two youth were sent to DJJ in 2015. On the flipside, the number of youth in alternatives to detention or placement has expanded including youth in EMP Program, Edge and Peak Program. The numbers shows commitment by department and stakeholders.

Chair's Report: Vice Chair/Acting Chair Pennypacker reported on the following:

- The last Ranch Inspection Report was considered and accepted, and is now posted on the JJC website.

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- The Commission is in the process of doing the Law Enforcement Temporary Holding Facility Inspection. She hopes it will go to the Commission for approval in November.
- There are two vacancies on Commission, and the Commission is in the process of interviewing. The Commission will consider the applicants at the November meeting where a vote will take place and a recommendation will go to the Presiding Judge. An announcement will be made after.
- Juvenile Hall inspection should be starting this month. Commissioner Hansen will chair. He will send out possible dates to meet.
 - Commissioner Hansen adds he will also send out the initial Request for Information to the Hall manager.
- The governor signed legislation recently about transition age youth (18-21 year olds) in Juvenile Halls. It is up to Laura Garnett how to move forward in this County.

Juvenile Justice Court: Judge Tondreau reported on the following:

- The November 4th LACY Honors Luncheon. The Juvenile Justice Commission is receiving an award. He encourages all to attend.
- Dually involved youth: There will be a 2 day retreat next week. The Robert F. Kennedy Children for People will be coming back due to the expansion of 5 teams to handle the youth.
 - How can it be expanded economically?
 - He would like to find a way to do the program in a way that is not so exhausting for all involved.
 - How can the program continue to build so the dually involved youth project is institutionalized into the future.
- He outlined the new laws signed by Governor

Judge Lucero reported on the following:

- She plans to have a “New Laws in Review” in February or March. Judge Tondreau will cover the new laws at the next meeting of Court Systems.
- DV conference is on Oct 21st, “Domestic Violence Across the Lifespan.” There is still room for attendees.
- FLY breakfast is December; please save the date
- Beyond the Bench flyers went out for Jan 27th.
- Stakeholders are working on 2 tiered warrant system. Currently, a warrant is a mandatory hold, but working with stakeholders to allow a release with a court date. Hoping to cut down on the Hall population. There is an agreement in concept from Probation, District Attorney, Defense Counsel, and Court. Looking at other counties doing the same practice. It is a promising practice.
- She is working with NYLC: National Youth Law Center to make educational champion idea with Paths to Services (every child gets an Ed. Champion). She wants to take it to scale. With the end of the three year grant for Path to Services, she will start meeting to make sure every youth on probation, specifically higher risk youth, receive champions. She would like families trained in using the NYLC Education Champion model designed for this county.

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Judge Bondonno reported on the following:

- The goal of doubling the number of psychologist available has been challenging. After sending 63 individual letters to practitioners and deans, only 5-6 new people are coming on board. He is meeting with some next week and will continue to press forward with goal of expanding the list.

Judge Johnson reported on the following:

- Judge Bondonno and Judge Johnson will be at the DV Conference to talk about Juvenile DV Court and how trauma counseling is now provided. The Conference is October 21, 2016.
- Reminder, the CBO training on Juvenile Court process will be on 10/26 from 1-4.
- Competency Overview Committee is meeting on October 14th at 2:00 p.m.
- TARP, which is the sex offender program, will be meeting on 3rd of November at 12:00 p.m.
- Dually Involved Youth Programs will be hiring a coordinator. The position is on the Court website.

Department of Family & Children's Services (DFCS)/Receiving Center: Ms. Jennifer Hubbs reported on the following:

- Continuing to meet on the East Valley Campus process for the future site. Continuing to move forward with the expected completion date between 2018 and 2020. All judges have seen the temporary location. Working on petition and care reform and building up.
- Started talking to CSEC partners and want to draft RAIC protocol response to CSEC intervention.
- Participating in the runaway and missing youth committees to have better methods of engagement in trying to stabilize youth who runaway, including some partners like PCSERT, one of the service providers.

Commissioner Manchester would like to know the status of RAIC in terms of repair and timeline, and are there any other pipes causing concern?

Ms. Hubbs: When last checked about 3.5 weeks ago, all of the assessments have been done on the building and they are waiting on the work plan which will be ready in about 5 weeks. Concerned with how much time it will take to do the work. Due to the assessment of the entire building and the time it is taking, it is assumed any pipes encountered are being fixed during the assessment. It is possibly only the pipes on the second and first floor are involved. They still are giving a 4-5 month timeline officially. It will probably have to be extended.

How long is the lease on the temporary location, and is another extension possible?

Ms. Hubbs: It was a 4 month lease with a 30-day extension. She is working for another extension. They will have the discussion at the end of October. They are waiting for the work plan and estimate.

Judge Lucero question: What is the population of the chronic runaways?

Ms. Hubbs: A core group of 10 or 11.

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Judge Lucero: How many of those are involved with parental rights terminated?

Ms. Hubbs: Unsure

Judge Lucero: Do you have a Family Find Unit?

Ms. Hubbs: No, Family finding is supposed to be picked up by the RAIC as a part of the SIP Plan. The RAIC is unable to implement due to staffing, but they will be adding a night shift. Supervisors were hired. When the night shift social workers are hired next, staff will do computer searching and day shift will make contact. They do parent locate, but not family finding. She hopes to add this in a year or 2.

Probation Department Juvenile Program: Mr. Jermaine Hardy reported on the following:

- Highlights: Senate Bill 1004 has been signed by Governor for 18-21 year old transitional age youth population. Santa Clara will have a pilot project in Juvenile Hall to house this population as an alternate to County Jail. Probation is pulling a team together to have internal discussions. They will reach out to all partners to help put together services for this population. The hope is to improve outcomes for these young adults. The Program will be limited to non-serious offenders. If successful with one unit, they may expand to a second unit.
- SB 1001: County and State have agreed and signed with a contractor to build new Ranch facilities - new dorm, kitchen, gym and administration building. First pre-construction meeting with the contractor is on October 14th.
 - The project may take 2.5 years to complete with two phases starting with dorm, kitchen and gym, then after demolishing the old dorm, the new administration offices will be built.
- The Juvenile Hall kitchen remodel is moving along and hopefully will be wrapped up this month. They will be back serving meals in the cafeteria versus in the units.
- Due to time restraints, Probation did not provide data on programs and services, but provided the numbers in the monthly report.
- Control Room is part of a county wide assessment as far as safety and security of all county buildings. Discussions with SO indicate Probation is not a high priority, but working with County to see what can be done. Probation will be holding future meetings to continue to look at other options and ways to fund improvements. The county assessment may take up to year or 2 to complete. He would appreciate commissioners' support.
 - Probation will still put this on their capital projects list.

Commissioner Pennypacker question: Is the County doing overall study of security of all buildings or all jail buildings?

Mr. Hardy: All County Buildings

Judge Bondonno asks: How long has county been working on protocol?

Mr. Hardy: About 2 years.

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Kathy Martinez reported on the following:

- The Assembly for Hispanic Heritage Month at Juvenile Hall will be tomorrow from 1-2:30 p.m.
- Will be issuing 5 different RFPs for services later this year
- Recipients of Technical Assistance Grant to look at school to Juvenile Justice pipeline. Will evaluate education data from k-12 to identify behavior from youth who end up in Juvenile Justice System versus those who do not. It will go through Juvenile Justice Collaborative.

Behavioral Health - Mental Health Services: Lauren Gavin presented:

- Planning to provide Mental Health services to 18-21 when they are housed at Juvenile Hall.
- Involved in Continuum of Care Reform work group, and will be key partner for services in group homes.
- Have two new executive position on BH. A director for Mental Health and Family and Children Services and a director for adult services. They are recruiting now.

Commissioner Rhoads questions: Is it true in the past, group homes were responsible for contracting directly for a psychologist/therapist for care of kids in the homes and going forward it will be under the control of Behavioral Health?

Ms. Gavin responds: In order to bill Medi-Cal, the home must be certified by Behavioral Health. Some group homes are not certified. Behavioral Health is just getting involved in the discussion. It will require Medi-Cal Certifications at the site. The first meeting to discuss this is later this month.

Behavioral Health - Alcohol and Drug Services: No report.

Law Enforcement Agencies: No report.

District Attorney's Office, Juvenile Justice: Mr. Chris Arriola reported on the following:

- After 6 years, Mr. Arriola will be leaving District Attorney's Juvenile Justice Unit and is transferring to supervise the Community Prosecution and Truancy Abatement Unit. LaRon Dennis will be the new supervising District Attorney of Juvenile.
 - Ms. Dennis was a probation officer and court officer many years ago. She went to law school and worked at Administrative Office of Courts in San Francisco. and was hired a few years ago as District Attorney.
- The Fitness Transfer protocol was finished and all parties have approved the protocol.. When a minor is found unfit for juvenile court and needs to be transferred to adult court, it is an actual three page list of what needs to be done. If direct file does go away, there will be more fitness hearings.
- He thanked Mr. Hardy for assistance in the booking process for youth who have been found unfit.

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- The County has installed a video monitor in the West Wing of the County Government Building which will display directions for services in four languages. This will be expanded to other government buildings
- Language phones (blue phones) have been placed to allow people to call and receive assistance in almost any language.
- Public Health received a grant which will examine cradle to grave issues around criminality and violence specifically on three eastside zip codes mentioned in the earlier presentation.

Public Defender's Office: No Report.

Independent Defender's Office: No report.

Alternate Defender Office: Mr. Kevin Rudich reported on the following:

- Personal note of thanks to Commissioner Blockie as an advocate for kids in the system.

Legal Advocates for Children & Youth (LACY):

- November 4th, LACY luncheon. There are many different rates for different sectors.
- Kate Manning, Senior Attorney at LACY, will be meeting with Executive Committee about the work being done on Special Immigrant Juvenile Status. 130 kids (not all Juvenile Justice System) were served last year with a surge of kids coming from Central America.

Medical Services: Chia-Chin Lee reported on the following:

- Flu season is coming. A majority in James Ranch and Juvenile Hall were vaccinated except 6 (2 parents refused, 4 kids refused). They will continue to try convince them to receive vaccine.

Alternative Schools Department, COE: No Report.

Victim Witness Assistance Center: No Report.

YWCA Support Services: No report.

Announcements/Correspondence:

Commissioner Tarpey question: will the 18-20 year olds be forced or is it voluntary to go back to Juvenile Hall?

Mr. Hardy explains the option is voluntary.

Adjourn to Executive Session: Vice-Chair/Acting Chair Pennypacker adjourned the meeting to Executive Session at 1:24 p.m.

Next Meeting: November 1, 2016, at 12:15 p.m.

Respectfully submitted,

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**Janice Jones
Recording Secretary**

(Content edited by Vice Chair/Acting Chair Pennypacker)