

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes - April 6, 2021
Via Zoom**

Commissioners Present: Ron Hansen, Chair Penny Blake
Victoria BurtonBurke, Vice Chair Lissa Thiele
Jean Pennypacker, Past Chair Lisa Macias
Stephen Betts, Secretary Lon Allan
Darius Parakh Carol Rhoads
Paula Escobar Nora Manchester
Heather Angove

Commissioners Absent: Diana Traub
Vaishali "Shali" Sirkay

Also Present: Honorable Franklin Bondonno, Superior Court
Honorable Frederick Chung, Superior Court
Audrey Nakamoto, Superior Court
Rachel Talamantez, Behavioral Health
Miriam Orlando, Juvenile Behavioral Health
Vanessa Cornejo, Behavioral Health
Debbie Pell, Bill Wilson Center
Ann Huntley, District Attorney's Office
Stacey Capps, District Attorney's Office
Jamila Hankins, Department of Family and Children's Services
Rob Lang, San Jose Police Department
Alex Villa, Probation Department
Brittney Carnahan, Probation Department
Carl Tademaru, Probation Department
David Mitnick, Probation Department
Dolores Morales, Probation Department
Jay Suekawa, Probation Department
Mariel Caballero, Probation Department
Nick Birchard, Probation Department
Vone Kegarice, Probation Department
Mike Simms, Probation Department
Dr. Katherine Everett, Alternative Schools
Nisreen Younis, Public Defender's Office
Damon Silver, Public Defender's Office
David Epps, Alternate Defender's Office
Karen Steiber, Independent Defender's Office
Annalisa Chung, Dependency Advocacy Center
Jennifer Kelleher, Law Foundation of Silicon Valley (LACY)
Shelley Aggarwal, Valley Medical Center
Lanphuong Le, Valley Medical Center
Matt Cammann, SENECA
Ruth Maurice, OMOS
Francisco Hernandez, OMOS
Alyssa Cayabyab, Fresh Lifelines for Youth

Janet Juarez, San Andreas Regional Center
Dr. Azelin Ellis, San Andreas Regional Center
Saskia VandeKamp, San Andreas Regional Center
Carrie Molho, San Andreas Regional Center
Irene De La Rosa, San Andreas Regional Center
Mike Keeley, San Andreas Regional Center

Also Present Cont'd: Pat Tondreau, Citizen (Ret. Judge)

Call to Order & Introductions: Chair Hansen called the meeting to order at 12:15 p.m.

Agenda Approval: The agenda was approved by all Commissioners present.

Public Comments/Oral Petitions: None.

Approval of Minutes: March 2, 2021 Minutes approved by all Commissioners present.

Presentation: San Andreas Regional Center (SARC) presented by Janet Juarez, District Manager Intake Department of San Andreas Regional Center.

Contact Information: **Email-** jjvarez@sarc.org; **Phone Number-** (408)341-3429; **Fax-** (408)281-6963

- San Andreas Regional Center serves those with developmental disabilities. Under Department of Developmental Services, there are a total of 21 regional centers in California. San Andreas Regional Center serves Santa Clara, San Bonito, Santa Cruz, and Monterey counties.
- Eligibility conditions include: autism, cerebral palsy, epilepsy, intellectual disability, and people with a disability similar to intellectual disability. The disability has to be present prior to age 18, and it has to be a lifelong condition.
- Areas of functioning that are assessed include: communication (receptive and expressive), learning, self-care, mobility, self-direction, capacity for independent living, and economic self-sufficiency. These assessments are age-appropriate for each individual.
- SARC does not accept individuals with only a physical condition, psychiatric disorder, or learning disability on their own. Dual diagnosed patients may be accepted if they also fulfill the other 5 eligibility requirements.
- Timelines: 120 days to process eligibility; there may be special consideration for judicial cases and DFCS cases which may be processed sooner.
- Individual Program Plan (IPP) is a contract of services between a client and the regional center. The client receives a social worker who will handle the case for ongoing case management.
- If an applicant is deemed not eligible, the center will offer due process, which can be done in a formal meeting, mediation, or a hearing.
- Making referrals: referrals can be made online through the intake interest form on the website, through the telephone by speaking to the intake department, or by fax or mail. Walk-ins are not accepted right now. General Phone Number: (408)374-9960 (Request to speak to the Intake Department)
- Generally, anyone over the age of 18 can self-refer or have someone help with proper consent.
- What to send with referral: proper consent, contact information, and documentation of eligible disability. Other information that can be useful include psycho-educational reports, IEP's, private assessments, neurological reports, etc. When records are not available, please contact the center for more information.

- Services are person-centered through IPP and are voluntary/based on need. Eligibility is for their lifetime. In order to receive the services, the person must stay within the area that the services are available. Cases can be transferred within the state of California.
- Services are provided based on a person's needs, not just based on their disability.
- Other services: case management, residential placement, respite, daycare assistance, day programs, independent living services, advocacy, and linkage to public agencies such as schools, job coaching, etc.
- Mike Keeley, Director of Customer Services at San Andreas Regional Center, added that the center is serving 17,000+ families. There are 2 areas the regional center can assist with which are intake/eligibility and competency.
- Ann Huntley asked, regarding competency- if a minor is already participating in a competency program in Santa Clara County, but the program directors have concerns about whether or not that person can be rehabilitated or restored to competency, at what point would SARC become involved? Does the person have to be found incompetent by County process and then referred? Or can they go along simultaneously? Mike answered, in order to receive services, they must meet the eligibility requirements. They can be referred at the same time as they are getting their competency training done to see if they are eligible for services; then, if they are eligible, they may meet with a SARC vendor who specializes in developmental disabilities. Carrie Molho, Clinical Manager at SARC, added that the person must be a client, and then court a court order is required to evaluate for competence, which is typically handled by behavioral health. SARC can and does provide competence training under court order; the court would decide how long they would receive that service. The service coordinator would then provide monthly written reports on the client's progress. The eligibility process timeline depends on which records are provided; sometimes, it can be expedited. However, often times, it is hard to obtain all of the information that is needed. To assist in expediting the process, it would be best to provide access to all of the information, history, and records necessary. Minors are not automatically excluded if they do not have an intellectual disability. Applicants still qualify for consideration if they fall under the autism spectrum or have a condition that is similar to intellectual disability.
- Judge Bondonno asked what qualifies someone as intellectually disabled? Carrie answered that, in the past, the term was "mental retardation" up until 8 years ago based on IQ. Recently, it has been moved to a diagnostic assessment based on a person's ability to function in day to day activities. There still has to be evidence of cognitive impairment. As long as someone is approximately 1.5-2 standard deviations below the mean.
- Commissioner Rhoads asked how many clients are wards and dependents? Carrie answered that she does not have that information. Irene De La Rosa, the Associate Director, will look into finding out more information about this.
- Nisreen Younis asked when Behavioral Health is not the one providing remediation services, is there a formal process to get progress reports? Carrie answered, regarding competency restoration, SARC has moved from quarterly reports to monthly updates for juvenile clients. Regarding the process for conservatorship, SARC only provides assessments for limited conservatorships for individuals about to turn 18 years old. Mike clarified that SARC can actually do conservatorships for those older than 18 years old if they need to be conserved. SARC tries not to do conservatorships unless absolutely necessary for a person's safety. The regional center can do a review and provide a recommendation pro or con conservatorship, but almost never recommend who should be the conservator.
- Nisreen Younis asked, if someone does not agree with the eligibility determination, is there an internal process before they file an appeal? Carrie answered that this is situational; a notice of action always needs to be filed to appeal a decision. Depending on the situation, it will go to a fair hearings designee and that person in consultation with the applicant/team that made the decision will decide if it is better to proceed with a redetermination or administrative hearing. There is an option of an informal meeting before the hearing as well.

REPORTS

Chair's Report: Chair Hansen reported on the following: Over the course of the last month, as a result of the Commission's distribution of the report, "School Policing: School Resource Officers- Recommendations and Findings", JJC was invited to present and discuss the report with the Santa Clara County School Board Association. A panel including Nisreen Younis, Joanna Lowry, Diane Ortiz, Paula Escobar, Carol Rhoads, and Lisa Macias is going to have a follow-up discussion regarding this matter.

Juvenile Justice Court: Judge Bondonno reported on the following:

- Discussions about how to manage DJJ cases when DJJ closes in July are still ongoing. There is not yet a solid understanding of how that will play out. There are currently 58 youths in Juvenile Hall (no females) and 22 youths at the Ranch (1 female).
- Chair Hansen asked if there have been discussions about the court and how it may be affected if social distancing is relaxed to which Judge Bondonno answered that there are discussions happening, but no clear definitions yet.
- Commissioner Pennypacker asked if everyone is back to a full schedule or if they're on a modified schedule. Judge Bondonno answered, a modified schedule- Judge Bondonno hears afternoon trials and hearings Monday through Thursday. Morning calendar is on Wednesday and Friday morning. Judge Folan hears trials and hearings on Monday and Thursday. Judge Lucero's DIY calendar is on Friday mornings. The biggest limitation is that there is not enough money to fully staff the court, so only 2 departments can be run on any given day.

Dependency Court: Judge Chung had nothing new to report.

- Chair Hansen asked if staff or limited staff has impacted Dependency Court. Judge Chung answered, yes, in the afternoons only 2 of 3 departments are holding hearings. Only 2 trials per day at most.
- Chair Hansen asked if there has been backlog, to which Judge Chung said, no. However, the trials are being set further out.
- Nisreen Younis asked if the number of petitions have gone down. Judge Chung said, yes, they are down a little bit. Part of that may be because youths are not in school in person, so they are not exposed to mandated reporters as much. The issues themselves are most likely not reduced.

Alternate Defenders Office: David Epps had nothing new to report.

Independent Defender's Office (IDO): Karen Steiber had nothing new to report.

Legal Advocates for Children & Youth (LACY): Jennifer Kelleher had nothing new to report.

Dependency Advocacy Center: AnnaLisa Chung reported that DFCS has received a new visitation protocol, which will hopefully lead to an increase in in-person visits for families that are in reunification. DAC is launching their new prevention focused program, First Call for Families- an interdisciplinary program with an attorney, 2 mentors, and a social worker. The attorney position has been filled, so there is now a staff attorney vacancy. They are currently still interviewing for the First Call social worker positions.

The Office of Mediation and Ombuds Services: Ruth Maurice reported that Francisco Hernandez has been deployed for disaster service work, so she will be handling VOMP matters alone for a few months. There are other Spanish speakers in the office, so they will do their best to assist everyone who is sent their way. Chair Hansen asked if their numbers have changed, and Ruth replied that they have- they appear to have gone down.

Alternative Schools Department, COE: Dr. Katherine Everett reported on the following:

- As of today, they are back to 5 days a week of full day instruction in Blue Ridge and Osborne.
- There is also a 12-week apprenticeship program taking place. They are currently working on laying a concrete sidewalk over the next two weeks.
- In May, there will be a 2-week facilities and maintenance training course offered with help from a specialist from San Jose.
- The adult re-entry in the Challenge Accepted program will be getting a set of laptop computers for a mobile computer lab. Chair Hansen asked if these are for the youth who have been released. Dr. Everett answered, yes, they were potentially their students who have been released and are returning through the adult re-entry program.
- Chair Hansen asked if the instruction model has been changed to provide class materials or if it is mostly Edgenuity with teachers as resources. Dr. Everett answered, it is mostly ingenuity- it meets students' needs in a couple of different ways. The stable cohorts have different grade levels, so those students are able to access their education at their grade level and progress at their own pace. Some students are getting through the material quickly, and others who need more assistance will be able to get that assistance in-person now.
- Commissioner Rhoads asked what RPI strategies are used for kids in custody who have very low literacy. Dr. Everett answered that they are providing more one-on-one support; parent educators are in the classroom as well. One-on-one support is provided to students who are at those levels. A reading specialist will be working a little more closely with staff. The number of students in the classroom is fairly low, allowing for more one-on-one interaction.
- Commissioner Pennypacker asked what the name of the program that allowed youths to come back to school after turning 18 years old and not receiving a diploma was. Dr. Everett answered, "Opportunity Youth Academy" - this program serves youth from 16-24 years old. Those students are mostly not going through adult re-entry. All students in adult re-entry go through that specific program and are recommended to go through it to finish their diploma. The adult re-entry program does not have an age limit for participants. These are the two options for someone who would like to obtain their diploma.

Probation Department Juvenile Program: Nick Birchard, Alex Villa, Carl Tadamaru and Dolores Morales reported on the following:

- Welcome to Jay Suekawa as the current work-out-of-class Division Manager for the Probation department.
- Probation's Education Services Unit has had 5 team members activated for disaster work. Therefore, they will have to prioritize Project YAY referrals due to the limitations on their staffing.
- Dolores Morales reminded everyone that there is a Town Hall hearing facilitated by MIG today, 4.06.21, from 4:30-6:30 pm. This meeting is to hear the public's opinions about the changes with DJJ. The second meeting for young adults under the age of 25 will take place on 4.07.21 from 5:00-7:00 pm. The last meeting will be on 4.21.21 from 5:00-7:00 pm; this meeting is specifically for Spanish-speaking members of the community.
- Chair Hansen asked what Probation's take on the increasing number of young people over the age of 18 in Juvenile Hall is. Nick answered that, yes, there has been an uptick in the overall census in Juvenile Hall. They have received a few youths back from county jail for the purposes of housing based on 208.5 (Welfare and Institution Code) language and SB-823 language, which raises the age that a youth can be housed in Juvenile Hall up to the age of 25 if their cases originated in Juvenile Court.
- Commissioner BurtonBurke asked, are people coming back from county jail or Juvenile Hall going to be housed with DJJ kids? Nick answered, no, they will not be mixed just because of their age. He encourages everyone to read the language in the legislature mentioned above.

- Commissioner Pennypacker asked if the program that Probation has right now that are housing kids from county jail will go away in July. Nick said, no, it won't. It depends on when that youth committed their offense; a lot of cases that are still pending whether or not they're going to be tried as a juvenile or as an adult. Youth who turned 19 were transferred to county jail no matter where they were in their court process in the past. Now, these youth are eligible to come back to Juvenile Hall based on the new language.
- Carl Tademaru added that they recently received a 24 year old who is pending a murder charge. He pled to a deal; they took the adult charges off and committed him to DJJ. So, he was returned to Juvenile Hall.
- Commissioner Rhoads asked how Probation is managing a situation like that to avoid negative effects on the rest of the population. Probation answered that they have been struggling to utilize different units. They have converted A2 right now to house county jail returnees who are still pending juvenile matters. They are trying to house them separately and opened A4 as the new admit/medical observation unit for use if need be. There are only about 6-7 possible returnees from county jail. As a result of the new legislation, any youths that are pending these types of serious charges are going to remain in Juvenile Hall up to the age of 25. They won't be transferred to county jail unless they pose a threat to those in Juvenile Hall; then, Probation may petition to have them housed in county jail. They are aware and concerned with the influence that gangs in prisons have had on returnees and how to prevent that from negatively affecting the other youth in Juvenile Hall.

Department of Children and Family Service/Children's Receiving Center (DFCS): Jamila Hankins had nothing new to report. They are still waiting on licensure for the Welcoming Center.

Behavioral Health - Mental Health Services and Alcohol and Drug Services: Miriam Orlando reported the following:

- General Clinic clinicians are meeting with youth face to face.
- Behavioral Health has increased care coordination to help youth transition from being released from Juvenile Hall into the community thanks to rehab counselor, Daniel.
- Several Behavioral Health team members are on committees or groups related to the DJJ realignment, and that collaboration has been going well.

Medical Services: Dr. Shelley Aggarwal reported on the following:

- Introduction to Lanphuong Le, the new Interim Nurse Manager. Lanphuong started in custody health services 20 years ago, and has worked in adult medical services, adult acute psychiatric services, and juvenile. One of her main talents is educational interventions as she has worked as a staff developer for the past 5 years.
- The main update is that COVID vaccinations for youth has begun; 39 doses of either the Johnson & Johnson, Moderna, or Pfizer vaccines have been administered. An additional 8 vaccinations where youth have finished their 2 dose series have been administered. They are hoping to get rolling vaccine clinics soon.
- Flu season has ended, so flu shots are no longer being administered.
- Nisreen Younis asked about the three youth under 16 years old. Dr. Aggarwal answered that the trials for youth 12-15 years old seem promising, but neither vaccine has been approved yet. They are not being administered at this time.
- Commissioner BurtonBurke asked if any youth are COVID positive right now. Dr. Aggarwal answered, no.

Law Enforcement: Rob Lang had nothing new to report.

District Attorney's Office: Ann Huntley had nothing new to report.

Public Defender's Office: Nisreen Younis reported on the following:

- A 5th attorney, Sandra Sosa, has joined the team.
- The Public Defender's Office has received many questions regarding what is happening after DJJ closes; she is directing them to Probation. People are concerned about helping the Court know what the options are because of the transfers that are pending. If a case originated in Juvenile Court, they are entitled to being housed in Juvenile Hall, and there's a presumption that they stay there unless they cause problems and are transferred to be housed with adults. One of the problems is that the BSCC guidelines are not very clear, so they are still looking for a fix regarding cases where it is unclear where someone should go.

Announcements/Correspondence: Dolores Morales reminded everyone that Probation is presenting on PIVOT Strategies on 4.21.21. There will be a DJJ presentation on 6.16.21.

Adjourn to Executive Session: Chair Hansen adjourned to Executive Session at 1:28 p.m. The next meeting will take place on May 4, 2021.

Respectfully submitted,

Audrey Nakamoto