

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
APPROVED Meeting Minutes-August 4, 2015
Santa Clara County Crime Lab, 1st Floor, 250 W. Hedding St., San José, CA**

Commissioners Present: Raúl Colunga, Chair
Jean Pennypacker, Vice Chair
Ronald Hansen, Secretary
Penny Blake
Raymond Blockie
Victoria BurtonBurke
Bonnie Charvez
Nora Manchester
Carol Rhoads
Pamela Serrano
Jeremiah Tanojo
Vincent Tarpey

Commissioners Absent: Commissioners Kimberly Dong, Gustavo Gonzalez, and Courtney Macavinta previously notified the Commission that they each would be unable to attend the August 4, 2015 meeting.

Also Present: Honorable L. Michael Clark, Superior Court
Honorable Margaret Johnson, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Pat Tondreau, Superior Court
Lauren Gavin, Mental Health Manager, Mental Health Services
Chia-Chen Lee, Manager, Valley Medical Center
Chris Arriola, Supervising Deputy District Attorney, District Attorney's Office
Diana Perez, Juvenile Hall, Probation Department
Jose Lepe, Senior Group Counselor, Juvenile Probation Dept.
Sherry Yoder, Group Counselor, Juvenile Probation Dept.
Robert Young, Manager, Probation Department
Jose Franco, Deputy Public Defender, Public Defender's Office
Stephanie Kitchen, Prevention Program Manager, Department of Alcohol & Drug Services (DADS)
Emmanuel Cardenas, Case Manager, FLY
Octavio Jimenez, Juvenile Justice Drug Court Coordinator, Superior Court
Jennifer Kelleher, Directing Attorney, LACY
Daniel Oorket, Group Counselor, Probation Dept.
Dana Bunnnett, Director, Kids in Common
Erica DiPietro, Intern, Kids in Common
Elsa Jennings, Probation Manager, Juvenile Hall
Ninveh Joseph, Juvenile Hall Group Counselor, Probation Dept.
Jenny Lam, Deputy County Counsel, County Counsel's Office
Eric Parsons, Group Counselor, Probation Dept.
Kathy Martinez, Probation Department

Guests Present: Lyn Johnson, Private Citizen
Lydia Harris, Private Citizen

**Juvenile Justice Commission
Meeting Minutes – August 4, 2015**

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

Agenda Approval: Moved by Commissioner Manchester and seconded by Commissioner Tarpey, the agenda for August 4, 2015 was unanimously approved.

Public Comments/Oral Petitions: None.

Approval of Minutes: Moved by Commissioner Blake and seconded by Commissioner Hansen, the minutes of July 7, 2015 were approved unanimously.

REPORTS

Chair's Report: Chair Colunga reported on the following:

- July has been slow, with the Board and many meetings in recess.
- Chair Colunga and Commissioner Blake met with Supervisor Cortese's staff to discuss Receiving and Intake Center (RAIC) related issues. A copy of the letter for Supervisor Cortese was given to his staff and to Supervisor Chavez. Members of the Child Abuse Council also joined the meeting to discuss the process for the ultimate design and planning for the RAIC. They expressed support and appreciation for the consultant who was hired. There was shared concern over the timeline of three to five years that was revealed for completion of the RAIC. Throughout the process, various participants from the stakeholders workgroups and core groups expressed the need for the shelter to become licensed. The basis for this concern was that in 11 of the past 13 months, there were overstays in each of those months. These were significant overstays beyond 24 hours. The Commission is hopeful that when this item is brought before the Children, Families, and Seniors Committee, members of the Commission will be there to speak to the issue and that the RAIC report completed earlier this year will be agenzized so that members of the Commission can address any concerns that the Board might have.
- The Ranch report is still being worked on. The Commission hopes to have it ready for review and approval at the September meeting, and for distribution shortly after.
- The group home report is being reviewed by the Commission this afternoon. It should be posted to the public website in the near future.
- The Court User Project report was distributed and is available on the Superior Court public website.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Judge Tondreau thanked the Commission for the Court User Project report. The Commission took a lot of time and put in hard work to produce great recommendations. A group has been put together to tackle these issues and will meet tomorrow. A number of commissioners are in that group, and they will report back to keep the Commission informed on their progress in dealing with those issues.
- September and October will be busy with trainings. The Court has contracted with the National Compadres Network to do a series on trauma informed, culturally competent, and family engaged training. The grant says all of that training must be completed by September 30th or the Court will lose the money. They will be working to finalize those dates today and the notices will go out.

Juvenile Justice Commission Meeting Minutes – August 4, 2015

- There will also be a series of trainings on the new dually involved youth (DIY) protocol. Specific dates and times will be sent out regarding the three hour trainings meant to encompass social workers, probation officers, attorneys, judges, and Commission members. The idea is to spend time to talk about the history of the DIY Court, the philosophy, the new protocol, options for probation officers and social workers in terms of recommendations, and the new joint co-jurisdictional team. There will be opportunities to participate with fictional cases that require recommendations by the various agencies.
- The Joint Legislative Audit Committee of the State Legislature has asked the State Auditor to do an audit of DIY programs throughout California. Six counties were selected, three with and three without DIY programs. Santa Clara County was chosen as one of the three who do. The audit has started and a team was sent by that committee. The team has come to Executive Steering Committee meetings, watched scheduled court hearings, and requested several documents. At the end of the process, Santa Clara County will be part of the joint report involving all six counties.
- The Annual Data Report that usually goes out July 1st will go out soon. It is being finalized in the next few weeks.
- The Commission asked a year and a half ago to have the Competency Leadership Team produce a memorandum of understanding (MOU) between the Mental Health Department and Probation Department for continuing competency development programs. The MOU will be finalized tomorrow and circulated for signature. Once signed, it will be sent to the Commission.
- Judge Tondreau will be speaking at the National Association of Counsel for Children conference on August 25th with Robert Schwartz, the director of the Juvenile Law Institute in Philadelphia, and Neha Desai, who used to be with the Probation Department.

Commissioner Tarpey asked if the audit was prompted by concern. Judge Tondreau responded that it was not, and that the audio of the request was circulated. In that audio, the Director of the State Auditor mentioned she heard that Santa Clara County was a model program for DIY, so it was a broad interest. Also, AB-129 was passed a number of years ago to encourage systems to work together and they want to know how that has taken effect.

Chair Colunga inquired if the annual report should remain scheduled to be presented in September. Mr. Chris Arriola stated that yes, the report is almost done. Chair Colunga confirmed that it will remain on the September 1st agenda.

Judge Lucero reported on the following:

- Judge Lucero and a team of Court employees recently returned from a drug court conference in Washington, D.C. It was a well-attended event, with over 5,000 people coming together for a week of workshops on best practices and cutting edge research. One takeaway was that the Obama Administration is committed to transformative justice and reducing the incarcerated population that is there due to mental health disorders and drug addiction. One finding shared was that the Veterans Court model, which involves working with men and women who cannot get access to VA treatment, is 95% successful. This was another takeaway from the conference; that the integrated treatment approach is cutting edge and is a best practice, especially with a trauma informed lens. Santa Clara County is trending ahead in this regard.

Juvenile Justice Commission Meeting Minutes – August 4, 2015

- Santa Clara County has been selected by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) federal government consultants to help develop the guidelines for juvenile drug courts. There are guidelines for adult drug courts but not for juvenile. The Court will be getting a visit from them in September and working to develop the national guidelines.
- The one year anniversary of the Path to Services Court is approaching. There is some rollover funding and so they are looking for other innovations, including possibly adding a social worker to the team.
- The Girls Continuum of Care group is meeting on August 11th in Judge Lucero's chambers with the goal of developing a vision and mission statement.
- The Women and Girls Summit put on by the Office of Women's Policy will take place on October 22nd. There will be a justice focus, and the Court has been invited to participate.
- October 23rd will be the Santa Clara County Domestic Violence Conference. This event will provide important information on best practices.
- A social worker for the East Side Union High School District has been hired to work with justice-engaged youth. This individual will assist with the paradigm shift to ensure that education is part of the success of rehabilitation. This social worker will be a liaison to integrate youth from Juvenile Hall or the Ranch right back into school. It is a Probation Department funded position.
- Judge Lucero will be meeting with Supervisor Chavez regarding needing an eligibility worker for the Juvenile Probation Department. If anyone has input or an anecdote regarding times when they could have used that eligibility worker access, please send it to her so she can show the need and opportunity being missed to better serve families.

Judge Johnson reported on the following:

- Judge Johnson recently returned from a National Council of Juvenile and Family Court Judges (NCJFCJ) conference with a contingent from Probation that was held in Austin, Texas. One takeaway was that Santa Clara County is ahead of the curve with innovations in Juvenile Justice. Next July, the conference will be held in Monterey, so hopefully a bigger group of representatives from the County can attend. Some workshops can also be proposed to bring some of our local programs to a national audience. The Commission may want to consider hosting a workshop on the Court User Survey.

Dependency Court: Judge Clark reported on the following:

- The new family courthouse is progressing. All of the windows are installed and the target date is still spring of next year.
- Judge Schwarz continues to work on the psychotropic medication issue. She has been meeting with many local psychiatrists to talk about local practices. There are bills pending in Sacramento that may affect this as well.

Probation Department Juvenile Program: Mr. Robert Young reported on the following:

- Probation has four new supervisors in Juvenile Hall. They are Dan Cortez, Ninveh Joseph, Erica Perez and Bernadette Estes.
- Hot August Nights is approaching and all are welcome. August 14th, 5:30 – 7:30pm

**Juvenile Justice Commission
Meeting Minutes – August 4, 2015**

- The B9 unit will be moving to the beta side to address security concerns in the outside grass area. They anticipate the move will be within one to two months.
- The County Office of Education donated 2,000 books with the intention to open a library in one of the vacated units. A program called Freedom Writers, which is a tutoring/mentoring program, will also be donating books.
- Mr. Mike Clarke was unable to make it on behalf of the Ranch. The Executive Team and County Executives have identified some concerns and will be looking into those.

Judge Tondreau inquired if they are still looking for books for donations, and if there were any restrictions. Mr. Young responded that they are still looking and that softcover books are ideal.

Commissioner Pennypacker asked for more detail regarding the issues at the Ranch being looked at by the Executive Committee. Ms. Kathy Martinez indicated that there were recent attempted escapes at the Ranch. As a result of that, the security of the Ranch is being looked for any issues that can be resolved to tighten security. Chair Colunga indicated that, in the Commission report, they identified a great need for exterior lighting, for video feed for those who staff the call button at the gate, and an issue regarding the gate being open. These will all be included in the Commission's final report.

Ms. Lydia Harris inquired why the books being donated need to be softcover. Mr. Young responded so hardcovers cannot be used as weapons. Ms. Elsa Jennings added that at some point the request may open up to hardcovers, which may only be left in the library. When they figure out how that will work, Probation will let everyone know. Ms. Harris inquired what kinds of topics the Department is looking for. Ms. Jennings responded that they will be sorting through the donations and making sure they are age-appropriate. Commissioner Tarpey added that local libraries can donate used books that have specifically been designated as youth-appropriate.

Ms. Martinez reported on the following:

- The Probation Department was the recipient of a mentally-ill offender crime reduction grant. Part of this grant is an expansion of the DIY unit to include a social worker specifically for the unit. It also includes the enhancement of certain services and the development of a Youth Advisory Council. The money will go out to an RFP for assistance from a community provider to implement that. The goal will be to bring in the youth voice to help inform the Department as they make changes.
- The Title II state grant application was submitted and the result should be in during September. It is a prevention grant, and the area of prevention services was chosen as the Department's focus, in which they wrote in pro-social activities and enhancing already existing services in the Valley Palms area.
- The Board of Supervisors awarded the Probation Department about \$800K to develop and create a neighborhood services unit. The Department is looking to use the Title II grant to look at community engagement to find out what services are needed by hosting a series of community forums. The neighborhood services unit is still being developed using data from various sources. A program coordinator will be hired.

Judge Lucero asked if youth who are probation involved to those safety net programs. Ms. Martinez responded that they are looking to not just focus on probation involved youth or high-

**Juvenile Justice Commission
Meeting Minutes – August 4, 2015**

risk kids, but also looking further to keep youth from entering the system. Judge Lucero asked if youth from certain neighborhoods can be linked to those services. Ms. Martinez responded that yes, once the programs are set up, youth can be referred.

The Probation Population Sheet was distributed to attendees and is attached to the minutes.

Department of Family & Children’s Services (DFCS)/Receiving Center: No report. The June, 2015 Monthly Statistical Summary for the RAIC was distributed.

Behavioral Health - Mental Health Services: Ms. Lauren Gavin reported on the following:

- There is no wait list for the Competency Development Program. The program is open for referrals.
- Staff continue to be cross-trained to address both substance abuse and mental health issues.
- The target of screening every youth admitted into Juvenile Hall continues to be met. The target is 72 hours but the screening is usually completed closer to 24 hours.

Judge Lucero inquired if there were a plan to increase the availability of child psychiatrists for youth, citing an issue she ran into this week where a youth who needed a psychiatric consultation was told he had to wait six weeks as a standard, as well as barriers to him seeing other doctors. Ms. Gavin responded that she can discuss specifics of the case, but that there is an urgent care facility that can take youth 14 and up. California wide, there is a shortage of child psychiatrists, and language proficient psychiatry is even more challenging. Ms. Bunnett inquired if it is always a six week waiting period to get a psychiatry appointment for medication. Ms. Gavin responded that there are many factors, including the psychiatrist wanting more information. If the child is already on medication, it can be fast-tracked. Six weeks is a standard phrase often used, but urgent situations can be addressed. Ms. Bunnett stated that in working with youth in wraparound services, they have run into similar problems and feel that a systems approach is needed rather than having individual providers respond. Judge Lucero added that there is a lingering tension with not wanting kids on psychotropic medication on the dependency side, and the focus is to make sure everyone who is on court-ordered medication does need it. On the Juvenile Justice side, the issues are different and this needs to be pulled apart for policy makers because it is a gap in services.

Commissioner Serrano inquired about the timeline and process surrounding when a judge requests a minor is assessed by a psychiatrist. Specifically, Commissioner Serrano asked who determines the urgency of the request and what the appropriate action is. Judge Lucero responded that the form she is given for this process has three options that range from 5150 language to an undetermined timeline of when the assessment will happen. Commissioner Serrano stated the Commission would like more information about urgent requests and the conditions they are brought under of when youth are taken from Juvenile Hall. Ms. Gavin inquired if Commissioner Serrano is familiar with the EMQ Crisis Stabilization Unit which is now being used as an alternative to Emergency Psychiatric Services for kids. Commissioner Blake inquired if it were for in-custody or out-of-custody youth. Ms. Gavin stated they can send both in-custody and out-of-custody youth. Commissioner Serrano stated the Commission would like to tour the new facility.

**Juvenile Justice Commission
Meeting Minutes – August 4, 2015**

Behavioral Health - Alcohol and Drug Services: Ms. Stephanie Kitchen reported on the following:

- Ms. Kitchen joined Alcohol and Drug Services about 90 days ago in the newly created manager position.
- Prevention in the community and in schools is being prioritized. The department hopes to focus on an expansion in research and passing that information to parents in the community and other adults.
- Expanding the department's relationship with higher education is also a priority, including reaching out to San Jose State University.
- They are actively working with the Tobacco Free Coalition to work on the correlation between medical marijuana and recreational use, and the tobacco industry. The concern is youth access.
- They continue to work on dealing with underage binge drinking, and would like to expand their work to prescription drugs.
- If any group would benefit from education or advocacy outreach, please reach out.

Law Enforcement Agencies: No report.

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

- Filings were down in July. There were 75-78 filings in July not including violations of probation. There are 106 kids in Juvenile Hall, which is down 200 from 5 years ago. The population is still 72-78% Latino, which is a big disparity but they are working on addressing that.
- There was a home invasion robbery that included direct files in July.
- As of August 1st, there were about 20 direct files. The hope is to be under 40 for the year.
- A sub-committee is looking at direct files and the protocol to allow defense attorneys to petition the District Attorney's Office to bring cases back to Juvenile Court. The sub-committee has identified about 14-15 cases to look at that might meet the criteria being considered. Many factors must be considered, but youth could benefit if they were kept in Juvenile Court. Attempted murder, murder, and violent sex crimes would be excluded.
- In terms of staffing, Angela Alvarado has been reassigned to the community prosecution unit. They are hiring for a deputy district attorney until August 12th. It is a competitive recruitment, and they look for community-minded individuals who can make a good argument in court.
- The community prosecution unit has expanded. Deputy district attorneys and investigators are now in the 95112, Alum Rock, and Gilroy areas. Part of the grant that the Probation Department received was to cooperate with other areas, and the DA's Office wants to do that and put their resources into meaningful prevention work.
- The victim witness advocates are no longer a separate 501(c)(3). They are now part of the DA's Office. A Spanish-speaker was assigned to handle juvenile cases specifically. These services will now be easier to access.
- Today is National Night Out. Community prosecutors, including Mr. Arriola, will be at about half dozen spots throughout the community with about 30 programs going on.

**Juvenile Justice Commission
Meeting Minutes – August 4, 2015**

Commissioner Hansen asked about the flat population in Juvenile Hall over last 12 months. Mr. Arriola indicated the high was around April. Commissioner Hansen inquired about the Latino population decreasing and African American population increasing. Mr. Arriola responded that the population includes such small numbers that the percentages are affected drastically by any changes, and there are issues of disproportionality that are being addressed by the CSP Committee. That committee meets on Wednesday and focuses on this specifically and what we can do differently.

Independent Defender's Office: No report.

Alternate Defender Office: No report.

Public Defender's Office: Mr. Jose Franco reported on the following:

- The Public Defender's Office received funding for a social worker for the office. To begin with, this position will be split evenly between adult mental health and juvenile. More information will be provided in the coming months.

Legal Advocates for Children & Youth (LACY): No report.

Medical Services: Ms. Chia-Chen Lee reported on the following:

- The clinic will continue to receive federal funding for vaccines this year. The flu vaccine doses have been ordered, with 250 injectable doses, 150 spray doses, and 10 doses for pregnant patients.

Alternative Schools Department, COE: No report.

Victim Witness Assistance Center: No report.

YWCA Support Services: No report.

Announcements/Correspondence: Ms. Bunnett announced that the Children's Summit will be held on Friday, February 26, 2016.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Colunga adjourned the meeting to Executive Session at 1:17 p.m.

Next Meeting: September 1, 2015 at 12:15 pm.

**Respectfully submitted,
Britney Huelbig
Recording Secretary**