

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
APPROVED Meeting Minutes-August, 1, 2017  
Crime Lab, 1<sup>st</sup> Floor  
250 W. Hedding Steet  
San Jose, California 95110**

**Commissioners Present:** Penelope Blake Ron Hansen, Vice Chair  
Victoria BurtonBurke, Secretary Nora Manchester  
Dana Bunnett (12:31 p.m.) Jean Pennypacker, Chair  
Bonnie Charvez Vincent Tarpey  
Raul Colunga, Past Chair Lissa Thiele  
Dante Duffel-Stein

**Commissioners Absent:** Brittney Dong, Gustavo Gonzalez, Courtney Macavinta,  
and Carol Rhoads

**Also Present:** Honorable Franklin Bondonno, Superior Court  
Honorable Katherine Lucero, Superior Court  
Honorable Julianne Sylva, Superior Court  
Honorable Pat Tondreau, Superior Court  
Jenny Lam, County Counsel's Office  
Jane Abrams, Student  
Nisreen Baroudi, Public Defender's Office  
Nick Birchard, Probation Department  
Jennifer Cloyd, Division Attorney, LACY  
Adelina Del Real, Superior Court  
LaRon Dennis, District Attorney's Office  
Michele Diederichs, Attorney, Public Defender's Office  
Zelia Faria-Costa, Sr. MHPS, Behavioral Health Services  
Department  
Braulio Garcia, Student  
Liliana Gomez, Student  
John Hirokawa, Retired  
Jennifer Hubbs, SSPM, Department of Children and Family  
Services (DFCS)  
Elsa Jennings, Juvenile Hall  
Dira Kapoor, Student  
Vone Kegarice, Manager, Probation  
Elisa Kuhl, District Attorney Office Victim Service  
Chia-Chen Lee, Manager, Valley Medical Center  
Xochitl Linares, Student  
David Putney, SCCOE, Alternative Education  
Joselin Quinteros, Student  
Caterin Reyes, Student

Nellie Reyes, Student  
Veronica Robles, Juvenile Hall Interim Manager, Behavioral  
Health Services Department  
Kevin Rudich, Alternate Defender's Office (ADO)  
Karen Steiber, Independent Defender's Office (IDO)  
Carl Tademaru, Probation Manager  
Alex Villa, Probation Department  
Rylie Weaver, Student  
Robert Young, Probation

**Guests Present:** None

**Call to Order and Introductions:** Chair Pennypacker called the meeting to order at 12:15 p.m. All who were in attendance stated their names and organizations.

**Agenda Approval:**

- Chair Pennypacker added the swearing in of newly appointed Youth Commissioner, Dante Duffel-Steen, to the August 1, 2017, agenda.
- Addition of swearing in of newly appointed Youth Commissioner moved by Commissioner Blake and seconded by Commissioner Charvez.

Moved by Commissioner Manchester and seconded by Commissioner BurtonBurke, the agenda as amended was approved unanimously.

**Public Comments/Oral Petitions:**

Nisreen Baroudi informed all in attendance about an issue regarding a two officers from San Jose Police Department who entered the inside lobby of Probation to arrest a youth meeting with his attorney in the interview room. Even after request from the attorney, the officers would not wait until after the court proceeding. Ms. Baroudi raised concerns because she believed the practice of arresting youth in the mentioned manner was eliminated. Commissioner Colunga recommended speaking to San Jose Police Chief Eddie Garcia, and offers to be a part of any meeting with Chief Garcia regarding the issue.

**Approval of Minutes:**

Moved by Commissioner Manchester and seconded by Commissioner Hansen to approve the July 11, 2017 minutes, was approved unanimously.

**Oath of Office:** Judge Tondreau conducted the swearing in of newly appointed Youth Commissioner, Dante Duffel-Steen.

Chair Pennypacker delivers welcoming praise to Youth Commissioner Duffel-Steel who is a student at San Jose State University working on his undergraduate degree in Forensic Science

with intentions to pursue the same graduate study. He has been active in the community since high school, and his references spoke highly about him.

## **REPORTS**

**Chair's Report:** Chair Pennypacker reported on the following:

- The Commission will review the Annual Group Home Report August 1, 2017. The report will be distributed and placed on the website once edited and approved.
- The Receiving and Intake Center (RAIC) Report is ongoing. Due to the continuing activity, the Commission may produce an interim report as opposed to a final report. Commissioner Blake adds the report will not be out for another two (2) to three (3) months.
- The Commission hopes to have the Law Enforcement Agencies Report next month.

**Presiding Judge's Report:**

Judge Tondreau reported on the following for:

- Considerable legislation pertaining to Juvenile Justice has fallen by the wayside. AB 935 (a Juvenile Competency Bill) launched by the Judicial Council's task force, traveled through the legislative process, and should pass.
- Judge Lucero is being honored by the Youth Connections Foundation at the 13<sup>th</sup> Annual Comedy for Kids fundraiser August 4, 2017, at the SAP Center for her work in Juvenile Court.

Commissioner Pennypacker inquired about a bill limiting the prosecution of anyone twelve-years-old and under. Judge Tondreau stated it has turned into a two (2) year bill, and has not been acted on.

**Juvenile Justice Court Report:**

Judge Lucero reported on the following:

- Thanks to the Commission for the Ranch Inspection Report, especially the recommendations for enhancements the educational/vocational training and ensuring the youth have access to college courses and college prep.
- Friday, August 4, 2017, from 1:30 p.m. to 3:00 p.m. is the Juvenile Court Education Partnership meeting in Department 83.
- Wednesday, August 9, 2017, at 12:00 p.m. is the Court Systems meeting in Department 83.
- Thursday, August 10, 2017, at 2:00 p.m. is the NARCAN Training spurred by the overdosing epidemic. Probation is being trained and the Drug Court will be trained.
- Friday, August 11, 2017, from 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m. is the Reproductive Health Technical Assistance Training at the Family Justice Center Courthouse, 201 N. First Street, 8<sup>th</sup> Floor, San Jose, California. Judges have tried to limit cases on this day. People who work with young people should know how to have a discussion about unplanned pregnancies.

- Wednesday, November 8, 2017, from 12:00 p.m. to 2:00 p.m. will be an Adolescent Brain Development Training conducted by the National Youth Law Center. Adolescent Youth Development will bring in an expert to speak.
- Monday, December 11, through Wednesday December 13, 2017, will be the first National Women and Girls in the Criminal Justice System in the west. Monday will be a total youth-track planned and executed by youth.
- Judge Lucero attended the National Association of Drug Court Professionals and there is a new movement to move from saying Drug Courts and Mental Health Courts to saying Recovery Courts in an effort to advance justice by meeting the needs of everyone.
- The Path-to-Services recidivism statistics show the graduating youth are recidivating, but at a great deal less than discharged youth, denied youth, or youth only receiving a certificate of participation. The program accepts the toughest youth not doing well, and it seems the program is not causing more harm, meaning, youth are not falling deeper into the system.
- Girls are now wearing purple instead of pink. Judge Lucero thanked JPD for their work in finding the preferred color for the girls. Forty percent (40%) of the girls in California's Juvenile Justice System are LGBTQ or gender-nonconforming.
- Seeking Safety now running two (2) groups in Juvenile Hall. The reforms have occurred thanks to the Gender Responsive Task Force and the partnership with all the stakeholders on making things more comfortable and treatment oriented. Also, Seven Challenges is now being offered.
- Judge Lucero issued a standing order extending the amnesty with the Informal Juvenile Traffic Court to all outstanding traffic matters except for hit-and-run and DUI cases. Thousands will be impacted. This is an agreement with the District Attorney's Office, Defense Counsel and Probation Department. This agreement, combined with the Truancy Amnesty, has benefited possibly fifteen thousand (15,000) people.

Judge Sylva reported on the following:

- Please thank Dually Involved Youth workers who have been working hard together. The program is currently down a few social worker positions, but Judge Sylva is hoping to fill those soon.
- New Youth Commissioner Duffel-Steen is invited to attend and view Judge Sylva's court when he has an opportunity.

Judge Bondonno reported on the following:

- After returning from vacation and family leave, Judge Bondonno thanks the Commission and partners for the support.

**Dependency Court Report:** No report.

**Probation Department Juvenile Program:**

Alex Villa reported on the following:

- Of the 51 youth returning retroactively:

Twelve (12) have been dispositioned for the Department of Juvenile Justice;  
One (1) has been dispositioned for James Ranch;  
Seven (7) were dismissed from probation;  
Four (4) were transferred to the adult court system.

From Institutions, Nick Birchard reported on the following:

- Thank you to Judge Lucero for summing up the months accomplishments.

Elsa Jennings reported on the following:

- A contract with COE has been finalized with the assistance of David Putney (SCCOE). A new college liaison will be servicing all high school graduates. This liaison will assist with many aspects of transitioning from high school into college.
- Monday, August 14, 2017, will be the start of the annual shift change. New staff would require veteran court attendees to be patient.
- Parent Orientations are still taking place on Saturday. Ms. Jennings is hoping to have a formal report after analysis of the pre and post surveys. The two (2) hour orientations have occurred over the last six (6) months

Carl Tadamaru reported on the following:

- An issue with the Proposition 57 cases has occurred due to the Court's resource issues; some of the cases are being heard at the Hall of Justice (HOJ). With HOJ being an adult facility, the sheriffs are unable to hold juvenile minors in those holding cells prior to court. Nick Birchard, Robert Young, Captain Helms, and Mr. Tadamaru are discussing possible resolutions. The next steps would be to include the Court in the discussions. One option would be to have visiting judges go to Juvenile Court in department 83 instead of at HOJ.
- Youth in custody will be given a survey to provide feedback for Probation. The results will be shared with the Commission.
- Friday, August 4, 2017, at 5:00 p.m. is the "Hot August Night" event, which showcases old cars and provides music, fun, food and drinks. Email Ms. Jennings if interested in attending.

Commissioner Colunga requests clarification on how minors are walked to HOJ. Mr. Tadamaru confirms the minors are walked through the alleyway in shackles and handcuffs. Due to the higher risks youth, the sheriffs have provided assistance across the alleyway. Commissioner Colunga would like to discuss the issue with the executive commission because stances regarding the issues have been taken in the past.

**Department of Family and Children's Service/Children's Receiving Center (DFCS):**

Jennifer Hubbs reported on the following:

- Tuesday, August 1, 2017, was the initial licensing target date. An extension has been requested and the application is due Saturday, September 30, 2017.

- Some commissioners have seen the new building, and Ms. Hubbs gives an open invitation to anyone wanting to view the facility. The building is currently being leased, but is on the August or September agenda to attempt to purchase.
- The goal is to be in the other facility by 2020 as opposed to 2018 which was the original move in year. The site provides an advantageous location with SPARK and Behavioral Health.
- Hoping for another meeting in August or September.

Judge Tondreau requested information wanting to understand when the new RAIC facility would not be used, and instead be training new professional parents to step in immediately; is this the overall global desire? Ms. Hubbs answers in the affirmative also stating Francesca LeRue has a clear vision of what the facility will look like, and how it will flow with the RAIC consisting of two (2) separate entities: the assessment side and place where the children will sleep.

Commissioner Colunga requested to know when the stakeholder meetings would reconvene, and stated it would better serve the agency to provide consistent meetings which would eliminate assumptions.

**Behavioral Health – Mental Health Services:**

Zelia Faria-Costa reported on the following:

- Lauren Gavin has moved on to different position, and Veronica Robles is introduced as the Interim Manager for Behavioral Health Juvenile Hall.
- Judge Lucero covered many topics happening in the department; Seeking Safety, Seven Challenges, etc.
- The department will be a part of the certificate program with probation for supporting the LGBTQ Certificate, and a team will go to Washington for training.

**Behavioral Health – Alcohol and Drug Services:** No report.

**Law Enforcement Agencies:** No report.

**District Attorney’s Office, Juvenile Justice:**

LaRon Dennis reported on the following:

- Alex Villa talked about the Proposition 57 outcomes, and the District Attorney’s Office is currently in the middle of one (1). One (1) other case completed in July, and the minor was retained in Juvenile Court.
- Five (5) cases have filed for transfer.
- Ms. Dennis and Ms. Baroudi conducted another training for Probation on Transfer Hearings and Writing Transfer Reports.

**Public Defender’s Office:**

Nisreen Baroudi reported on the following:

- Welcome back Judge Bondonno.

- The Proposition 57 Hearings are going well. There was concern about some of the hearings being deemed Long-Cause and going over to HOJ, but assurance has come from Judge Lucero that a serious attempt to ensure the judges have experience and on-going training in Juvenile Justice.
- There is concern about shackling Juvenile Justice Youth, as the sheriffs have remained firm.
- Nice to see the Juvenile Hall population lowered again to between 75 and 90, but still concerned with the number of females and black youth in the Hall.
- Ms. Baroudi thanks Probation for the invitations to events at Juvenile Hall. It helps to see the clients in a different setting, and she encourages all invited and involved to attend the events.

Nick Birchard adds the importance of the attorneys' attendance helps motivate the youth.

Commissioner Bunnett requested clarification regarding movement of youth to HOJ proceedings. It is explained that although nothing is permanent, many suggestions are in discussion with multiple agencies.

Chair Pennypacker questions if there are any concerns about James Ranch increasing to 75% capacity. Mr. Birchard stated the census population depicts an increase in population, therefore the proportions remain the same. He is not concerned because a group of youth will be moving out. Only one of the previously closed units has had to reopen.

**Alternate Defender's Office:**

Kevin Rudich reported on the following:

- The previous concern with the Court's lack of reporters seems to be resolved. Cases are not on hold at the moment.

**Independent Defender's Office:** No report.

**Legal Advocates for Children and Youth (LACY):**

Jennifer Cloyd reported on the following:

- The County was generous with Law Foundation and Dependency Advocacy Center by agreeing to fund LACY at \$950,000 this year, mitigating half the State cut. The Governor agreed to fund Dependency Counsel across the state at an increase of \$22 million. The County received approximately \$460,000 in the state distribution, leaving a shortage of \$450,000 to \$500,000 compared to \$1.8 million in the initial projected shortage. The Law Foundation knows what will be cut from their side, not losing available services, but Dependency Advocates has a bigger challenge. Ms. Cloyd will meet with them soon.
- Ms. Cloyd thanks Judge Tondreau and the Commission for the support.

**Medical Services:**

Chia-Chen Lee reported on the following:

- Valley Medical Center has been working on a discharge planning process for kids; particularly kids with onsite controlled medication. A Commission recommendation was to supply psychotropic medication 30-90 days. The agreement was for 30-days due to some of the psychiatrists concerns of safety: follow-up appointments are not made before the youth leaves the doctor's office; the risk of overdose is greater with more pills. There will be a meeting with Behavioral Health to talk about what can be accomplished jointly to get appointments set up and continued counseling. The County's current "in-patient medication" funding does count for children, in-house and Juvenile Hall. Co-education is incorporated into everything with Behavioral Health. The tentative "go-live" is October 1. Healthlink has allowed access to necessary information to provide better communication for the agencies/persons asking the youth questions.

Judge Lucero asked if there is an opportunity for the parents to ask questions. Ms. Lee confirmed there is, but adds there is not a lot of opportunity.

Mr. Birchard acknowledged Ms. Lee's efforts and commitment to obtain success in her endeavor to provide a usable ability for better communication regarding the health of the youth. Commissioner Manchester adds a "thank you for great leadership."

#### **Alternative Schools Department, COE:**

David Putney reported on the following:

- Thanks to Dana and Penny for helping with the recent hires. Kevin Bristol will begin August 16, to replace retired Sonja House, MSW, Supervisor Foster Youth and Homeless Education Services.
- Hired a principal for Opportunity Youth Academy (OYA) beginning Monday, August 7, 2017.
- Still working on hiring an Administrator for State and Federal Programs.
- Social Worker hired for Mental Health Support and Services
- Partnered with Behavioral Health and will be providing drug and alcohol counseling at Snell Community School, Sunol Community School (EDGE/PEAK), and Odyssey Community School.
- Due to the growth at Blue Ridge, they are now exploring additional staff to work at the new pod.
- Still hiring CTE teacher. This is a difficult credentialed teaching position to hire. Once this person is hired, they will revisit the "Tiny House Project."
- Post-secondary collaboration is working well with students who have and have not graduated. Assistance includes any aspect of post-secondary schooling (i.e. FASFA, applications, online colleges, etc.). Mr. Putney and Mr. Birchard are working with San Jose City College attempting to pilot classes in Juvenile Hall as opposed to online. Load minimums make this task difficult. Even "Web" participation must be a class size of 25:1, and youth are not able to join another class in progress.
- Partnering with Probation with Positive Behavioral Interventions and Supports (PBIS) attempting to find a common behavioral modification level system to create consistency from James Ranch to Juvenile Hall to SCCOE.
- Shift change in Probation coincides with shift change at SCCOE.



- OYA is exploring having adults returning to the facility starting in mid-October. They will be in a separate unit three (3) days per week.

**Victim Witness Assistance Center:**

Elisa Kuhl reported on the following:

Chair Pennypacker requests the correct title to properly address the agency. Clarification is given stating Victim Services Unit is the appropriate term.

- Effective August 1, 2017, Victim Advocate began greeting victims checking into the Court helping to orient them to the process.

Judge Lucero would like the unit to identify which cases need restraining orders, also assisting the deputies with that. Ms. Kuhl states she will address the issue. Judge Lucero wants to ensure victims know about counseling services. Ms. Kuhl states victims are given the information. All restraining orders are included.

**YWCA Support Services:** No report.

**Announcements/Correspondence:**

Chair Pennypacker stated the Juvenile Justice Commission meeting in October 2017, will be held at Social Services Agency, 333 West Julian St, San Jose, California 95110. The meeting September 2017 will be in the normal location, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

**Old Business:** None.

**New Business:** None.

**Adjourn to Executive Session:** Chair Pennypacker adjourned the meeting to the Executive Session at 1:27 p.m.

**Next Meeting:** September 5, 2017, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Janice Jones