

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes- August 4, 2020
Via Zoom**

Commissioners Present:	Ron Hansen, Chair	Jean Pennypacker
	Penny Blake	Carol Rhoads
	Stephen Betts, Secretary	Vaishali "Shali" Sirkay
	Nora Manchester	Lissa Thiele
	Darius Parakh	Lon Allan
	Diana Traub	Victoria BurtonBurke
	Heather Angove	Lisa Macias

Commissioners Absent: Mila Eliashberg

Also Present:

Honorable Katherine Lucero, Superior Court
Honorable Franklin Bondonno, Superior Court
Honorable Frederick Chung, Superior Court
Shannon Hanna, Superior Court
Daniel Gutierrez, Behavioral Health,
Zelia Faria-Costa, Behavioral Health,
Alejandro Villalobos, Behavioral Health,
Rachel Talamantez, Behavioral Health,
Vanessa Cornejo, Behavioral Health,
Veronica Robles, Behavioral Health,
Jill Ugalde, Probation Department
Nick Birchard, Probation Department
Marc Utsey, Probation Department
Dolores Morales, Probation Department
Maureen Wheatley, Probation Department
Elena Pantoja, Probation Department
Mike Simms, Probation Department
Brittney Carnahan, Probation Department
Elisa Carias, Probation Department
Alex Villa, Probation Department
Itzhecatl De La Cruz, Santa Clara County Office of Education (COE)
Jeff Arnett, Santa Clara County Office of Education (COE)
Marie Mauboussin, Department of Family and Children Services (DFCS)
Jamila Hankins, Department of Family and Children Services (DFCS)
Ann Huntley, District Attorney's Office
Nisreen Younis, Public Defender's Office
Damon Silver, Public Defender's Office
Michelle Todus, Alternate Defender's Office
Andrew Cain, Law Foundation of Silicon Valley (LACY)
Julia Souza, Law Foundation of Silicon Valley (LACY)
Shelley Aggarwal, Valley Medical Center
Chia-Chen Lee, Valley Medical Center
Julia Cuevas, FLY
Vianni Garcia, FLY
Rafael Cervantes, Jr. - FLY
Leena Mendoza, International Leadership

Kimberly Wayne, SENECA
Debbie Pell, Bill Wilson Center
Christian Bijoux, DIY Initiative
Dana Bunnett, Kids in Common
Ruth Maurice, OMOS

Also Present Cont'd: Patrick Tondreau, Citizen
Paula Escobar, Citizen

Call to Order & Introductions: Chair Hansen called the meeting to order at 12:16 p.m. Due to time constraints there were no formal introductions.

Agenda Approval: The agenda was approved by fourteen (14) Commissioners.

Public Comments/Oral Petitions: None.

Approval of Minutes: Moved by Commissioner Betts and seconded by Commissioner Thiele to approve the June 2, 2020 Minutes was approved unanimously.

REPORTS

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

- JJC has gained four (4) new members, in order of their appointment: Lon Allan, Heather Angove, Diana Traub and Lisa Macias.
- Commissioner Rhodes presented a statement on behalf of the JJC's committee established to address disproportionality with the goal of sharpening the commission's focus on racism and its effects on and within the juvenile justice system. The statement was adopted and published by the JJC.
- JJC has approved the annual Juvenile Hall Inspection Report. The report has been distributed and posted on the JJC web page on the Superior Court website.
- JJC is currently in the midst of the annual Ranch Inspection, employing a combination of online interviews and limited physical inspection.
- JJC has begun its annual inspection of Law Enforcement holding facilities throughout the county to ensure they are compliant with all the relevant sections of the Welfare and Institutions Code. A report will be forthcoming and will be posted on the JJC web page on the Superior Court website.

Juvenile Justice Court: Judge Lucero reported on the following:

- Superior Court has been meeting, every other week, with a Covid-19 Juvenile Justice stakeholder group in order to address the changes necessary to serve the youth in the community through this pandemic. Judge Lucero is grateful to the key stakeholders for showing up and fulfilling their mandates. Judge Lucero also thanked Chair Hansen for being part of the meetings.
- Superior Court is in the process of finalizing the court's temporary Covid-19 protocol. The draft is currently being circulated to all the Juvenile Justice Judges for approval. This will be the protocol through February 2021.
- Superior Court has finalized the EMP/CRP protocol for Covid-19.
- Superior Court has resumed Court Systems trainings online. The next training will be held August 5, 2020 and it is from the Stanford University Educational Law Clinic. Judge Lucero said

there will also be another training on September 8, 2020 by Chris Bijoux who will be looking at the pipeline to prison and the juvenile justice system's participation in this idea.

- Judge Lucero said she would like for us all to be mindful, at some point in the future, to the changes we have made that are positive because we have made a lot of positive changes through this crisis. Judge Lucero said there have been some beneficial changes made. For example, the Juvenile Hall population and the drastic reduction of girls in custody.
- Judge Lucero thanked Judge Alloggiamento for her work on the Juvenile Hall inspection report she prepared for the Superior Court this year which provided special emphasis on what changed due to the Covid-19 crisis, particularly those made to keep youth and staff safe. The report is posted on the Juvenile Justice website.
- Judge Lucero thanked everyone for their continued collaboration to get through this Covid-19 era. Superior Court has only occasionally had to extend any mandated timelines, and have handled 90 percent of matters in a timely way. Judge Lucero said protocols have been developed for written arguments and written decisions to be made by Judges where there are stipulations.
- Superior Court is slowly reopening but has faced significant budget deficits and the court is doing what they can to continue the work, which is not the level they were working pre-Covid due to staff layoffs. Judge Lucero thanked everyone for their continued collaboration and professionalism.

Dependency Court: Judge Chung reported on the following:

- All three (3) Dependency courtrooms at the Family Justice Center are physically open. Judge Chung said they are working on the backlog of cases. This is being done through hybrid hearings, which is a mix of remote appearances using Microsoft Teams and in-person appearances by the parties. Most parties and their attorneys are appearing remotely at this time and they are continuing to strongly encourage everyone to appear remotely. By doing so, this has allowed them to keep the numbers low and manageable on the fourth floor of the courthouse.
- The Morgan Hill courthouse is scheduled to reopen with reduced operations this month. Plans are still in flux, but it appears unlikely that the dependency courtroom will be reopening in the near future. All south county cases are currently being heard in San Jose until further notice. DFCS is setting up a technology station in its Gilroy office for parents to use to appear remotely if they do not have access to their own technology.
- Adoption Day, which was originally scheduled for November 20, 2020, has been cancelled this year as a result of Covid-19.
- Judge Chung said it was very nice to see everyone and that he was especially glad to see Judge Tondreau.

Alternative Schools Department, COE: Jeff Arnett reported on the following:

- The majority of time being spent right now has been on SB-98, which is about justifying attendance regulations and regulations involved with distance learning that the state has set forward. Mr. Arnett said they are continuing to develop routines in this distance learning era. They are working on more face-to-face instruction and check-ins with students. Mr. Arnett said they will be working with Juvenile Hall to setup devices that will provide a Zoom check-in experience. This will include possibilities for daily check-ins, preferably twice a day; however, they are experiencing budget obstacles with respect to material needs. Mr. Arnett stated that they will be looking into the hardware and connectivity issues in order to see how feasible this will be and identify any additional obstacles they will have to work around to make it happen.

Chair Hansen asked who the meeting with Juvenile Hall will be with in addition to Mr. Arnett and other representatives of the SCCOE. Mr. Arnett stated the meeting will include one of the education liaisons at

Juvenile Hall and probation counselor, Ms. Stapleton. Chair Hansen then asked that Mr. Arnett update the commission with the results of that meeting. Mr. Arnett stated that he would.

Commissioner Burton-Burke asked if the same Zoom meetings they are considering at Juvenile Hall would also be used for youth at the James Ranch. Mr. Arnett asked for clarification from Commissioner Burton-Burke as to whether she was asking if the meeting he was having with Juvenile Hall was to discuss an extension of the service to the youth at the Ranch as well. Commissioner Burton-Burke indicated that was what she was asking. Mr. Arnett stated that is what their plan was and that the upcoming meeting was preliminary and being used to identify the hardware and equipment needs and the logistics of how it would be done. Mr. Arnett stated they will be looking at their budget to see how many of the devices they could put forward and then create schedules around that as well. Mr. Arnett stated that all the teachers and the administration agree, that they need more communication and connection with the students. Mr. Arnett stated he himself was stepping up his physical presence at the different sites and found that the more time he spent onsite with the students, the more he recognized there is a tremendous need. He found the students had a lot of questions and needed a lot of attention. Mr. Arnett stated we need to put the students face to face with their teachers and have more immediate communication because that is the largest obstacle as there is currently a large delay in that communication.

Chair Hansen asked that, if assuming the technology and equipment issues are taken care of, the other issue is what is being presented? Chair Hansen asked if the issue of what is being presented was being discussed in parallel with the technology issues. Mr. Arnett stated it definitely opens up the conversation as the teachers have new opportunities on interaction with the students. Mr. Arnett would like more academic presentations and one-on-one instruction with a visual component, but that is something they will need to explore as they go. Mr. Arnett indicated he was optimistic.

Probation Department Juvenile Program: Nick Birchard opened the floor to the different service managers who reported on the following:

- Alex Villa stated they are still working under the Covid-19 operations they have been working under for the last five (5) months. They are continuing to provide supervision and support to the cases they are overseeing. Staffing has remained stable within the building and there are staff onsite every day. The majority of individuals are continuing to work from home. There has been a lot of preparation for the new school year and making sure the students and their families have support with distance learning.
- Alex Villa stated the department continues to embark upon the race and equity work they have been doing and recently held forums with respect to this work. In addition, staff has been participating in multiple food distributions to support the youth and families in the community. The probation building and main lobby continue to remain open with Covid-19 restrictions in place.
- Maureen Wheatley stated that court functions are still continuing, mostly in a remote fashion. The courtrooms are running via the Skype program. Probation staff have been working out the details of submitting documents electronically to the different Justice Partners. Additionally, placement visits are currently taking place in-person.
- Nick Birchard indicated that Marc Utsey is one of the new managers at the James Ranch.
- Jill Ugalde stated the James Ranch is currently working on an outdoor visiting center that will provide an outdoor area for families to visit with the youth. Ms. Ugalde stated they are in the process of having a roof put on the outdoor area and will also be putting picnic tables and plexiglass in place in order to ensure safe visits. Ms. Ugalde stated new furniture will be placed on the main floor of the administration building and there will be scheduled trainings to learn

how to use the equipment in the gym and kitchen, in order to open up the new buildings to the youth. Ms. Ugalde anticipates this will happen in the next couple of weeks.

- Marc Utsey stated that programming and schooling is continuing to move forward through the use of virtual platforms. Mr. Utsey stated the youth and staff are resilient.
- Nick Birchard stated the staff at both James Ranch and Juvenile Hall have just completed their seniority bidding, so staff will be moving around and changing locations shortly. This was done virtually, for the first time, and it is something they will continue to do moving forward based on its success.
- Nick Birchard stated the youth at Juvenile Hall are continuing to make face masks and have been doing a great job. One youth was able to make a superhero mask for his child.
- Nick Birchard stated the current population at Juvenile Hall is at forty-five (45) youth. He does not recall hearing those numbers in his entire career and believes that is a testament to all the work being done to keep the youth out of custody. The current population at the ranch is thirty-six (36) youth. There are currently no girls at the Ranch and only four (4) girls at Juvenile Hall.
- Nick Birchard stated they have been able to open up three (3) to four (4) units in order to spread out the population, which has allowed for no more than 8-10 kids per unit. This has assisted in mitigating virus spread amongst the youth. The youth are currently tested twice before they are moved to a new unit.

Commissioner Burton-Burke stated there has been less incident reports at the Ranch because of the more widely spread youth and asked if they have seen less incidents at Juvenile Hall as well? Mr. Birchard said it is the same at Juvenile Hall because of less youth in each unit which has created a lot more space. Although they have had a couple of high-risk, high-need youth at Juvenile Hall lately, which has created incident.

Department of Children and Family Service/Children's Receiving Center (DFCS): Jamila Hankins reported on the following:

- DFCS currently has a total of three (3) youth within their scattered sites.
- DFCS is working with Behavioral Health and SENECA on the board directive to include a scope of services for SENECA to act in a consulting role.

Commissioner Blake asked if Ms. Hankins had received her email about arranging a meeting with Ms. Hankins to discuss scattered sites. Ms. Hankins stated she did not receive the email but will reach out to Commissioner Blake after the meeting to set something up. Commissioner Blake stated she will resend the email.

Chair Hansen thanked Ms. Hankins for sending out the daily dashboards.

Behavioral Health - Mental Health Services and Alcohol and Drug Services: Zelia Faria-Costa reported on the following:

- Behavioral Health is continuing to provide their system of care through a hybrid approach of telework and in-person services. Specifically, for Juvenile Hall, the staffing was reduced by fifty (50) percent, but much of that staff has returned and they are now at about seventy-five (75) percent. When staff are not at Juvenile Hall, they are tele-working and focusing on case notes, assessment writing and also making contact with families and other community providers to coordinate services.
- DIY youth advocates are continuing to provide support to youth and families in court and they have received positive feedback from families and system partners.
- The 602 panel are now providing in-person evaluations.

- Substance Use Treatment Services are continuing to be provided via the hybrid model of in-person and telehealth platforms. There is currently capacity in their system for both outpatient services, as well as, residential services.
- Substance Use Prevention Services are working on launching two media campaigns in partnership with the Public Health Department. One will focus on vaping, entitled “Don’t Take the Vape” and the target audience will be elementary through high school students. This campaign will highlight the issue of formaldehyde in vapes and is targeted to start on August 7, 2020. It will run for three (3) months. The second campaign, which will be launched in September, is called “Fentanyl Takes Friends” and the target audience will be middle school through teenage-aged youth. This campaign will highlight the issue of fentanyl being cut into party drugs and warnings about overdosing. It will run for four and a half (4.5) months.

Commissioner Allan asked for additional information about 602 panels as he is one of the new commissioners and would like it fleshed out. Ms. Faria-Costa indicated Vanessa Cornejo will answer the question. Ms. Cornejo stated they have a panel of psychologists and clinicians who process the referrals for evaluations when the court is ordering a 602 evaluation. They have resumed conducting the evaluations, whether or not the youth is in custody or out of custody, but there has been a decline in requests.

Chair Hansen asked, with respect to the initiatives they intend on implementing, with schools running in a dramatically different fashion, does their plan for rollout include accommodations for this change? Ms. Faria-Costa stated they will be primarily conducted on social media platforms, like Instagram, Snapchat and Twitter.

Law Enforcement: None.

District Attorney’s Office: None.

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

- Ms. Younis congratulated Marc Utsey from the Probation Department on his promotion to Ranch Manager.
- PD’s office will have two (2) staff changes, effective August 10. Emanuella Omori will be replacing Emily Ellison and Elliott Samuels will be replacing Daniel Wall. Ms. Younis anticipates there will be another staff change in September. There juvenile staff will remain at five (5) attorneys for the time being based on their office’s needs.
- The application and order process has been going really well as they have been able to get cases dismissed, youth off of probation and records sealed. The process has eliminated a lot of foot traffic in the court and has been an amazing model. Ms. Younis stated she hopes they will be able to continue this process in the future.
- The PD’s office has been successfully case conferencing via Zoom for their more complex cases involving youth in custody at Juvenile Hall.
- Ms. Younis stated that she would like flag an ongoing concern that monolingual parents need to have translated copies of the Probation Reports prepared so that they are able to know what is going on with their child before the hearing.
- Ms. Younis thanked the Probation Department for their flexibility in allowing their staff to communicate regularly with their in custody clients with no issues. They are being taken into rooms with no video or audio recordings and can communicate freely.
- PD staff will begin evaluating potential motions to bring back DJJ youth if they are being impacted by Covid-19. As of August 3, 2020, there are sixty-four (64) positive Covid-19 cases at

DJJ. DJJ is not communicating with the PD's office about whether or not their clients are some of the youth who tested positive. DJJ indicated forty-seven (47) of the sixty-four (64) cases have been resolved, but Ms. Younis does not know what that means exactly.

- PD's office is concerned about the youth at Juvenile Hall and the Ranch receiving a comparable education to youth in the community with respect to distance learning. Ms. Younis is hopeful that some kind of video conferencing and interaction with teachers will be up and running by August 20, 2020, when school is scheduled to resume.
- Ms. Younis stated that both her and Ms. Huntley from the District Attorney's office will be getting together to evaluate whether there are some low level cases that will not need court intervention. This is still in the preliminary stage, but perhaps they will be able to come up with a list of offenses that the DA will be willing to dismiss without the youth having to go to court at all.
- PD's office, the DA's office and the Public Health Department are currently in discussions about preparing a campaign with respect to fentanyl overdoses as the numbers have grown. Ms. Younis asked that all participants continue to spread the word as the numbers are increasing.

Jeff Arnett asked to respond to some of the issues presented by Ms. Younis. Mr. Arnett indicated that he would like to set up a meeting with the PD's office in order to address some of the concerns about education that were presented. Mr. Arnett stated they are trying to explore opportunities for youth to reach out for any kind of questions or comments and that he hears the concerns of the PD's office.

Chair Hansen asked what the number of Santa Clara County youth at DJJ was? Ms. Younis stated that she did not know. Nick Birchard stated DJJ does not tell them which youth have tested positive. Chair Hansen clarified that his question was only what the actual number of Santa Clara County youth was at DJJ. Nick Birchard stated he believes thirty-two (32) to thirty-three (33) and that he will get the exact number before the meeting is over.

Alternate Defender's Office: Michelle Todus reported on the following:

- ADO has nothing to report at this time.

Independent Defender's Office: None.

Legal Advocates for Children & Youth (LACY): Andrew Cain reported on the following:

- LACY continues to provide all their services even though they are operating remotely. LACY is still taking education referrals. They are also currently expanding latitude to serve juvenile justice families who are not eligible for services through the Project YEA path. Mr. Cain stated that he encourages all to continue to make referrals to himself or Julia Souza in order to see if youth qualifies for services.
- LACY shares the concerns of the PD's office with respect to access to education for youth in Juvenile Hall and the Ranch. Mr. Cain stated he would like to be part of the meeting with the SCCOE and will reach out to Mr. Arnett to provide both he and Ms. Souza's contact information.

Medical Services: Shelley Aggarwal reported on the following:

- VMC has been implementing strategies that primarily target prevention of Covid-19 for the youth and staff at Juvenile Hall. They are modifying as more information becomes available. The youth are aggressively screened for symptoms upon entry to Juvenile Hall, they are conducting

temperature screenings and everyone is required to wear a mask. Medical center staff are also screened for temperature. There are also strong protocols in place for social distancing. The Juvenile Hall units have lower census which allows for youth to be spread out and which decreases the chance of youth acquiring or spreading the virus. Medical Center is testing youth the day they get admitted into Juvenile Hall and then again in two (2) weeks. One limitation has been the testing resources provided by the county. In addition, all youth are being cleared before going to the Ranch, by testing negative.

- In addition to Covid-19, VMC is continuing regular medical care in reference to the additional needs and services of the youth. They are continuing to improve screening protocols for the substances youth are using to improve their understanding and so that they can continue to modify and optimize their intervention.
- Chia-Chen Lee stated that she would like to recognize youth from the Ranch who created two large banners, one currently displayed at Juvenile Hall, and the other at the medical command center thanking frontline health care workers.
- Chia-Chen Lee stated that all medical center workers have had nasal pharyngeal baseline testing done. The staff is tested every five (5) weeks, in-house. The medical center has dedicated time for probation to continue baseline testing. The Probation management team is working with the command center to secure a source to have the baseline testing done for them. Once they have finished that process, medical center staff will be able to provide testing every five (5) weeks for Probation staff. Ms. Lee indicated she was very impressed with the masks the boys were making at the Ranch.

Chair Hansen asked what is the current turnaround time for testing and results? Shelley Aggarwal stated that they are currently receiving results under twenty-four (24) hours, but there have been occasions where they have received some results within eight (8) to ten (10) hours. In general, they keep the window within 1-3 days, it is not common, but it is based on current resources at VMC.

Office of Mediation and Ombuds Services: Ruth Maurice reported on the following:

- OMOS is continuing to offer mediation services via video conferencing and it is working quite well.

Announcements/Correspondence: Judge Bondonno complimented the wonderful job Juvenile Hall and medical center staff are doing for the youth. Ann Huntley from the DA's office has no updates and the office is proceeding in the same fashion that they have been since the inception of Covid-19 and she is working collaboratively with Ms. Younis from the PD's office to ensure emergency protocols are set in place to efficiently handle cases. Nick Birchard said there are thirty (30) youth at DJJ.

Adjourn to Executive Session: Chair Hansen adjourned to Executive Session at 1:19 p.m.

Next Meeting: September 1, 2020 at 12:15 pm via Zoom.

Respectfully submitted,

Shannon Hanna