

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes—August 5, 2014**

Santa Clara County Crime Lab, 1st Floor, 250 W. Hedding St., San Jose, CA

Commissioners Present: Penny Blake, Chair
Stephen Betts
Raymond Blockie
Dana Bunnett
Victoria BurtonBurke
Bonnie Charvez
Kimberly Dong, Youth Commission
Ronald Hansen
Tracy Lauth
Nora Manchester
Jean Pennypacker
Pamela Serrano
Vincent Tarpey

Commissioners Absent: Commissioner Raul Colunga, Vice Chair, previously notified Chair Blake that he would be unable to attend the August 5th meeting.

Also Present: Honorable Margaret Johnson, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Pat Tondreau, Superior Court
Honorable Jesús Valencia, Superior Court
Chris Arriola, Deputy District Attorney, District Attorney’s Office
Alvaro Viramontes, Legal Advocate, YWCA Rape Crisis Center
Cindy Cole, Advocacy Manager, YWCA Rape Crisis Center
Randi Perry, Law Program Manager, FLY
Neysa Fligor, Deputy County Counsel, County Counsel’s Office
Jennifer Hubbs, SSPM I, Department of Family & Children’s Services (DFCS)/Receiving Center
Lauren Gavin, HCPM II, Mental Health Department
Robert Young, SGC, Juvenile Probation Department
Ana Sona, Group Counselor, Juvenile Probation Department
Jose Lepe, Group Counselor, Juvenile Probation Department
Diana Perez, Juvenile Hall Counselor, Juvenile Probation Dept.
Soutodeh Ahmadiéh, Attorney at Law, Independent Defense Office
Dan Lloyd, HCPM II, Department of Alcohol and Drug Services
Yvette Irving, Director, Santa Clara County Office of Education
Rita Loncarich, Probation Manager, Probation Department
Daniel Camp, Alternate Defender, Alternate Defender Office
Christy Smith, Group Counselor, Juvenile Probation Department
Mike Simms, Probation Manager, Juvenile Probation Department
Andrew Cain, Supervising Attorney, LACY
Jose Franco, Supervising Attorney, Public Defender Office

Guests Present: Lyn Johnson, Private Citizen
Matthew Isaac, Fellow, District 2, Board of Supervisors

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Call to Order: Chair Blake called the meeting to order at 12:15 p.m.

Presentation by Miguel Hilario, Santa Clara County, Cultural Competency Director

Dr. Hilario introduced himself as the first Director of the newly created Office of Cultural Competency for Children Services under the County Executive.

Dr. Hilario gave a brief overview of his background. He has extensive training in politics and economics, and a passion to make change. This led to his study of human, children, and ethnic rights through the Stanford graduate program. He previously worked for the Inter American Development Bank Washington, D.C. He also worked for UNICEF in charge of a program for children and women in Latin America that focused on issues such as trafficking, health and nutrition, and justice for juveniles.

In October of 2013, the Santa Clara County Board of Supervisors approved the creation of the Office of Cultural Competency for Children Services to be responsible for planning, organizing, implementing, and monitoring policies and programs that address the ethnic and racial disparities that currently exist within County services, including in Juvenile Probation. The County is working to follow the road map provided by the System Improvement Plan, and to address the numbers that show the problem of disproportionality.

Dr. Hilario stated that the research so far gives five to six theories or hypotheses surrounding disproportionality in the country and in the County. Those include implicit bias, institutional racism, systems and their cultural or linguistic competency, socio-economic factors, culture differences, and reporting by agencies.

The System Improvement Plan currently addresses tackling disproportionality and has a vision to eliminate disproportionality altogether by continually addressing all these factors. The goal is to first reduce up to 40-50% of this problem. The two main variables are to measure the decrease of ethnic children involved with the child welfare system and measure the decrease of ethnic youth involved with Juvenile Probation. The priority is to tackle disproportionality in the foster care system and in Juvenile Hall.

To do this, the key is for all of the agencies within Santa Clara County to have a shared vision, mission, commitment and responsibility. We have a good background of this County-wide. In 1996, the Social Services Agency (SSA) formed the Coalition for Effective Services, which provides a great model to implement cultural and linguistic competencies. The Probation Department also provides training for peace officers regarding cultural competency issues and in regard to cultural differences.

Dr. Hilario looks forward to the opportunity to change programs, policies and procedures to tackle disproportionality. He also wants the community to be involved in combating disproportionality by using community-based policy making. He highlighted the need for a clear partnership with communities to have shared outcomes and to collectively and holistically engage the cultural leaders on how to tackle these problems. This will require a paradigm shift

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where partners in the communities will see that the government cannot tackle the problem alone, but rather it is a problem for all of us to tackle holistically. This will also require financial partnership with ethnic based organizations with clear and quantifiable guidelines and outcomes.

Dr. Hilario discussed disproportionality as a systemic problem that we need to have systemic approach to. The paradigm shift for the community and for the government will require a mindset and behavioral change. The SSA and Probation Department are already working closely on this, and will need to expand their collaboration.

Dr. Hilario has participated in two forums since starting. The first was a Latino Community Forum with Deputy District Attorney Chris Arriola. The second was with Asian American and Pacific Islander leaders, where they discussed data segregation. His goal is to holistically debate the issues, and believes the Santa Clara County Council for Cultural Excellence will bring together County agency leaders and community leaders to have a platform to deliver and discuss public policies and to discuss the problem of disproportionality.

On September 10 and 11, from 9 a.m. to 2 p.m., Dr. Hilario will be participating in a County-wide forum on disproportionality. They are bringing together County agencies, community ethnic organizations, and community based organizations to tackle the problem. They also aim to have a Santa Clara County declaration on tackling disproportionality and ethnic disparity.

Beyond that, by October 15th, Dr. Hilario will finish his report for the County Executive and Board of Supervisors to discuss his findings so far. The second document will be a strategic plan to navigate through the next five years. Dr. Hilario would appreciate the support of the Commission and those involved with the Commission to share their wealth of information to help create a holistic plan for the youth in Santa Clara County.

Chair Blake asked Dr. Hilario how those interested in helping should get involved, and Dr. Hilario stated individuals can contact him directly. Dr. Hilario can be reached at:

Dr. Miguel Hilario, Director
Santa Clara County, Office of Cultural Competency for Children Services
miguel.hilario@ceo.sccgov.org
408-299-5132

Introductions: All who were in attendance stated their names and organization.

Agenda Approval: Moved by Commissioner Manchester and seconded by Commissioner Pennypacker, the agenda for August 5, 2014 was approved unanimously.

Public Comments/Oral Petitions: Chair Blake announced that Judge Tondreau would swear in two Commissioners who have been with the Commission for quite some time, and the Commission is lucky to have kept them on board. The Commission is almost fully staffed, and is only looking to add a Youth Commissioner.

Chair Blake invited Judge Tondreau to swear in Youth Commissioner Kimberly Dong and Commissioner Jean Pennypacker. Judge Tondreau administered the Oath of Office to Commissioner Dong, and then to Commissioner Pennypacker.

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Judge Katherine Lucero asked about the age range for a Youth Commissioner. Chair Blake stated that Youth Commissioners may be 14 to 21 years old.

Approval of Minutes: The following change was made to the July 1, 2014 meeting draft minutes:

1. Commissioner Tarpey reported that on the second page, in the report given by Judge Tondreau, there should be a dollar sign before 7 million.

Moved by Chair Blake and seconded by Commissioner Hansen, the minutes of July 1, 2014 were approved with the change outlined above.

Chair Blake reminded those in attendance that meeting minutes are sent out prior to each meeting, and past minutes are available on the archive page of the Santa Clara County Juvenile Justice Commission website.

REPORTS

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

- The Commission is working to complete the Ranch Inspection.
- The Annual Report should be accepted at Executive Session today, and will be made available on the website. It will also be sent with the next meeting notice if approved.
- The Commission is also busy reviewing the user survey.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Tomorrow, LACY will provide a training on education rights as they apply to Juvenile Justice youth. Topics will include partial credits, AB 167, suspensions and expulsions.
- There will be a CASA training for the second group of Court-appointed friends and advocates tomorrow morning in his chambers.
- The Board of Supervisors, state, and community corrections did annual inspections of Juvenile Hall and the Ranch program. Judge Tondreau highlighted parts of the report, including the state commending the approach taken by those at Juvenile Hall. The report stated that Santa Clara County Probation can be very proud of the commitment of those at the Hall, which was in compliance and went above and beyond. The state appreciated the thoughtful outline provided by Deputy Probation Chief Robert DeJesus, and the focus of and manner in which the inspection was carried out. One youth was quoted in the report as having stated that food had improved greatly and that staff wanted to give you chances like they were your big brother.

Chair Blake inquired about the annual data report. Judge Tondreau stated that he believes it should be provided at the next meeting.

Judge Valencia reported on the following:

- In regard to the financial evaluation hearings, an ad hoc committee was formed to address protocols to be implemented to bring them within Welfare and Institutions Code compliance. The protocols are substantively complete, and they are working with Probation and the Department of Revenue to revise the referral form. The form needs to

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be translated into Spanish and Vietnamese, and they hope to have that done within the next couple of weeks. They also hope to launch the newly implemented protocols in the first week of September, and to provide training sessions to make sure everyone is on the same page.

- The JTC CETA collaboration training continues to move forward. They are scheduled for October 29th, and they are on target to have most departments go dark.

Judge Lucero reported on the following:

- October 30th and 31st is the 2-day technical assistance training provided by the National Council of Juvenile and Family Court Judges. On Thursday, members of the National Council will come and observe our Juvenile Treatment Court, and so on Friday, they will offer feedback and some training. Professor Bridgett Jones will help with the technical training.
- The Justice Engaged Youth Project is moving along. Commissioner Bunnett has helped Judge Lucero organize a group with the vision of making educational success a priority in the rehabilitation of minors. The County Office of Education (COE) is at the table, with Ms. Yvette Irving as part of the group involved. Probation, COE, and other community stakeholders have all come together and said they want youth to succeed at school. They currently have an eight-point strategy and are using that as a path, and Judge Lucero will continue to update the Commission on this project. It is something they are working on and committed to.
- On August 11th, Judge Lucero has a residential treatment overhaul meeting with Mental Health and other stakeholders. They will be putting out a Request for Proposal (RFP) to have a continuum of care with Mental Health and the Department of Alcohol and Drug Services (DADS) for kids with mental health and drug addiction issues. Judge Lucero will continue to report on that issue.

Judge Johnson reported on the following:

- Some Commission members have been visiting her courtroom.
- The next DV Court meeting will be Tuesday, August 12th at 12:15 p.m. in her department.
- Two training programs are coming up. The first is on parentage and will be held on October 1st in the afternoon. That will be with Marymichael Miatovich from the AOC and Judge Johnson. The second is Wednesday, November 5th in the afternoon. That will be a presentation by Steve Baron and Nancy Marshall, who are long time County experts on children of violent families and violent teens. Particularly for this second training, Judge Johnson is trying to get an estimate of the number of attendees so they can decide where to hold it. Please let her know if you are interested in attending.

Dependency Court: No report. Chair Blake stated that Dependency Court had training on annual updates for case law today, and she will try to get a hand out from the training to share.

Probation Department Juvenile Program: Ms. Rita Loncarich reported on the following:

- Ms. Loncarich extended her thanks to Judge Tondreau for his comments. A lot of work was put into preparing for the inspection by Mr. DeJesus, supervisors, and staff. It was one of the most thorough inspections she has seen. It was difficult because there were so

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many great ideas and recommendations that they wanted to put it all into practice, and are still acclimating to the changes.

- The Juvenile Hall population is at 120. The population this month is lower than it was for both June of 2013 and June of 2012.
- Current projects for the Hall include the landscape project in the back of Juvenile Hall. Facilities and Fleet is funding the project, which includes a rebate because of the use of environmentally friendly and low maintenance plants. This area will be a quiet place for staff and youth to utilize.
- Probation is also looking to purchase exercise equipment for the field so that youth will have exercise stations.
- Hot August Nights, the annual program sponsored by the MAAC Program, will be Friday, August 29th. Flyers will be coming out soon. Anyone who is interested in attending is welcome. There will be vintage cars and entertainment. Please contact Ms. Loncarich for more information. She will also provide Chair Blake with a flyer.
- In July, in accordance with the Prison Rape Elimination Act (PREA), which is a federal mandate that came into play last year, a workshop was provided for all youth who have come into custody. The Probation coordinator is working to get them in compliance, and this was one of the requirements. The workshop was provided through YWCA.
- The MAAC Program has hosted several fundraisers to generate funding for programs in Juvenile Hall. They have held a fish fry, bake sales, and other events to support programs that aren't otherwise funded, so please support them if you see them out.

Judge Lucero inquired about the one girl in the EDGE/PEAK program, and if they are in the general milieu. Ms. Loncarich responded that she believes so, but would need to confirm that they are all in classes together.

Judge Lucero also stated that the courtesy holds and regular holds seem to be equating, and so she inquired if there was any plan to serve that particularized population of youth. Ms. Loncarich stated that courtesy holds are direct files, and educational services have stepped up for that population. There has been more effort to get those youth their GED or high school education. Other than that, the same programs for Juvenile Hall are sent to the higher security units. Ms. Loncarich offered to bring a list of services that are sent to those units. Judge Lucero thanked Ms. Loncarich, and also suggested that Probation consider a different visitation scheme. Currently, only parents are allowed to visit, but since those youth are there so long, perhaps they can be allowed to have siblings or grandparents visit.

Mental Health: Ms. Lauren Gavin reported on the following:

- As of yesterday, Ms. Gavin is officially a Clinic Manager at Juvenile Hall. She is working closely with DADS to become Behavioral Health. They are currently working on the details and documentation through a pilot project.

Department of Alcohol & Drug Services (DADS): Mr. Dan Lloyd reported on the following:

- DADS is working closely with the Mental Health Department on two RFP's. The first is for outpatient treatment services, and the other is for residential treatment services.

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- They are still in communication with the State Department of Health Care Services for Medi-Cal recertification. This was started back in December, but it is a long process, and they are trying to combine other recertification processes with it.
- They are looking at other venues for providing services. One recent discussion has been to expand with the San Jose Conservation Corps and to provide services at the Hub.

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

- Juvenile Dependency Beyond the Bench is September 5th. A flyer is on the Child Abuse Council website. Great speakers are lined up and all are encouraged to attend.
- The Katie A. decision is in full force and effect. This decision expedites mental health services for all kids coming into foster care. DFCS has held several sessions to train staff. This process will start at the Receiving, Assessment and Intake Center (RAIC) to ensure youth are hooked up with services. This went live on Monday and they are working out the bugs. They do have a Mental Health Coordinator position that will provide consults and expedite the process. A continuum of services and the coordinator can help kids access the most appropriate services as soon as possible. They are also working on a standing order to eliminate some of the delays that kids run into when seeking treatment.

Judge Tondreau encouraged that everyone attend the Juvenile Dependency Beyond the Bench. The agenda is consistent with issues and concerns that arise in Juvenile Justice. Carissa Phelps, who also spoke at the Juvenile Justice Beyond the Bench, will be speaking at the event. Ms. Hubbs stated that there will also be a silent auction benefitting LACY at the event. Early bird tickets are \$45, and non-early bird tickets are \$60. It will be held at the Masonic Temple.

Ms. Hubbs stated that another issue that the RAIC is dealing with is tagging on the building. They are working on preventative measures such as motion lights and increasing patrol. Chair Blake suggested that they consider having youth paint a mural on the building, as taggers tend not to want to paint over the work of other youth.

Judge Lucero asked where the Katie A. decision was out of, and Ms. Hubbs answered that it was a case out of Los Angeles County that involved five youth. Judge Lucero inquired if this applied to 600 youth. Ms. Hubbs stated that the qualification is that there is an open child welfare case, voluntary or court-ordered, and full-scope Medi-Cal. Judge Lucero asked if that meant foster youth, and Ms. Hubbs responded that she believes DIY youth are, but that placement youth who are not DIY would have to have an open child welfare case. Ms. Hubbs stated she would take the question back to the Katie A. planning meeting she will be attending this afternoon. Judge Lucero stated that if the best practice is to get kids access to services as soon as possible, we should preemptively get services to all kids. Ms. Gavin added that the Mental Health Department is responsible for Medi-Cal beneficiaries and kids in Juvenile Hall. The Katie A. coordinator will link kids who are not eligible for their program to services, including kids who are already in a system or are in a residential placement. Ms. Hubbs acknowledged that Ms. Gavin has been with the RAIC for the whole implementation of Katie A., and her knowledge will help with the implementation.

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Commissioner Tarpey inquired if there are children at the RAIC who get placed somewhere that is not ideal in order to miss the 24-hour window. Ms. Hubbs confirmed it does happen, particularly with placements that are out-of-county. Sometimes they will need to be placed to go back to school. Ms. Hubbs added that they are going through a re-design process that includes going through a year of data to get a typology of what youth are coming through.

Judge Lucero stated that they have not seen foster care youth statistics in a while. Ms. Hubbs responded that she can send them to Chair Blake and bring the prior month's statistics with her to Commission meetings. Chair Blake confirmed she would send any statistics to the Commission via email, and Judge Tondreau added that they would like to see them both sent out and at the meetings.

Law Enforcement Agencies: No report.

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

- Today is his second day back.
- Their office is fully staffed and will get to add two new community prosecutors. Mr. Arriola will be meeting with District Attorney Jeff Rosen and Mr. Marc Buller to choose them, and they will hopefully start next month. There will be three prosecutors total and a truancy officer on juvenile crime prevention in the highest crime neighborhoods in San Jose. If things go well, they may add one or two more next year depending on the budget.

Commissioner Tarpey asked if one prosecutor will be at Overfelt. Mr. Arriola answered that yes, one will be in the Overfelt/King/Story area. They are working on where the other two will be, which may be in East San Jose, Mayfair, Guadalupe/Washington area, Burbank, or Gilroy. The Burns Institute put together a list of the top zip codes with crime and disproportionality. They are also looking at areas with active community organizing and groups so they can work together and take advantage of that.

Independent Defender's Office: No report.

Alternate Defender Office: No report.

Public Defender's Office: No report.

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

Medical Services: No report.

Alternative Schools Department, COE: Ms. Yvette Irving reported on the following:

- Staff is back this coming Monday, and school is back in session on Thursday.
- They are in the midst of a transition in leadership at the County Office of Education (COE). Aside from the new superintendent, Jon Gundry, there will be the other transitions. Dr. Angela Haick has accepted a superintendent position in Northern California, and the principal at Blue Ridge has accepted a position in the Central Valley.

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Chair Blake suggested that once Superintendent Gundry is settled in, he may want to come speak to the Commission. Ms. Irving stated she would extend the invitation.

Victim Witness Assistance Center: No report.

YWCA Rape Crisis Center: Mr. Alvaro Viramontes reported on the following:

- Mr. Viramontes introduced a new staff member, Cindy Cole, who has started with the YWCA as a Legal Advocacy Manager.
- Along with the Probation Department, YWCA has offered PREA trainings at Juvenile Hall and the Ranch. They have completed sessions with all youth at the Ranch and will continue to offer them on a weekly basis.

Announcements/Correspondence: Commissioner Bunnett stated that October 10th is College Day. The goal is to talk with youth about going to college and to inspire and support first-generation students in their pursuit of a college education. Please visit collegeday.org for ideas and more information.

Mr. Arriola stated that Judge Kurt Kumli has passed away, and he will relay to the Commission when the services will be. Chair Blake acknowledged the work Judge Kumli has done for juveniles and all of his contributions, and stated he will be missed.

Commissioner BurtonBurke requested the eight-point strategy Judge Lucero is using for the Engaged Youth project, as well as the protocols for the financial evaluation hearings that Judge Valencia discussed.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Blake adjourned the meeting to Executive Session at 1:28 p.m. in honor of the Honorable Kurt Kumli.

Next Meeting: September 2, 2014 at 12:15 p.m.

Respectfully submitted,

**Britney Huelbig
Recording Secretary**