

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

Commissioners Present: Jean Pennypacker, Vice Chair Gustavo Gonzalez
Penny Blake, Past Chair Nora Manchester
Raymond Blockie Carol Rhoads
Victoria BurtonBurke Vincent Tarpey
Bonnie Charvez Jeremiah Tanojo

Commissioners Absent: Commissioners Raúl Colunga, Chair; Ronald Hansen, Secretary;
Courtney Macavinta; Pamela Serrano; and Kimberly Dong

Also Present: Honorable Katherine Lucero, Superior Court
Honorable Pat Tondreau, Superior Court
Molly O’Neal, Public Defender
J.J. Kapp, Assistant Public Defender, Public Defender’s Office
Nisreen Baroudi, Juvenile Court Supervising Attorney, Public
Defender’s Office
Chris Arriola, Supervising Deputy District Attorney, District
Attorney’s Office
Robert Young, Probation Manager, Probation Department
Elsa Jennings, Probation Manager, Juvenile Hall
Karen Brajenovich, Associate Ombuds, Juvenile Welfare Office of
the Ombudsman
Michael Clarke, Probation Department
David Epps, Alternate Defender Office (ADO)
Chia-Chen Lee, Manager, Valley Medical Center (VMC)
Jermaine Hardy, Deputy Chief Probation Officer, Probation Dept.
Enrique Carbopol, Department of Family & Children’s Services
(DFCS)/Receiving Center
Matthew Henry, Law Program Manager, FLY

Guests Present: Lyn Johnson, Private Citizen
Vanessa Turner, Policy Aide for Supervisor Dave Cortese

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

Agenda Approval: Vice-Chair Pennypacker announced that Ms. Debbie Pell was called away unexpectedly, and so the presentation that she was scheduled to give today will be re-scheduled to a later date. Moved by Commissioner Blake and seconded by Commissioner Tarpey, the agenda for December 1, 2015, was approved unanimously with the change outlined above.

Public Comments/Oral Petitions: None.

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Swearing in of Commissioner Nora Manchester

Vice-Chair Pennypacker invited Judge Tondreau to swear in Commissioner Manchester for her re-appointment on the Commission. Judge Tondreau administered the Oath of Office to Commissioner Manchester and congratulated her on starting a new term.

Approval of Minutes: The following changes were made to the November minutes:

1. On the first page, under “Guests Present”, Bob Menicocci’s name was misspelled.

Moved by Commissioner Blake and seconded by Commissioner Manchester, the minutes of November 3, 2015, were approved with the changes outlined above.

Recognition of Mr. Jose Franco, Public Defender’s Office

Vice-Chair Pennypacker invited Commissioner Blake to present a certificate of appreciation to Mr. Jose Franco for his years of service and many contributions to the Juvenile Justice System of Santa Clara County. Commissioner Blake gave a brief overview of Mr. Franco’s career with the Public Defender’s Office. Mr. Franco began with the Public Defender’s Office in 2000, and has supervised the Juvenile Justice Unit since 2011. During this time, he has represented his clients while providing hands on supervision to the lawyers who joined the juvenile unit. He has maintained a positive and collaborative attitude while providing dedicated service to the youth represented by his office. Commissioner Blake thanked Mr. Franco on behalf of the Commission for his many years of service to the youth of Santa Clara County, and wished him well as he moves on to become a Superior Court Judge.

Mr. Franco expressed his gratitude to the commissioners, and particularly to Commissioner BurtonBurke who encouraged him to transfer from the adult division to juvenile. He reflected on his five to six years working within the Juvenile Justice system, and thanked those he has worked with for the collaboration over the years.

REPORTS

Chair’s Report: Vice-Chair Pennypacker reported on the following:

- The Commission is finishing up the law enforcement agency temporary detention inspections. All but two are done, and those should be taken care of this week. The inspection reports should be available early next year.
- The Court user project is moving forward in phase two. The Commission is spending time working with out-of-custody kids and their parents, as well as witnesses and victims. It has been challenging to find individuals who are willing to talk to the Commission. The goal is to finish in early spring.
- The Juvenile Hall inspections will begin soon. Commissioner Tarpey will chair that inspection and begin in December.
- The Commission is interested in AB403, which will change the use of group homes and the professional foster family agencies. The Commission will find out more at the January meeting, when the Department of Family & Children’s Services (DFCS) and Juvenile Probation provide information on AB403.

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Juvenile Justice Court: Judge Tondreau reported on the following:

- Judge Johnson sends her apologies that she is missing today's meeting, as she is on a conference call preparing the panel for Beyond the Bench.
- The training that normally occurs the first Wednesday of the month will not occur tomorrow, but there will be a training on January 6th at 3:30 p.m. on placement, protocols, and options, including the Ranch, EDGE/PEAK, Wrap, and FSP.

Judge Lucero reported on the following:

- Judge Lucero and Judge Tondreau are working closely to ensure a smooth transition. Judge Tondreau has been providing strong guidance. He has one Commission meeting left, and the Commission will be kept up to date on all of the moving pieces.

Dependency Court: No report.

Probation Department Juvenile Program: Ms. Elsa Jennings reported on the following:

- The population remains low at 103. The James Ranch is currently at 27 total youth including four females.
- Ms. Megan Williams, who has been volunteering with the Probation Department for approximately 15 years, did her annual flower program with the youth. She came in November with 12-15 volunteers and helped the kids make a flower arrangement for a parent, teacher, or counselor. She also provided lunch for the staff. Ms. Williams will be coming back during Christmastime to provide a Thanksgiving type dinner.

Mr. Jermaine Hardy reported on the following:

- A correction needs to be made on the Population Sheet, as the Ranch population is actually at 37, with 33 boys.
- The Probation Department has concluded the OC spray for room extractions pilot program, effective November 17, and OC spray is no longer utilized in any of the institutions. The staff who respond to the situations show a great deal of professionalism in de-escalating situations. Looking at the data, there were six room extractions in a fifteen month period, and only two of those situations resulted in the youth having to be physically removed.
- The Chief of Probation is currently reviewing the responses to the Ranch inspection, and so the Commission should be getting the responses to the inspection done in August by the end of the week. The responses will go to the Commission and will be agendaized on the Public Safety and Justice Committee in January, and subsequently to the Board of Supervisors.

Vice-Chair Pennypacker asked if the B8 and B9 units were moved as discussed. Mr. Hardy responded that yes, the units were moved in October and the kids are adjusting fine. There is a better class setting, and some security protocols were increased. Additional security concerns were identified during this move and will be addressed.

Vice-Chair Pennypacker inquired as to the status of the kitchen remodel. Mr. Hardy responded that he can follow up on that project and report back next month. The kitchen has not been gutted. Vice-Chair Pennypacker indicated the Commission would like to know what's going on, and

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Mr. Hardy responded he would check with Facilities and Fleet about the timeline, since the project was supposed to start in November.

Commissioner Tarpey inquired about the security concerns that have recently been identified and if they include the concerns that the Commission has brought up on a number of occasions regarding the control room security and camera systems. Mr. Hardy responded that the concerns addressed by the Juvenile Hall inspection have been held up by a subcommittee that is chaired by Board Member Simitian and is focusing on surveillance technology used in the County.

Commissioner Tarpey asked if Probation was given an indication of when the countywide study on surveillance will be completed. Mr. Hardy responded that he did not know, and Ms. Molly O'Neal added that the surveillance ordinance being revised is very close to being finished. While it shouldn't impact what is going on with Juvenile Hall, the County does want a policy on anything they spend money on that has to do with surveillance that covers any issues related to data retention, privacy concerns, etc.

Department of Family & Children's Services (DFCS)/Receiving Center: Mr. Enrique Carbopol reported on the following:

- The RAIC statistics were not available this morning but will be sent out via email.
- Deputy Director Jaime Lopez will retire effective December 18th.
- The first meeting for the new building was held last week according to Ms. Jennifer Hubbs. The meetings are intended to develop the design for the new building.

Behavioral Health - Mental Health Services: No report.

Behavioral Health - Alcohol and Drug Services: No report.

Law Enforcement Agencies: No report.

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

- There will be several moves in January. The Juvenile issuing and charging Deputy District Attorney (DDA) will be retiring. Two senior DDA's will remain, and ten new employees will be hired.
- The restitution guidelines are done. The judges are in the process of reviewing them for fine-tuning. The hope is to streamline the restitution process, and to make collection more efficient.
- There were two direct files in November. One was a gang-related string of parking lot assaults that were covered in the media, and the other was a sexual abuse case. The exact numbers for the year will be counted later this month. The number of direct files should be particularly low for this year.
- In January, a reverse-remand policy where a Public Defender or DDA can ask that a direct file case be returned to Juvenile in one state or another will be effective. This will be a six month pilot.
- The truancy program is in full swing with three DDA's working throughout the County.
- The Parent Project announced six new classes in Spanish, English, and Vietnamese starting in January and February of next year. Additional information can be found on the District

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Attorney's Office public website. Two programs will also be held at Elmwood, one for men and one for women, with approximately 20 to 30 inmates from each population going to the classes. Anyone can make a referral to these classes.

- A toy drive is underway. Anyone interested in donating unwrapped gifts or toys can contact Mr. Arriola. The toys will be given to kids whose parents have completed the Parent Project at a holiday party on December 23rd. Commissioners are welcome to attend the party.

Independent Defender's Office: No report.

Alternate Defender Office: No report.

Public Defender's Office: Ms. Nisreen Baroudi reported on the following:

- Ashanti Mitchell was introduced as a senior attorney who is moving back to the Juvenile Court team.
- The interviews for a social worker have been finalized and are set to begin in January.
- A meeting regarding the Victim Offender Mediation Program was held. All three agencies were represented and agreed it is a good idea to start looking at this again.
- This is the tenth year that the Public Defender's Office will deliver pizza to Juvenile Hall and the Ranch on Christmas Eve. Donations are being accepted.

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

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

- An update and remodel for the medical clinic will be completed for the first time in approximately 30 years. All display materials will be changed.
- The kick off meeting for the electronic medical records project will be in January. This month, the hospital is selecting the staff who will be in charge of the in-custody health services and electronic medical records. The clinic has also been in contact with doctors, nurses and clerical staff from Contra Costa County to obtain insight on their go-live experience with electronic records. Ms. Lee thanked the Commission for their hard work on this project.
- Every year, the American Correctional Association selects best practices for the correctional setting. The Probation Department and Medical Services submitted a joint entry and have been selected. Their work will be presented in New Orleans at a conference from January 22nd through January 26th.

Alternative Schools Department, COE: No report.

Victim Witness Assistance Center: No report.

YWCA Support Services: No report.

Announcements/Correspondence: Commissioner Gonzalez thanked Mr. Arriola for allowing him to shadow Mr. Arriola for a day to learn more about what the District Attorney's Office does. Commissioner Gonzalez hopes to ask individuals from other agencies to allow him to do the same.

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Ms. Jennings publicly acknowledged Mr. Jose Franco on behalf of the Juvenile Hall staff for being a huge supporter of the Probation Department in general and for making an effort to show up to all of the Juvenile Hall events.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Vice-Chair Pennypacker adjourned the meeting to Executive Session at 12:50 p.m.

Next Meeting: January 5, 2016, at 12:15 pm.

Respectfully submitted,

**Britney Huelbig
Recording Secretary**