COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
DRAFT Meeting Minutes-December 3, 2019
Santa Clara County DA Crime Lab Conference Room, 1st Floor
250 W. Hedding Street
San Jose, CA 95110

Commissioners Present:	Stephen Betts, Secretary	Carmen Montano
	Penelope Blake	Jean Pennypacker
	Victoria BurtonBurke, Vice Chair	Carol Rhoads
	Ron Hansen, Chair	Vincent Tarpey
	Nora Manchester	Lissa Thiele
	Brian Walton	Darius Parakh

Commissioners Absent:

Also Present:
Honorable Katherine Lucero, Superior Court
Honorable Frederick Chung, Superior Court
Lindsey Cherpes, Law Clerk
David Epps, Alternate Defender Office
Mario Estrada, City of San Jose
Veronica Robles, Behavioral Health Clinic, Juvenile Hall
David Putney, Santa Clara County of Education (COE)
Francisco Hernandez, OMOS
Elizabeth Williams, OMOS
Katja Degroot, OMOS
Britney Carnahan, Probation Department
Carolyn Powell, District Attorney Office
Karen Steiber, Independent Defender Office
Nick Birchard, Probation Department
Maureen Wheatley, Probation Department
Alex Villa, Probation Department
Amanda Kennedy, LACY
Danielle Olmos, FLY
Carl Tademaru, Probation Department
Nisreen Younis, Office of the Public Defender
Chia-Chen Lee, Valley Medical Center
Israel Canjura, City of San Jose
Dr. Shelley Aggarwal, Valley Medical Center
Vanessa Cornejo, Behavioral Health
Enrique Flores, Board of Supervisors Dave Cortese's Office
Wendy Kinnear-Rausch, Department of Family & Children Services
Ruth Maurice, OMOS

Juvenile Justice Commission
Meeting Minutes – December 3, 2019

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

Swearing in of 2 New Commissioners and 3 Extensions of current Commissioners by Judge Lucero: The two new Commissioners are Mila Eliashberg & Shali Sirkay. The three Commissioners who are extending their commitments are Nora Manchester, Carol Rhoads & Brian Walton.

Agenda Approval:

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

Public Comments/Oral Petitions:

None received.

Minutes Approval:

Commissioner Betts informed the Committee of changes to the previous minutes. Commissioner reported Judge Chung wanted to move the location of part of a statement further down and to change one word in the statement. Moved by Commissioner Tarpey and seconded by Commissioner Montano, the minutes were approved with changes described by Commissioner Betts.

Commissioner Pennypacker introduced the Presentation Topic**: Presentation by The Office of Mediation and OMBUDS Services (OMOS). –**The presenters each stated their names, Katja DeGroot, JD, Program Manager II. Francisco Hernandez, Lic., Senior Mediator, Ruth Maurice, Esq., Senior Mediator & Elizabeth Williams, Esq., Program Manager II.

Ms. Elizabeth Williams- OMOS goal is to introduce OMOS' services and help expand our view utilizing OMOS as a resource

Located at: 2310 North First Street Suite 100

San Jose, CA 95131

A Team comprised of 14 Senior Mediators and managers- All of whom are experienced and trained professionally neutrals. Newly renamed two years ago but the program has been in existence since 1977 and was formerly known as the Dispute and Resolution Program within the Office of Human Relations. Two years ago OMOS became an independent stand-alone office within the County Executive. Managing Director Brohne Lawhorne- has been with the department for over 20 years and continues to guide the counties only office which works on neutrality and conflict resolution.

OMOS offers ***3 Key Pillars***: *Neutral Services, Organizational OMBUDS Services* and *Mediation & Conciliation Services*- All of which are offered to County residents and employees at no cost. Beginning with *Neutral Services*- They are Conflict Coaching, Conflict Resolution and Communications Training, as well as providing Consents & Building Workshops, Action Planning Workshops and Facilitation of team Meetings & Discussions. OMOS is expanding to being a neutral resource to the many County agencies that support and serve the safety net population within the County. Many conversations about safety net populations and common thread themes such as housing are taking place in agencies throughout the County. OMOS has met with Housing in finding ways in which mediation and facilitation can be utilized by their clients. There is also an Employee assistance program to provide services to County employees so they can speak with their families in order to obtain County services such as care plans and housing for elder parents. OMOS has assisted with LGBTQ Organizations in working with youth in unstable housing situations with roommates and family members as well as to coach and train formerly incarcerated youth & LGBTQ youth to develop their voice so they can communicate their needs. Finally OMOS is finding ways to support the Board of Supervisors interest in *family finding.* Re-Entry services is partnering with OMOS to lead complex conversations about finding temporary housing solutions for newly released individuals and their families. A common thread is that OMOS leads difficult conversations and creates greater communication and connection through effective communication.

Ms. Katja DeGroot- Their Facilitating Communication program is a core function of OMOS because people who go to their office are frustrated or confused. Currently OMOS partners with *2* -larger complex agencies within the County. The **Adult Custody Office of OMOS** works with the Sheriff's Office Custody Division to provide services to inmates and families, community members and staff. And the **Juvenile Welfare Office of the OMOS**, who works with Family & Children Services and Dependency Cases to work with families, foster families, bio parents, youth, staff and communities who are stuck in some way and are looking for a way to move forward.

There is also the Organization OMOS who appeal to the Standards of Practice (OMOS has 4 Standards) ***Neutrality, Confidentiality, Informality & Independence***. As a neutral provider, OMOS facilitates all ways to resolve conflict by facilitating conversations, acting as a bridge, with the objective of trying to create a mutual understanding and helping people move forward within the system. They listen to the experiences people share and provide feedback to the system itself. Through conversations they learn about gaps and areas of disconnect where they help shine a light to make possible changes. In regards to reporting back to the Board of Supervisors on an annual basis, for the Adult Office is through the Public Safety Justice Committee and for Juveniles, it is to the Children's Seniors Family Committee. In the Early Spring of 2020, both offices will be reporting out.

The Final Pillar of OMOS services for 30 years have been the Mediation and Consolation Program.

Mediation is a Face to Face resolution process; Conciliation is a phone assisted resolution process.

The Santa Clara County Community Program invites cases brought by County residents and community members on all subject matters; business disputes, neighborhood disputes, housing issues (i.e. landlord/tenant, security deposits) and unlawful detainers. All county residents may utilize these services. The mediation program that is designed for County employees and agencies, addresses communication breakdowns and disharmony between work colleagues, teams and clients. There is also a Pre-Day Court Mediation program where county community members can mediate small claims, civil harassment and probate matters before their day in court as well as, mediate matters pertaining to children, seniors and family. The OMOS long standing Restorative Justice Program includes the Victim Offenders Mediation Program.

Ms. Ruth Maurice-The Victim Offenders Mediation (VOM) Program is cost free, confidential and voluntary. It is restorative justice practice which means it provides empowerment to the parties to come to a resolution or, in the alternative come up with one that is most meaningful to the parties themselves. It has been a core program since 1998. Most referrals come from the Juvenile Justice System which is approximately 80-90%. The mediation program also receives referrals from the DA's Office. Occasionally a Parent-Youth Mediation Referral from Probation comes in and or some self-identify when they are conducting Mediation consultation. Referrals are sent through the Probation Department's Victim Assistance Team. For court cases it is automatic for all non-707B offenses. OMOS is happy to include 707B offenses if attorneys agree. And at the time all the referrals are post juris. Non-court probation matters such as PEI use this service as a way to resolve restitution issues since there is no court oversight. Most common offenses that go to mediation are: *Car Theft, Residential Burglary and Vandalism*. As the complied 2018 data reflects that there were 316 offenders and 382 victims. Mediation empowers a victim and allows for them to directly inform the youth of the impact the incident had on them and their family and receive acknowledgement. Very often victims have questions that were never answered because they did not have the opportunity to go to court and or there was not a trial. Some of their questions are: "Was I targeted?", and "Was my house targeted?" Being able to ask such questions and get the answers leaves them feeling assured regarding their security which allows them to move on and feel empowered by receiving some accountability. Many victims, who do accept mediation, are interested in having an impact on the life of the youth. This is often the main reason they accept mediation. By giving the youth an opportunity to show accountability and offer their victims an apology it may steer the youth into making better decisions. The offender also gains empowerment through accountability because this is voluntary which allows for them to step up and do the right thing. They are benefited by the opportunity to sit across the table from someone they have harmed. The prospect is difficult even for adults let alone a youth. In that process the youth gains awareness of how their family and community are secondary victims which could help improve the relations within the youth's family by helping reduce tension in the home, which may have slow effect on the youth's behavior outside the home. Evaluations are given for those participating in face-to-face mediation. Last year the evaluations documented a 4.5 score for feedback regarding satisfaction with the process. The OMOS has taken a look at 5 programs with similar mediation services to look at recidivism satisfaction. The programs all report a reduction in recidivism for VOM as opposed to Non-VOM control groups reporting even greater recidivism reductions in the more serious crimes, against person vs. property. Three Counties, who have looked at the effects of restitution or

payment, have all found significant increases in repayment in restitution resulting from face to face conversations vs court orders.

When a crime occurs there is generally a prosecution. What was interesting in an interview on NPR, Chanel Miller, the victim in the Stanford University Swimmer Sexual Assault Case, wrote a book about being a victim in the jury process and was asked, "What would Justice have felt like to you?"

"*You know, in the beginning, when I learned he had been caught, I thought this would be very simple, that if you're caught doing something, you apologize for what you did, because you know you cannot wiggle out of the situation. So I was expecting some acknowledgement of what happened, that he would announce his accountability and say sorry for the harm he did, and I was prepared to accept that apology, in the very beginning.*

"I believe that people can learn, but only if they confront their own behavior and recognize the harm and effect they have on others. But until they do that, they cannot move on. So, ideally, that would have happened in the very beginning. I would have said 'Thank you. Never do this again,' and if he understood that, you know, I believe we both could have moved on. But, instead, he pushed back and pushed back for the next 3-1/2 years."

What was found interesting was that if this victim would have received acknowledgement from the beginning she would have been able to move on.

Francisco Hernandez-Evaluations after mediations are conducted in order to assess and improve the programs as it allows parties to rate and comment about the programs. There are handouts provided that look at themes of: Apology, Having a Voice, Greater Understanding and also looking at some of the themes that were gleaned from the victims comments: Being Accountable, Expressing Ourselves, Appreciation for Opportunity.

A video and audio is shown. The Video is from a Victim's point of view and the Audio presented was a Youth Offender.

The Victim- A target of an attempted carjacking; The Victim was offered mediation and he accepted for several reasons, the first was pure curiosity (try to understand what had happened and make sense of it all). The second was for the offender to see him, the victim as a human being and third, was that the victim felt he could have a positive impact in some way. In the beginning he victim was skeptical but soon after he participated he could tell the youth was repentant. Both spoke for over an hour, frankly and the victim felt that the mediation process was positive for both of them.

The Youth Offender who participated in a car theft and residential burglary- The offender was appreciative of being offered the program that allowed for him the opportunity to apologize. It allowed for him to see the victim's perspective and for him to learn that his actions have an effect on other people's lives. He was most appreciative that this process gave him the opportunity to apologize to the victim face to face.

Conclusion of the presentation and all services and programs are available to individuals and employees as well as departments and agencies and more information can be found online: www.sccgov.org/omos

Youth Commissioner Parakh asked the following: Are there any plans of evaluating Santa Clara County to obtain recidivism rates?

Ms. Williams responded a summary evaluation was conducted in 2018 and previously in 1999. OMOS would be happy to help to assist if it proved to be a lot of work for Probation, in that the ability to obtain such data is not available to OMOS. His second question was what is the process if the offender is referred but the victim refuses to work with VOM? Ms. Williams responded it happens frequently and out of the youth offered mediation and subsequently interviewed only 43% say yes. After that they then reach out to the victims. Of the victims who respond only 20% will say "yes" to mediation. Of those who don't accept the referral gets closed.

Commissioner Manchester opined that the videos shown during the presentation should be put on the website.

Commissioner Walton asks if Mediation has been offered within the school system. Ms. DeGroot stated 8 years ago they were working in the school system and would be happy to begin that work again. Mr. David Putney (COE) chimed in and stated that COE has a Restorative Justice Practice and has trainers at COE that work with districts around the County making the potential collaboration more likely to be successful within the county.

Chair Hansen thanked the presenters and moved to the second portion of the agenda having to do with reports.

REPORTS

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

- Resignation notice of Commissioner Ray Blockie. Commissioner Blockie served on the Commission for over a decade, leading in Inspections and serving in a variety of leadership roles, modeling commissioner behavior and leadership. The commission will acknowledge Ray's service in January's Meeting. Interviews are being conducted for his replacement.
- At the Commission's November Executive Session, the Commissioners adopted resolution and commitment to redouble focus on reducing racial disproportionality in the Juvenile Justice System. Copies of the resolution were provided by the JJC for those attending to refer to.
- The Resolution resulted from several months of conversations within and beyond the Commission. Although the Commission is not a policy making body, it does have a voice which it intends to use in the pursuit of this goal. There will be more to share in the in the future.

- Continue to monitor the restructuring of the Receiving/Assessment Intake Center (RAIC) now that the threat of its immediate shuttering has been moderated by the Board of Supervisors.
- The JJC RAIC Committee will be one of several groups looking carefully at the changes for the County's Receiving Intake process.

Presiding Judge's Report: Judge Lucero reported on the following:

- On January 8th from 12-2pm in DA Crime Lab there will be Juvenile Justice Legal Updates presentation by the District Attorney & Public Defenders Offices.
- The Juvenile Justice Annual Report can be found on the Superior Court Website. This report is done annually and reflects on all that is done in the Juvenile Division for the last year.
- Beyond the Bench Statewide Conference will be on December 16, 17 & 18, 2019 in San Diego. Many partners are attending and participating in the convening for Mental Health Services in Santa Clara County. Looking at a continuum of care, Judge Alloggiamento will take the lead in those discussions. Judge Lucero will facilitate two workshops during the course of the conference, largely related to dealing with **Over Representation of Minority Youth** and **Immigration.**
- Judge Lucero & Judge Schwarz met with Robert Menicocci the director of SSA to discuss concerns regarding the RAIC and what is happening. Have an upcoming meeting with Dan Little who is currently acting oversight for DFCS.
- The Judges want to be involved in planning and execution of this resolution and are being proactive.

Dependency Court: Judge Chung reported on the following:

- They are making progress for becoming a paperless Court operation.
- This week the court continues to scan and e-file all documents into systems. There currently is a pilot program for e-filing certain documents with hopes of expanding to all documents in the near future.

Alternative Schools Department, COE: David Putney reported on the following:

- COE is busy this fall with the Holidays, and the grade period which will be ending on the traditional cycle.
- Transition from the old assessment program NWEA to Ren-Star for better usable data. New data available for all to review by Springtime 2020. The new tool looks at grade and performance level, making it easier for the individual user, student, classroom and probation officer to understand.
- They are having professional development with assessments in January, February & March of 2020.
- They are having new Strategies regarding literacy, should be available by Spring 2020.

- At the Ranch they are busy with the new Culinary Arts Program, Building Trades Program and to build out a New Music & Video Art Studio in the near future.
- They are continuing to partner with *Silicon Valley Creates*.
- Partnership with Mayor's Gang Prevention Task Force is taking off at the SUNOL Community School and is doing music and independent programs.
- 80% attendance in the Community Schools and are focusing on student transition and working with districts to ensure students are getting their partial credits and transitional planning.

Chair Hansen asked about Gateway/ South County

- Gateway/ South County currently has 32 students enrolled. Silicon Valley Creates does Art programming once a week. A fulltime MSW Social Worker is on site 5 days a week and they are looking to partner with Santa Clara Behavioral Health to get a SUTS Counselor for long term support and facility space.
- The Cities of Morgan Hill/Gilroy are also creating new partnerships to benefit youth.

Probation Department – Juvenile Program: Carl Tademaru reported on the following:

- Construction is going on in Juvenile Hall.
- JH is updating the camera system and moving into the 21st Century technology with greater recording capability. Should be complete by the end of December 2019.
- Due to the new system being integrated to the old system wiring was not consistent with blueprints. They are rewiring for video and audio in all of Juvenile Hall which has caused a couple weeks of delay.
- Everything is now to be touch screen and staff is being trained.
- December 30th, 2019 some counselors are promoting to Deputy Probation Officers, Juvenile Hall is losing 6 staff. Vacancies are increasing. There is a new recruitment for **Group Counselor I.**

Maureen Wheatley reported on the following:

- 30 new Probation Officers have been hired. 10 of the 30 are new employees and the remaining 20 are current staff moving into other positions.
- A Supervising Probation Officer job will be posted as well, with 9 vacancies with 37 applicants.

Alex Villa reported on the following:

- Re-Imagining Juvenile Justice is in its final session this month. It's a tiny but mighty group. Mr. Villa will present on February 4th to the JJC.
- Partnered this program was with Kenya Edison and have both been trained.

Nick Birchard reported on the following:

- Holiday Extravaganza at the James Ranch will be on December 18th, 2019 for anyone who would like to attend can send Mr. Birchard an email.
    - The event is from 1:30-3:30pm
- In Juvenile Hall the Christmas Decorating Contest will be on December 19th, 2019 and Santa Claus coming on December 23rd, 2019.
- Previous Santa Claus, **Bill Wallau** who had been coming to the Ranch and Juvenile Hall and provided that service for 50 years passed away; his son is now carrying the tradition.

Nisreen Younis asked a question about the new recording capabilities in Juvenile Hall and wanted clarification if the audio/visual recording was inside each of the units and what is being recorded. Mr. Birchard responded that there would always be video but now there is capability of audio. However, they are not sure how the audio may work because of the acoustics in Juvenile Hall so what will be recorded is yet to be determined. It is meant to protect the staff, the youth and everyone in case anything happens resulting in an investigation. It is not set to be intentionally recording just the youth

Chair Hansen asked if there is a *County Technology Use Policy*. Mr. Birchard responded yes there was one. Commissioner Rhoads asked how this would be managed in relation to confidential consultations with defendants and attorneys. Mr. Birchard responded there would be no cameras/audio inside consultation rooms.

Department of Family & Children Services: Wendy Kinnear- Rausch reported on the following:

- Moving away from having a receiving center.
- No group homes in the State of California and there are no Santa Clara County youth in group homes.
- Group homes have been replaced with a therapeutic and placement treatment option.
- Challenges are that there are far fewer of these treatment models than there are children needing treatment thus resulting in several long months of waiting to get into such programs, causing the Receiving Center to have long lengths of stay.
- Another concern is having older children with acute needs housed in the same setting as younger children and or siblings that had just been removed.
- DFCS, Behavioral Health & Probation have partnered in looking at options to build resources and move away from shelter care.
- Since September 30, 2019 DFCS has been keeping newer kids coming into care and younger children in separate facilities, having children go into placement within 23 hours and 59 minutes.

- Engaging in more care coordination options and building up resources for those children with more acute needs.
- The next report to the Board of Supervisors will be on December 10th, 2019.
- DFCS is increasing the support to caregivers and building up options with contracted care providers. Receiving technical assistance from the State and partnerships with other agencies such as the San Andreas Regional Center and is looking at other counties for further ideas.
- Increasing training for staff looking at structural changes within the department in hopes of getting children quickly into placement. As well as providing better support to family and caregivers ready to step up.
- Goal is to keep kids with acute needs safely supported in the community and both in the home and in a therapeutic setting.

Judge Lucero asked if there are monthly reports given out on the number of children in care sent to the Commission. Ms. Rausch stated she wasn't sure but could follow up. Commissioner Blake informed the committee that she had been getting them as she is a part of the Child Abuse Council but that they were not being given to the Commission. Judge Lucero then requested monthly reports of all the out of home placements, all detentions and how many kids are being placed out of county and in group homes.

Ms. Rausch responded there are none in group homes in or out of the County but have some in STRTP placements both out of county and out of state. Judge Lucero then asked if she knew how many kids were in out of home placements. Ms. Rausch responded she does not have that exact number as it is constantly changing but would ensure to get the report to the committee as well as MNDs. Commissioner Blake also suggested getting the report that the Child Abuse Council obtains as it has data on length of stay and other information. Ms. Rausch did inform the Committee of the numbers she ran for the report that would be provided to the Board and indicated that there were 6 kids at the receiving center with more acute needs, 2 were going to go to Placement within a day or so and 1 by the end of the week which would leave 3 at the receiving center. There are currently ***no*** children at the KEIKI Center and as of November all children who came to the KEIKI Center (only 10% are placed at the Receiving Center) were placed within 23 hours, demonstrating a lot of energy and effort being placed into getting children placed. And 23% never came to the KEIKI Center at all and went straight from hospital/removal to a relative, nonrelative or caregiver.

Judge Lucero asked if reports get broken down into relative, nonrelative, caregiver. Ms. Rausch stated yes it does.

Behavioral Health – Mental Health Services: No report.

Behavioral Health – Alcohol and Drug Services: Veronica Robles reported on the following:

- December 16th, 2019 will be the official date for the Integrated Assessment Summary (Integrated Assessment stands for the Mental Health and Substance Abuse Summary

combined into one) to be available to all youth 14 to 21 days post detention. The Summary will be given to Defendant's Counsel and sealed.

- All youth will be assessed and the goal is to share the information. Still trying to figure out the logistics as this is new and had not been done before.
- This will help cut down on Psych Evaluations and SUTS Assessments. The information will be given to the youth's attorney and Behavioral Health will be making recommendations for the level of treatment in hopes the information could be shared with Probation and the courts.

Law Enforcement Agencies: None

District Attorney's Office – Juvenile Justice: Carolyn Powell reported the following:

- Staffing Changes will be discussed at next month's JJC.

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

- Provided staffing changes effective January 6th, 2020. Jung Le will replace Jonathan Mosby and is an experienced legal Attorney. Emily Ellison will replace Yaamini Rao and Erin Callahan will replace Jeffrey Mendoza. Ms. Ellison and Callahan do not have Juvenile experience but are being trained by staff as well are doing all state law requirements for qualification.
- PD Office to host 14th annual Christmas Pizza Party at Juvenile Hall on Christmas Eve
    - 2:30pm will be at the Ranch
    - 5-5:30pm will be at Juvenile Hall followed by the Bill Wilson Center. Previously spearheaded by Kevin Rudich.
- Excited to announce the San Francisco 49ers are going to contribute between $500-800 this year to the Youth.
- PD Office will not be able to attend the Juvenile Hall Extravaganza due to attending the Overfelt Luncheon which is scheduled on the same day and time.
- Nisreen will be attending Beyond the Bench on the 16-18th, 2019 in San Diego. As well will be attending a Conference in Atlanta which is primarily sponsored by the Office of Women's Policy on December 8-11th, 2019 for Justice involved girls.

Alternate Defender's Office: No report.

Independent Defender's Office: No report.

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

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

- 90% of youth at Juvenile Hall have received the flu vaccine.
- 97% of parents have signed the consents for youth at the Ranch to obtain vaccines but 35% amongst the boys have declined to obtain the vaccines due to hearing rumors that it will make you sick.

A question was asked by Commissioner Hansen regarding having counselors encourage youth to get the flu vaccine. Chia-Chen Lee stated she would make that recommendation to the counselors.

Office of Mediation and Ombuds Services: No report.

Announcements/Correspondence: None.

Old Business: None.

New Business: None.

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

Next Meeting: January 7, 2020 DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Joanne Arranaga