

COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
DRAFT Meeting Minutes-February 6, 2018
Crime Lab, 1st Floor
250 West Hedding Street
San Jose, CA 95110

Commissioners Present: Raymond Blockie Courtney Macavinta
Dana Bunnett Nora Manchester
Victoria BurtonBurke, Secretary Carmen Montano
Dante Duffel-Steen Jean Pennypacker, Chair
Gustavo Gonzalez (*arrived at 12:26 p.m.*) Carol Rhoads
Ron Hansen, Vice Chair Vincent Tarpey
Lissa Thiele

Commissioners Absent: Penelope Blake

Also Present: Honorable Franklin Bondonno, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Pat Tondreau, Superior Court
Marcelo Quinones, County Counsel
Kevin Rudich, Alternate Defender's Office
Steve Eckert, CEO, Alum Rock Counseling Center
Zelia Fari Coster, Sr. MHPS, Behavioral Health
Veronica Robles, Juvenile Hall Manager, Behavioral Health
Amanda Clifford, Policy Associate, Bill Wilson Center
Telina Barrientos, IPA Analyst II, City of San Jose
Aaron Zisser, IPA, City of San Jose
Elisa Kuhl, Victim Advocate, DAO VSU
Dan Little, Assistant Director, Department of Family and Children Services
Chris Arriola, Attorney, District Attorney's Office
Jay Boyarsky, Chief Assistant District Attorney, District Attorney's Office
Cindy Hendrickson, Assistant District Attorney, District Attorney's Office
Dennis LaRon, SUDDA, District Attorney's Office
Marisa McKeown, SUDDA, District Attorney's Office
Audrey Pak, Deputy District Attorney, District Attorney's Office
HaNhi Tran, Deputy District Attorney, District Attorney's Office
David Putney, Director Alternative Education, Santa Clara County Office of Education
Vianni Garcia, FLY Onsite Manager, FLY
Kody Lizana, Director of Government Affairs, FLY
Tina Tellez, Re-entry Counselor, FLY
Ricky Vazquez, Law Program Coordinator, FLY
Desiree Victor, CAFA Mentor Program, FLY
Aimee Cheung, ICAN-Cultural, Santa Clara County

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Katja DeGroot, Ombuds Office, Office of Human Relations
Ruth Maurice, Victim Offenders Mediator, Office of Human Relations
Nick Birchard, Deputy Chief, Juvenile Probation Department
Vone Kegarice, Probation Manager, Juvenile Probation Department
Carl Tademaru, Probation Manager, Juvenile Probation Department
Jill Ugalde, Probation Manager, Juvenile Probation Department
Mariel Caballero, Deputy Director, Probation Department
Craig Carpenter, Research & Evaluation Specialist II, Probate Department
Ashanti Hayes, Probation Department
Robert Young, Probation Manager, Probation Department
Jennifer Kelleher, CPO, Law Foundation
Agustin Arias, Deputy Public Defender, Public Defender's Office
Nisreen Baroudi, Supervisor Public Defender, Public Defender's Office
Michele Diederichs, Assistant Public Defender, Public Defender's Office
Keely Kristall, Public Defender Attorney, Public Defender's Office
Elvia Mendez, Social Worker Intern, Public Defender's Office
Jonathan Mosby, Deputy Public Defender, Public Defender's Office
Lita Tungitau-Sanft, Social Worker Intern, Public Defender's Office
Barbara Wolfe, Public Defender Attorney, Public Defender's Office
Thomas Cummins, Public Defender's Attorney, Public Defender's Office
Mini Le, CPS, San Jose Police Department
Bianca Madrid, CPS, San Jose Police Department
Esther Mota, Crime Prevention Supervisor, San Jose Police Department
Nancy Rueda, CPA, San Jose Police Department
Reb Souza, CPS, San Jose Police Department
Capt. Dave Tindall, San Jose Police Department
Manasa Kumarappan, Student
Patricia Dolan, Sr. Program Manager, SUTS/CFCS
Chia-Chen Lee, Valley Medical Center

Guests Present:

Marisa McKeown, SUDDA, District Attorney's Office
Maja Marjanovic, Supervisor Chavez' Office

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

Agenda Approval:

Commissioner Hansen moved to change the Administration of Oath of Office to the next item on the agenda.

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

Oath of Office: Judge Tondreau conducted the swearing in of newly appointed commissioners Raymond Blockie and Carmen Montano.

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Approval of Minutes:

Corrections: Page 1, under *Guest Present*, the last name is incorrect. Correct from Maoh Mardanovid to Maja Marjanovic.

Moved by Commissioner Manchester and seconded by Commissioner Thiele to approve the January 9, 2018 minutes as amended was approved unanimously.

Public Comments/Oral Petitions: Ms. Vianni Garcia, site manager for FLY's Law Program, announced FLY is looking for referrals for the Law Program. FLY will be at Del Mar High School, Andrew Hill High School, and Gilroy Library. Information for the program can be found at flyprogram.org/our-programs/law/.

Presentation on Crime Trends & Juvenile Offender Statistics: Marisa McKeown, Supervising Deputy District Attorney Crime Strategies Unit at the Office of the District Attorney, presented a PowerPoint presentation on Crime Trends and Juvenile Offender Statistics. The data presented has been collected over 2017.

Information on the beginning slide shows the most serious offense/charge filed on a juvenile in the District Attorney's Office. From 2015 to 2017 *Residential Burglaries* increased from 126 to 185, *Auto Thefts* increased from 112 to 208 *Robberies* increased from 84 to 120, and *Carjacking* increased from 1 to 28. *Residential Burglaries* in overall reporting and for adults decreased, but increased for juveniles.

Total Juvenile filings have increased from 2014-2017: filed 602 Petitions (crimes not VOP) from 828 to 1167, *Violations of Probation* decreased from 474 to 232, overall filings increased from 1302 to 1399.

The District Attorney's Office was asked to quantify the data to see if the petitions filed were first petition ("A"), second petition, ("B"), third petition ("C"), etc. in 2017, 48% were "A" petitions and 52% were "B" petitions; 57% of carjacking offenders were "A" petitions and 43% were "B" petitions; 59% of robberies were "A" petition and 41% were "B" petitions.

Captain Dave Tindall from San Jose Police Department provided juvenile arrests for 2016 and 2017 showing fluctuation from month to month comparisons.

Crime trends in 2017 feature nontraditional groupings, bouncing from crime to crime in stolen cars, fleeing from police and guns; at least gun is present with the group. These guns are usually stolen from residential burglaries.

Ms. McKeown focused on Lash Money Gang showing the trends of the group matching the trends discussed earlier.

One unidentified male (John Doe) and female (Jane Doe) were used as examples to explain a case of the crime trends of youth starting young then increasing crime in frequency and more violently.

San Francisco and San Mateo Counties saw a similar trend to Santa Clara County with increase in juvenile activity, while Contra Costa County saw a slight decrease.

Different offices/agencies quantify data in different ways. Ms. McKeown wrapped up the presentation stating the District Attorney's Office is not able to quantify some data because it has not been information previously collected, and invited questions from the group.

Holly Child from Probation points out the presentation focused on serious offenses, and in terms of juveniles reoffending on other crimes, most youth are not returning or reoffending based on Probation analysis. The trends presented are trends occurring nationally with a small number of youth who are

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usually responsible for a large number of the offenses. If the year is broken up into quarters, there is usually a spike in the quarter making the year look larger. It would be beneficial for the Commission and partners to review those trends. Ms. McKeown agrees that the District Attorney's Office sees the same small number of youth responsible for the spikes. Ms. Stiles responded to Commissioner Macavinta's inquiry regarding Probation data by stating Probation gathers data based on the different programs for youth, and in general the recidivism is low. Captain Tindall addressed Commissioner Macavinta's follow-up question regarding the number of youth repeating offenses stating the San Jose Police Department statistics show Part One crimes for juveniles for 2017: violent - 266 and property related - 473. From January to September of those crimes 69 were repeat offenders. Of the 69 repeat offenders 40 were on probation, 31 were between 12 and 15 years old. Of the 12 to 15 year olds, 17 were on probation. Captain Tindall addressed Commissioner Bunnett question regarding "repeat offenders" to distinguish if the youth were arrested and reoffended or if they have committed crimes after their first arrest and were arrested for crimes from the first offense by stating it is a mix of both.

Judge Tondreau stated information from the different agencies does not seem to match. If looking at a 10-year window, there are small trends bringing up totals, but it is usually isolated. In 2007, there were 2,000 more arrests and citations than in 2017.

Commissioner Macavinta inquired if there was retrievable data that would indicate the schools or zip codes the youth come from because it would be beneficial to see where the Commission should focus. Ms. McKeown will provide the Commission with zip code data at a later date, but does not have school data because schools are self-reporting.

Ms. Nisreen Baroudi addressed her concerns with the District Attorney's Office presentation using outlier cases like the two examples used. The information was not presented completely by not presenting the history of the John Doe and the results of court proceedings. Many of the charges were dismissed or suspended. Ms. Baroudi also stated when younger youth are asked where they met their older influencers, they are told from places where youth are detained like court, Juvenile Hall or James Ranch. The youth need to be asked why and what they are going through.

Commissioner Rhoads stated there needs to be an effort to avoid generalizing to effectively address the problem. Would there still be a concern about the trend if the outliers were eliminated? Ms. McKeown agreed it was a good point and that information should be captured, but the public and District Attorney were concerned with the data captured.

Ms. Kathy Martinez requested clarification on the types of subsequent offenses presented in slide 4 (if they were misdemeanors, felonies or infractions), and added a point of clarification regarding Jane Doe who wasn't received in Probation until February. Ms. Martinez said it is more beneficial to have more background and understanding to address the issues. Ms. Martinez would like to have the opportunity for Probation to present their data to the Commission.

REPORTS

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

- JJC is finished with the Group Home report which will be discussed at Executive Committee. If approved, it will be posted on the website.
- JJC will review the recommendations and accommodations of the RAIC.
- The Juvenile Hall inspection was completed last month, and the report is being drafted. It may be available in March.

Presiding Judge's Report: No report.

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Commissioner Gonzalez asked Judge Lucero for her viewpoint of the data in the presentation. Judge Lucero believes the continued conversation is essential to make progress, and stresses the importance of reform. Judge Lucero would like to develop intervention programs for the younger youth.

Juvenile Justice Court: No report.

Dependency Court: No report.

Alternative Schools Department, COE:

David Putney reported on the following:

- New methods are being researched regarding chronically absent youth.
- The impact of the financial situation is currently sustainable.

Probation Department – Juvenile Program:

Nick Birchard reported on the following:

- Mr. Birchard addressed the presentation and wanted more information comparing the crimes from the juveniles to the adults; are both increasing? Is the juvenile rate increasing while adults decrease? Mr. Birchard was not able to receive an answer to his inquiry.

Commissioner Bunnett inquired about the rise in the numbers for the daily report. Mr. Putney explained it was a one-time spike influence by groups being moved from one place to another.

Department of Family and Children's Service/Children's Receiving Center (DFCS): No report.

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:

Cindy Hendrickson reported on the following:

- Ms. Hendrickson addressed Judge Lucero's and Commissioner Rhoads' points agreeing that past practices have worked for a large group of youth, but there is another group not being addressed.

Chris Arriola reported on the following:

- There are two new community prosecutors; one in Overfelt High School and one in Yerba Buena High School.
- The spikes in crimes need to be researched. Prevention steps need to be put in place to address the spikes.

Public Defender's Office:

Nisreen Baroudi reported on the following:

- Senate Bill (SB) 395 passed allowing youth access to public defenders before being Mirandized by police. Youth 15 years old and younger are no longer able to waive the right to counsel. The Public Defender's Office has provided 24/7 availability to adhere to SB 395. Only five calls have been received to date.
- Currently, there are twenty (20) youth in Juvenile Hall that are 14 years old and younger.

Alternate Defender's Office:

Kevin Rudich reported on the following:

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- Mr. Rudich thanked Nick Birchard for helping to resolve dietary requests for youth at James Ranch. Policies were created giving more food to youth asking for more food.

Independent Defender's Office: No report.

Legal Advocates for Children and Youth (LACY):

Jennifer Kelleher reported on the following:

- Andrew Cain is now the Directing Attorney for LACY.

Medical Services:

Chai-Chin Lee reported on the following:

- Medical is in the process of hiring nurses. Two vacant positions have been filled and one vacant position is posted on the career board.

Victim Services Unit: No report.

Chair Pennypacker asked if more victims are appearing in court. Ms. Elsa Kuhl stated although specific data is not collected it seems more cases have victims appearing to court.

YWCA Support Services: No report.

Announcements/Correspondence:

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned the meeting to the Executive Session at 1:25 p.m.

Next Meeting: March 6, 2018, Senter Auditorium at 70 West Hedding Street, San Jose, California, 95110.

Respectfully submitted,

Janice Jones
Recording Secretary