

**COUNTY OF SANTA CLARA**  
**JUVENILE JUSTICE COMMISSION**  
*Meeting Minutes-January 9, 2018*  
**SSA Auditorium**  
**333 West Julian St.**  
**San Jose, CA 95110**

**Commissioners Present:** Penny Blake  
Dana Bunnett  
Victoria BurtonBurke  
Dante Duffel-Steen  
Gustavo Gonzalez (12:37)  
Ron Hansen, Vice Chair

Courtney Macavinta  
Nora Manchester  
Jean Pennypacker, Chair  
Carol Rhoads  
Lissa Thiele

**Commissioners Absent:** Vincent Tarpey

**Also Present:** Honorable Franklin Bondonno, Superior Court  
Honorable Pat Tondreau, Superior Court  
Marcelo Quinones, County Counsel's Office  
Alex Treiger Intern, County Counsel's Office  
Nick Birchard, Probation Department  
Kathy Martinez, Probation Department  
Jill Ugalde, Probation Department  
Alex Villa, Probation Department  
Elisa Kuhl, District Attorney's Office  
Nisreen Baroudi, Public Defender's Office  
Soutodeh Ahmadien, Independent Defender's Office  
Kevin Rudich, Alternate Defender's Office  
David Epps, Alternate Defender's Office  
Andrew Cain, LACY  
Vianni Garcia, FLY  
Dan Little, Department of Children and Family Services  
David Putney, County Officer of Education  
Katja DeGroot, Ombud's Office  
Ruth Maurice, Office of Human Relations (VOMP)

**Guests Present:** Amanda Clifford, Bill Wilson Center  
Deborah Pell, Bill Wilson Center  
Maja Marjanovic, Supervisor Chavez's Office

**Call to Order & Introductions:** Chair Pennypacker called the meeting to order at 12:19 p.m. All who were in attendance stated their names and organizations.

**Agenda Approval:**

Moved by Commissioner Hansen and seconded by Commissioner Rhoads, to approve the agenda, was approved unanimously.

*Public Comments/Oral Petitions:* None

*Approval of Minutes:*

Moved by Commissioner Manchester and seconded by Commissioner Hansen to approve the December 5, 2017 minutes was approved unanimously.

### REPORTS

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

- RAIC inspection report is complete and will be considered for approval at Executive Session. Once approved it will be posted on the JJC website. Commissioner Blake gave special thanks to County Counsel for quick turn-around in reviewing the report.
- Group Home visits continue with Commissioner Rhoads as lead.
- Commissioner Bonnie Charvez has resigned from the Commission.
- Currently there are two (2) adult Commissioner's vacancies and one (1) Youth Commissioner vacancy. Interviews are in progress.
- Juvenile Hall inspection should begin around January 18, 2018 and possibly be completed by March of 2018.
- February 2018 meeting will have a presentation by the District Attorney's Office on juvenile crime in Santa Clara County.
- In December 2017 JJC met with DFCS, Behavioral Health, Social Service Advisory Commission and the Child Abuse Prevention Counsel on Continuum of Care legislation.
- Met with Board President Cortese regarding the East Valley VMC Campus, permanent placement of the RAIC, implementation of Continuum of Care and the increasing number of detentions of children 12 and under.
- A meeting will be scheduled with Supervisor Chavez regarding similar matters as above.
- JJC will meet with Chief Garnette regarding the rise in violent crimes committed by juveniles.
- February 2018 meeting will be held back at the Crime Lab.

*Juvenile Justice Court:* Judge Tondreau reported on the following:

- Judge Tondreau said DDA LaRon Dennis mentioned 300 or more petitions were filed in Juvenile Court in 2017. In 2016 only 1,200 petitions were filed, making it the lowest year in history for filings, and 1,500 was the number of cases filed two years ago. Judge Tondreau said he is suspicious of this claim regarding a massive rise in crime among juveniles, and is not convinced it is supported or, because it is the way things are handled in court. A risk assessment instrument is being used that has been approved. With an increase in officers in the field there may also be an increase in arrests.
- Nisreen Baroudi and LaRon Dennis will be giving a presentation on January 10, 2018 on updates on law and juvenile justice. MCLE is available.

- 2018 will be the third year of aiming for comprehensive juvenile competency legislation. The withdrawal of support by law enforcement also caused Judge Tondreau concern. Mark Stone's addition to the legislation prompted the concern regarding when there are higher risk kids coming into the system with serious crimes. The original language of the Bill tracked federal cases using language about foreseeability which allowed for flexibility and it allowed for local systems to decide what their timeline would be hoping those would be reinserted. Judge Tondreau added that the Governor is not hostile to the legislation.

AB1911 mandated that the Judicial Council come up with standardized language and data that should be tracked and outcomes that should be measured. The Judicial Council recently sent a report to the legislature that recommends fairly sweeping language, not just for Dual Status youth, but also recommends system-wide the elimination of the use of the terms "dependency" and "delinquency" for more current terms.

Judge Bondonno reported on the following:

- Judge Bondonno has been working with the Piece it Together Group and Probation to track graduates to find out who made it through the program and whether they have been in any further trouble.

*Dependency Court:* None.

*Probation Department Juvenile Program:* Alex Villa reported on the following:

With the absence of David Putney Mr. Villa reminded everyone of fiscal challenges COE is having and offered the following:

With the fiscal challenges combined with their partnership, an analyses of the EDGE/PEAK Program was conducted and it was determined that the EDGE/PEAK Program is no longer viable. Student enrollment along with the associated costs led to the conclusion that EDGE/PEAK will close at the conclusion of the 2017/18 school year. Two classes currently operating will be combined into one. Although a well-intentioned program when initiated, over time there were changes in the system and in dynamics that are present today versus at its 2011 creation.

Chair Pennypacker asked if the kids will return to their home districts. Alex said the focus will be on whether students can return to their home districts. Many students had not been expelled from their home districts so there may be opportunity for them to return. COE will also be operating Snell Community School so students can return to Snell. Commissioner Bunnett asked how many students are currently enrolled. Alex said they have averaged about twenty (20) kids with an average daily attendance of ten (10), but lows at five (5) and even four (4).

Commissioner Macavinta asked if there is any level of life support or case management. Alex said that Probation's Services Unit will be revamping the focus upon transitions back into schools along with the development of a Foster-Ed program. Combining those two efforts will help Probation support students transitioning in and out of schools. Macavinta asked if district schools will know that a youth was in the EDGE/PEAK Program. Alex said yes, the schools will know they were in a COE program. Alex added there have always been challenges for students exiting the Ranch and entering their own districts.

Ms. Baroudi said that in the past, EDGE/PEAK was used before considering sending a youth to the Ranch asking if they expect an increase in Ranch commitments. Ms. Baroudi is aware that OIA will not

take kids expelled from schools, asking if they only have Snell how does Probation intend to account for this gap. Alex said one idea is to have a pre-Ranch program. When looking at the attendance enrollment of about twenty (20), he said they are not really utilizing the school to the extent that it would have that kind of impact. If students are not currently attending school then there is no violation by sending them to the Ranch. A conversation needs to occur with all districts and COE regarding opportunities on education to be provided. Probation will also support the youth they work with.

Commissioner Thiele asked if teachers are trained on how to deal with youth, as there is a need for training to deal with challenging students.

Judge Bondonno stressed the importance of education adding that if a youth is in school things tend to work out for them. If they are not in school, then generally things are not going to work out very well.

Commissioner Bennett is associated with Kids in Common and the Juvenile Court Education Partnership chaired by Judge Lucero. She said the group will be more focused on data and how to leverage the Foster-Ed work, which is about finding a natural supporter for the youth.

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

- Mr. Putney thanked Alex Villa for covering the phasing out of the EDGE/PEAK Program.
- Sunol Facility is growing as far as enrollment.
- Odyssey School will close at the end of 2018.
- Snell Facility will be the only facility open.

Commissioner Hansen asked how transportation will be handled now that there will be only one location. Mr. Putney said they are anticipating busing students from South County.

Commissioner Gonzalez asked if the sites closing could be rented to generate income for COE. Mr. Putney said it was a great idea, adding that the Sunol Facility, between The Alameda and San Carlos St., is a prime location for kids and is on the Metro Line. The Snell Facility will probably expand the State Pre-School Program as it has more students being served in that community. Odyssey is owned by Morgan Hill Unified School District and the current plan is to redevelop it and turn it into a larger playing field for its elementary school.

Commissioner Macavinta said Lyft created a program for transporting youth. Mr. Putney said he will look into the program.

Commissioner Thiele asked if there are any other options than the Snell site, in that Snell falls into one of the troubled zip codes. Mr. Putney said they are considering moving to the Sunol site since it is along the Metro Line and will have a more inspirational academic program. Some issues fall outside of the COE's responsibility therefore they are hoping to make this a community effort with all districts sharing their resources.

*Probation Department Juvenile Program: Con't*

Kathy Martinez reported on the following:

- Meeting with certain groups to put forth efforts to close gaps on some of the service programs.

Nick Birchard reported on the following:

- The population report for December 2017 was distributed. Population at Juvenile Hall is 100, with 83 males and 17 females. Ranch population is at 50, with 43 males and 7 females.
- Thank you to PDO, ADO and IDO for their contribution to the success of the holiday season as well as the pizza party at Juvenile Hall and the Ranch.
- The Holiday decorating contest was a huge success, especially with Unit 5 which also contributed to the creation at Christmas in the Park.
- Juvenile Hall is preparing for the upcoming JJC inspection.
- Policies have been developed for compliance with AB1143, a State-wide initiative regarding room confinement.

Commissioner BurtonBurke asked if it is going to affect the new behavior modification program. Nick said it will be worked into it and will move forward with PBIS.

Chair Pennypacker asked about 18-21 year olds. Mr. Birchard said they have some in the pipeline waiting for their court to finish.

Commissioner Hansen asked if those kids that are in the program are actually in the Hall. Nick said the two (2) kids are doing well.

Commissioner BurtonBurke asked Mr. Putney if two (2) kids in the Hall are following through with the education portion. Mr. Putney said there has been a challenge with the original inception of the program when shared with OIA and COE, in that the student would be there for six (6) months and now the outlook is that they are going to be there for one (1) to two (2) months, the amount of time and uploading to get connected with the teachers would not potentially generate enough ADA to cover costs. As a result, they are looking at working on intake and transitioning so they get connected with OIA in relationship building so once they go back to their home and community they can have priority on enrolling in OIA satellite program depending on the community to which they returned.

***Department of Children and Family Service/Children's Receiving Center (DFCS):*** Dan Little reported on the following:

- Continuum of Care Reform remains a primary focus. There are about 86 kids in Group Home. Weekly meetings are conducted to look at strategies for engaging youth.
- A meeting was held to talk about having youth determine their own narrative of what they want, so they can provide foster families with that information.

Commissioner Rhoads asked for an update on STRTP licensing along with nine (9) month extensions that were requested. Mr. Little said everything had been submitted at the end of December 2017 and are waiting to hear back. Mr. Little will provide an update at the next JJC meeting. Mr. Little said there are no Santa Clara County dependents placed in Santa Clara County STRTP's other than the two previously mentioned.

Judge Bondonno asked if the plan would be for kids in the Group Home to ultimately be placed with foster families and asked how many foster families are online. Mr. Little said currently there are 97 kids, adding the struggle DFCS faces is most foster families prefer a younger age group.

Chair Pennypacker asked if there were any homes that did not ask for extensions. Mr. Little said he will provide more data at the next meeting.

Chair Pennypacker asked how many kids are in STRTP in Santa Clara County. Mr. Little said there are about 22 kids.

Commissioner BurtonBurke asked if there was any update on the RAIC licensing. Mr. Little said he has not heard back, adding that everything was submitted within proper time-frames.

**Behavioral Health - Mental Health Services:** None

**Behavioral Health - Alcohol and Drug Services:** None.

**Law Enforcement:** None.

**District Attorney's Office, Juvenile Justice:** None

**Independent Defender's Office:** Soutodeh Ahmadien reported on the following.

- IDO will also be staffing as well for any calls regarding Juvenile Miranda conflicts.

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

- Molly O'Neill is intending to address Mr. Rosen's comments made at the December 2017 JJC meeting at the February 6, 2018 meeting.
- PDO will be providing 24/7 Juvenile Miranda consultations adding that law enforcement does have PDO phone numbers and attorneys are on-call to assist.
- PDO has come across some severe mentally ill kids regarding the 6500 Commitment process and would like to open it for discussion with JJC. Mr. Little added that cases involving DFCS and the Regional Center have been challenging and feels a presentation by the Regional Center as well as discussions with them would be helpful.

Chair Pennypacker asked if any law enforcement agencies received training. Ms. Baroudi said it is her understanding that the DA's Office has provided training. PDO has sent out letters to law enforcement providing contact information with 24/7 numbers to call, should they need direction. PDO has been checking with youth 15 years old and younger if they were Mirandized or if the police officer asked any questions. Thus far youth said they had not. More information will be provided at the February 2018 JJC meeting. PDO will be meeting with staff to address Union issues due to the attorneys being required to be on-call. The day shift Juvenile Team will be fielding Miranda calls. Molly O'Neill's intention and policy is to provide in-person consultation with youth.

**Alternate Defender's Office:** David Epps reported on the following:

- ADO is also staffing and having attorney's available 24/7 provide assistance to law enforcement.

Kevin Rudich reported on the following:

- Holiday pizza party was extended to the Ranch, Juvenile Hall and Bill Wilson Center. A special thank you to JJC for their support.
- The youth at the Ranch expressed their concerns regarding the need for a medical issue letter in order to receive a double tray. Mr. Birchard said they are trying to follow the same protocol as

Juvenile Hall however, the youth at the Ranch do have different circumstances due to youth work activity and being able to burn off calories.

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

- The hiring process to replace Directing Attorney Jennifer Kelleher is ongoing. Any requests previously sent to Jennifer Kelleher can be sent to Andrew Cain.
- Mr. Cain and Ms. Baroudi from the Public Defender's Office are in discussions regarding offering cross training on the Juvenile Miranda issue. There is new legislation regarding rights previously held by dependents that have been extended to wards. If a parenting team and the Child Welfare Agency want to undertake a program of voluntary family maintenance then the ward has the right to speak with their counsel.

**Medical Services:** None

**Victim Services Center:** Elsa Kuhl reported on the following:

- Recruitment is complete for the second victim advocate position at Juvenile Court.

**YWCA Support Services:** None

**Announcements/Correspondence:** Dana Bunnett reported on the following:

- Children's Summit is scheduled for Friday, March 9, 2018 at Foothill College. Flyers are available on the back table. Registration is can be completed online.

Judge Tondreau reported on the following:

- Amber Rosen was appointed to Judge and will be assigned to Dependency Court replacing Judge Clarke who will be assigned to Drug Court.

**Old Business:** None.

**New Business:** None.

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

**Next Meeting:** February 6, 2018, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA

Respectfully submitted,

Barbara Crump