

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
DRAFT Meeting Minutes-June 6, 2017  
Crime Lab, 1<sup>st</sup> Floor  
250 W. Hedding St.  
San Jose, California 95110**

**Commissioners Present:** Penelope Blake, Past Chair      Courtney Macavinta  
Victoria BurtonBurke      Nora Manchester  
Dana Bunnett      Jean Pennypacker, Vice Chair  
Raul Colunga, Chair      Carol Rhoads  
Gustavo Gonzalez      Vincent Tarpey  
Ron Hansen, Secretary

**Commissioners Absent:** Anusha Agarwal, Bonnie Charvez, Brittney Dong, and  
Lissa Thiele

**Also Present:** Honorable Franklin Bondonno, Superior Court  
Honorable, Julianne Sylva, Superior Court  
Honorable Pat Tondreau, Superior Court  
Marcelo Quinones, County Counsel's Office  
John Anyosa, Southwest Key Programs  
Nisreen Baroudi, Public Defender's Office  
Nick Birchard, Probation Department  
Adelina Del Real, Superior Court  
LaRon Dennis, District Attorney's Office  
David Epps, Alternate Defender's Office  
Vianni Garcia, Fresh Lifelines for Youth (FLY)  
Lauren Gavin, Juvenile Hall Behavioral Health  
Amanda Kennedy, Legal Advocates for Children & Youth  
(LACY)  
Francesca LeRue, Department of Children and Family  
Services (DFCS)  
Kathy Martinez, Juvenile Probation Department  
Ruth Maurice, Office Human Relations (OHR)  
Debbie Pell, Bill Wilson Center (BWC)  
Kevin Rudich, Alternate Defender's Office (ADO)  
Karen Steiber, Independent Defender's Office (IDO)  
Jill Ugalde, Juvenile Probation Department  
Alex Villa, Probation Department

**Guests Present:** None

**Call to Order and Introductions:** Chair Colunga called the meeting to order at 12:18 p.m.

- Commissioner Colunga announced June 6, 2017, is his last meeting as Juvenile Justice Commission Chair. Beginning in July 2017, Commissioner Jean Pennypacker will serve as the new Chair, Commissioner Ron Hansen will serve as Vice-Chair, Commissioner Victoria BurtonBurke will serve as Secretary, and Commissioner Raul Colunga will serve as Past Chair.
- All who were in attendance stated their names and organizations.

**Agenda Approval:**

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

**Public Comments/Oral Petitions:**

Debbie Pell invited all present to attend the Bill Wilson Center’s LGBTQ Open House at the Youth Drop-in Center on June 22, 2017, from 4:00 p.m. to 7:00 p.m., in celebration of Pride Month. Ms. Pell provided flyers of the event in black-and-white and in color. The color copies are missing the R.S.V.P. information.

Judge Sylva introduced Adelina Del Real, the new Dually Involved Youth (DIY) Coordinator for the Superior Court

**Approval of Minutes:**

Moved by Commissioner Manchester and seconded by Commissioner Gonzalez to approve the May 2, 2017 minutes. Approved unanimously.

**REPORTS**

**Chair’s Report:** Chair Colunga reported on the following:

- The Commission’s new leadership group will begin July 1, 2017.
- Due to the July 4, 2017 holiday, the next meeting has been rescheduled to July 11, 2017.
- The recently completed Ranch report should be approved during the closed Executive Session, and available on the website later in June 2017. Chair Colunga thanked County Counsel for the review and quick turn-around.
- The Law Enforcement Agency Inspection has started, and a team has been formed to begin the inspections.
- A meeting to begin drafting the RAIC report will occur in one week.
- The Commission’s executive group met with Santa Clara & San Benito Counties Building & Construction Trades Council. Josué García, Chief Executive Officer, desired to explore the possibility of expanding some vocational skills training services at the Ranch. More information may be available as work continues with the County Office of Education (COE), the Ranch staff, and Mr. García.

- The Commission was asked to sign off on a letter in support of Legal Advocates for Children & Youth (LACY). County has decided to make an augmentation to the funding for the budget. The letter will be signed when is prepared for their signatures.

**Juvenile Justice Court:**

Judge Tondreau reported on the following for Juvenile Justice Court and Dependency Court:

- On behalf of the Superior Court, Judge Tondreau thanked Commissioner Colunga for his years of service on the Juvenile Justice Commission, particularly as Chair. The appreciation was extended to all of the commissioners for their time commitment and hard work.
- Commissioner Colunga recognized the hard work of all of the commissioners, particularly Commissioners Pennypacker, Hansen and Blake for stepping in whenever it was necessary. Commissioner Colunga also thanked the system partners.
- Judge Tondreau recognized Francesca LeRue, Director of Department of Family and Children Services (DFCS) for taking on the challenges presented upon beginning her role as director, and doing a good job. Her presence and engagement at every meeting is noticed and appreciated, and it indicates DFCS is in good hands.
- Dean Erwin Chemerinsky, speaker at past Beyond the Bench events, will be the new dean of University of California - Berkeley, School of Law. He will be the keynote speaker for the local Beyond the Bench conference to be held on May 18, 2018.
- Funding for dependency attorneys has become a crises. This year, funding is based on a four-year formula configured by the Judicial Council, which is trying to equalize the funding for dependency attorneys statewide. Santa Clara County is a little less underfunded than other counties; therefore, \$1.8 million is being taken away from Santa Clara County for LACY and Dependency Advocacy Center (DAC). This year, the Board of Supervisors may cover half of the \$1.8 million, and \$22 million may be moving through the legislature. Also, a new formula may be moving through the legislature providing some money to Santa Clara County (possibly as much as \$400,000). The shortage may be \$450,000 instead of \$1.8 million. The situation is difficult, but it will not destroy the agencies.
- Foster Vision Database from COE is a database that allows all of the school districts, DFCS and Probation to enter information into COE, and provide probation officers and social workers will relevant, up-to-date information when logging on. Four hundred social workers have been trained. Probation Office workers are in the process of training. Judge Tondreau is optimistic about the eleven (11) year project.
- The Chief Justice held a Futures Commission, which discussed the recommendation to merge the two (2) divisions of Juvenile Court. Assemblymen Mark Stone is involved in the merger. Pilot programs in some unspecified counties are being considered. Santa Clara County's advanced DIY program may draw requests to consider a pilot program, but other obstacles experienced in the past may present challenges.

Judge Bondonno reported on the following:

- Judge Sylva and Judge Bondonno conducted the Judges Inspection in Juvenile Hall, and have filed it.

- Psychological evaluations have not experience delays.
- One more Ph.D. has been acquired, thanks to Behavioral Health.
- There is no update as to whether Dr. Yang’s coding will receive an increase.
- Judge Bondonno has noticed that for his department, they do not have not enough electronic monitoring equipment. The lack of equipment presents a problem. He is hopeful that the mounting voices could place enough pressure on the Board to allocate money.

**Probation Department Juvenile Program:**

Kathy Martinez reported on the following:

- Kathy Martinez requested to give a brief presentation. Over the last year, a work group from Probation and the Juvenile Justice Systems Collaborative (JJSC) have been working on a Discretionary Warrant Policy within Probation. The policy will be piloted in July or August, and details are still being worked out. The Policy will take a harder look into the disparities involved with youth picked up on warrants. Data from 2015 was reviewed, excluding Out-of-County Warrants, and warrants with new offenses, totaling 130 youth brought into Juvenile Hall. Of the 130, 92% were youth of color. The data was viewed through the racial/ethnic disparities lens and hopes to reduce detentions while ensuring community safety. Through a series of meetings, Probation decided to institute a Discretionary Warrant. This warrant allows the probation officer to consider the context of the warrant, criminal history, and services provided to see if a Notice of Appearance could replace being detained.
- Those at risk of fleeing custody will not be considered for the policy. Self-surrenders will be considered.
- Probation is still working out the fine details, and intends to conduct a six (6) month pilot.

Ms. Martinez took questions. She stated the average stay usually is at least until their detention hearing (anywhere between 24-48 hours), with new offenses adding more time held.

Commissioner Gonzalez asked how many youth would not fit the criteria to be included in Discretionary Warrant program after reviewing the initial 130, and how many would be released?

Ms. Martinez presented the numbers:

- 183 or 22% have new charges
- 7% were out-of-county warrants
- 48 youth absconding
- 47 Failure to Appear
- 17 could not locate
- 17 Combination of above.

Judge Tondreau stated the “could not locate” youth may have been cited for an incident, but unable to attend court because the family moved. The result misrepresents the youth’s intention.

Commissioner Bunnett expressed her excitement for the program, and asked if EMP has been reviewed. Ms. Martinez stated no, but it is on the list. A follow-up question inquired about how

many EMP bracelets were out, and how many were not working. Ms. Martinez was unable to answer the question. Ms. Martinez was able to state she did not think any EMP bracelets were requested in the budget because they are usually able to order more and receive them within two (2) days. Judge Bondonno did not have the same wait time after requesting EMP bracelets. Ms. Martinez stated she would follow-up.

**Department of Family and Children’s Service/Children’s Receiving Center (DFCS):**

Francesca LeRue reported on the following:

- DFCS will be submitting an application to Community Care Licensing (CCL) in August 1, to license the Receiving, Assessment and Intake Center (RAIC) as a temporary/3-day shelter. DFCS chose to license the RAIC as opposed to acquiring a contractor. The facility is staying at the Enborg site at Valley Medical Center, but changing some of the structure (i.e. converting garage into office space). Although placement as soon as possible is ideal, the 3-day option presents staffing and other challenges. CCL has conducted a walkthrough of Enborg, and it meets most of the needs.
- DFCS is moving forward with the new RAIC plans, which should take another two to three (2 – 3) years to get started. The hope is to be at Enborg for three (3) years, then transfer to the new site.

Judge Tondreau requested clarification on the Enborg site’s permanency. Ms. LeRue clarified by reiterating the Enborg site is the temporary site until the new facility is complete.

Commissioner Colunga stated by extending to 3-days, this raises the chances of more long-term placement, and reduces chances of youth violations.

Commissioner Bunnett wanted to know if there are reasons for a move from Enborg. Ms. LeRue stated even though she has not been involved in the new RAIC planning, she does not believe they must move, but the project has been in motion for a long period of time.

Commissioner Blake mentioned that the Commission will conduct their inspection and provide feedback. The proximity and communication with the Supporting, Protecting, and Respecting Kids (SPARK) Clinic is important.

The Committee would like to be notified when the RAIC facility planners will meet again.

The Committee will be visiting the RAIC on June 13.

- Ms. LeRue also reported on data keeping. She is working with Information Systems Bureau (ISB) to understand why children are entering the RAIC. Rather than a brief description of the youth’s arrival, she is interested in collecting more information to understand what occurred before being placed, and what happened during the placement.

**Behavioral Health – Mental Health Services:**

Lauren Gavin reported on the following:

- She is currently working on the annual report, and the commission will receive it soon.

**Behavioral Health – Alcohol and Drug Services:** No report.

**Law Enforcement Agencies:** No report.

**District Attorney’s Office, Juvenile Justice:** No report.

**Public Defender’s Office:**

Nisreen Baroudi reported on the following:

- Michele Diederichs, Assistant Public Defender, will be joining the Juvenile Division, replacing J.J Kapp, who has retired.
- Transfer Hearings are moving at a great pace. Ms. Baroudi acknowledges LaRon Dennis for her assistance in facilitating resolutions in attempting to keep the cases in Juvenile Court. Ms. Dennis’ unofficial role as a liaison in communication with District Attorneys for adults have allowed efficient resolutions.
- Ms. Baroudi and Ms. Dennis have agreed to talk to Deputy Chief Kathy Martinez about conducting additional trainings for Probation Officers. Two (2) trainings took place shortly after passage of Proposition 57 (Prop 57) with full attendance, but it was difficult to understand writing reports without previous experience. Now that Prop 57 report procedures have been in place, it was agreed that another two (2) trainings in June and July would create more understanding and consistency.
- Ms. Baroudi mentions court reporter issues which are causing delays. If the Commission receives any complaints from parents and/or family, she is aware of the issue, and it is being addressed. Judge Bondonno stated he has written many letters to the governor requesting funds, but has not received a response. Judge Tondreau elaborated on the Court being aware of the issue.

Commissioner Pennypacker asked if the Transfer Hearings are meeting expectations of how many go to hearing and how long it takes, or is a faster pace with quick resolution more common. Ms. Baroudi states she is pleasantly surprised at the resolution of many of the cases for Juvenile Disposition. Three (3) or four (4) have gone forward and are taking longer than expected. She states that Judge Lucero informed them that in discussions with the Court, if there are three or more afternoons, the case would be deemed *Long Cause*, and would go to the Hall of Justice (HOJ). This may cause tension as Prop 57 was created in an effort keep the cases in Juvenile Court. Ms. Baroudi expressed her concern with what could happen, and was informed each judge would make their decision regarding what to do.

Ms. Dennis expresses her satisfaction of the approximately twelve (12) resolved cases, four (4) heard in court, approximately twenty (20) cases to work on, and six (6) or seven (7) new cases.

**Independent Defender’s Office:** No report.

**Alternate Defender’s Office:**

Kevin Rudich reported on the following:

- Following up what was stated by Ms. Martinez, Probation, an alternative to Discretionary Warrants is for the attorney to calendar a hearing on an expedited basis.

**Legal Advocates for Children and Youth (LACY):**

Amanda Kennedy reported on the following:

- Thanked everyone for their support through all of the budget cut issues.

**Medical Services:** No report.

**Alternative Schools Department, COE:** No report.

**Victim Witness Assistance Center:** No report.

**YWCA Support Services:** No report.

**Announcements/Correspondence:**

Nick Birchard arrived late, but answered questions regarding EMP cellular models. He provided information about the contract and funding for EMP devices which seem to be more expensive. There are not many of the cellular models even though cellular is the direction the device is going. By changing the funding, more would be purchased. Commissioner Manchester inquired if it has been included in the estimates for the budget. Mr. Birchard stated he will have to review the contract.

Meetings regarding the Ranch construction have moved to a trailer at the Ranch.

**Old Business:** None.

**New Business:** None.

Adjourn to Executive Session: Chair Colunga adjourned the meeting to the Executive Session at 1:09 p.m.

**Next Meeting:** July 11, 2017, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Janice Jones