

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
DRAFT Meeting Minutes-June 2, 2020
Via Zoom**

Commissioners Present: Stephen Betts-Secretary
Penny Blake
Victoria BurtonBurke
Ron Hansen, Chair
Nora Manchester
Darius Parakh
Jean Pennypacker
Carol Rhoads
Vaishali "Shali" Sirkay
Lissa Thiele
Brian Walton

Commissioners Absent: Mila Eliashberg

Also Present: Honorable Katherine Lucero, Superior Court
Honorable Frederick Chung, Superior Court
Ravi Rajendra, County Counsel Office
Nick Birchard, Probation Department
Holly Child, Probation Department
Marina Cruz, Probation Department
Dolores Morales, Probation Department
Sean Rooney, Probation Department
Carl Tademaru, Probation Department
Marc Utsey, Probation Department
Alex Villa, Probation Department
Jill Ugalde, Probation Department
Vanessa Cornejo, Behavioral Health
Veronica Robles, Behavioral Health
Rachel Talamantez, Behavioral Health
Edith Sona, Behavioral Health
Ann Huntly, District Attorney's Office
Damon Silver, Public Defender's Office
Nisreen Younis, Public Defender's Office
David Epps, Alternate Defender's Office
Michelle Todus, Alternate Defender's Office
Karen Steiber, Independent Defender's Office
Maria Mauboussin, Department of Family and Children Services (DFCS)
Jamila Hankins, Department of Family and Children Services (DFCS)
Itzhecatl De La Cruz, Santa Clara County Office of Education (COE)
David Putney, Santa Clara County Office of Education (COE)
Joann Vaars, Santa Clara County Office of Education (COE)
Vianni Garcia, FLY
Julie Souza, LACY
Andrew Cain, Law Foundation
Ruth Maurice, OMOS
Shelley Aggarwal, Valley Medical Center
Chai-Chen Lee, Valley Medical Center
Dana Bunnnett, Kids in Common
Debbie Pell, Bill Wilson Center
Dorothy Ross, California Advocates
Desiree Victor, Young Women's Freedom Center (YWFC)

Also Present Cont' d: Evan Albers, Citizen
Lon Allan, Citizen
Heather Angove, Citizen
Miah Arechiga, Citizen
Elisa Carias, Probation Department
Trisha Luciano, Citizen
Lisa Macias, Citizen
Jessica Neideffer, Citizen
Diana Traub, Citizen
Jason Whitcomb, Citizen

Call to Order & Introductions: Chair Hansen called the meeting to order at 12:17 p.m. Due to time constraints there were no formal introductions.

Agenda Approval: The agenda was approved by ten (10) Commissioners.

Public Comments/Oral Petitions: None.

Approval of Minutes: Moved by Commissioner Sirkay and seconded by Commissioner BurtonBurke to approve the March 3, 2020 Minutes was approved unanimously.

REPORTS

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

- This is Commissioner Brian Walton's last meeting, as he has resigned from JJC.
- Commissioner Javsinder Sohol has also resigned from JJC.
- JJC has received four (4) applications for four (4) open seats. The applicants will be reviewed at Executive Session and then presented to Judges Lucero and Ryan.
- The annual Juvenile Hall Inspection Report approval has been delayed due to the inability to meet and finalize some of the inspection issues, but is expected to be approved at Executive Session. Once approved, the report will be posted on JJC web page on the Superior Court website as well being distributed to the broader distribution list.
- JJC will begin the annual Ranch Inspection in June 2020, to be led by Commissioner BurtonBurke. The report will be conducted with on-line interviews and very limited physical inspection.
- JJC will begin in the next 30-45 days, its annual inspection of Law Enforcement holding facilities throughout the County to ensure they are compliant with relevant sections of the Welfare and Institutions Code. Communication has begun with the appropriate law enforcement agencies.
- This is Recording Secretary Barbara Crump's last meeting with JJC, due to the expiration of her contract with the County. Chair Hansen read a letter of acknowledgment for Ms. Crump's contribution of 8-plus years and thanked her for her service to JJC.

Juvenile Justice Court: Judge Lucero reported on the following:

- Superior Court has been meeting weekly with a core stakeholder group and has managed to continue during the shelter-in-place Covid-19 era, trying its best to meet deadlines and timelines for essential hearings. A second trial department has been opened to begin hearing contested matters for time-not-waived youth, trying to resolve cases and move them on to their next stage. Only one courtroom has been in operation from mid-March thru June 1, 2020. Only one courtroom will remain open for the bulk of matters with a second department open for trials. Judge Lucero said they had done their best to manage this crisis and thanked stakeholders for coming to the table over and over again to work together in the best interest of youth, their families, public safety and the community. There has been more contact with youth since the Covid-19 lockdown, but in order to fully re-open, Superior Court needs to be in lock-step with the Public Health Department on social distancing to ensure safety of staff, youth and families.

Commissioner Thiele thanked Judge Lucero for her Power and Privilege: Reclaiming the Narrative to Stand Against Racism webinar she conducted May 29, 2020. Commissioner Thiele said she was inspired and empowered by Judge Lucero's presentation.

Dependency Court: Judge Chung reported on the following:

- All three (3) Dependency Court Judges have been holding essential hearings via Skype, including Detention Hearings, Selection and Implementation Hearings. This will gradually also include Jurisdiction and Disposition Hearings to the extent possible, as well as hearing a many matters by stipulation. One (1) courtroom is scheduled to open in Dependency on June 15, 2020 and will be shared by all three (3) judges until they are allowed to open more courtrooms.

Commissioner Blake asked when Dependency's 827's will again begin to be processed. Judge Chung said he heard back from Judge Schwarz who said it will begin processing again at the end of June 2020 when Dependency Court re-opens.

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

- COE has been busy transitioning school programs to the Distance Learning model which will be provided to youth at Juvenile Hall and James Ranch. Students are doing a blended learning on-line credit-recovery and courses using the Odyssey web program. COE is also providing educational enrichment packets for students who want to do traditional work and/or have limited access to the internet. They are having great success with students earning academic credit and are working towards graduation requirements, all while learning study skills and life skills. Dr. Putney said he appreciated the team and partners and thanked Juvenile Probation for its help in mitigating the distance for COE, as they were directed to shelter in place.
- COE is now preparing for re-opening schools and is collaborating with Probation partners to see what that will look like. There are still many unknowns but they are following State and County Superintendent guidelines, adding that this academic year will likely see completion of this distance learning model.
- The next academic school year begins July 2020 and they are trying to anticipate working with all partners and follow all the requirements to ensure a safe learning environment with all the same social distancing and protective equipment.

Chair Hansen requested when the plan for re-opening is put together with Probation to please forward a copy to JJC. Chair Hansen also said he understands that teachers are available via direct message for students when issues arise, but it seems like initiation lies with students. At what level has the direct messaging been for students during this time? Dr. Putney said students have access to the computer during school hours and we have our team of educators on-line with Odyssey-ware and also with Incite, so there is dialogue to-and-from students to the degree that students are engaging, teachers are on every day messaging back and forth. Dr. Putney added that he has not been keeping track of message volume but knows there is regular contact between students and teachers, initiated by both.

Commissioner Pennypacker asked if certification programs with the trades are being handled the same as the educational component. Dr. Putney said the College and Career liaisons are working with graduates and iCEV certifications, and have printed hard copy learning booklets with full contents so students can do without computers until assessments, when the computer is provided. They are also able to hold dialogue with the College and Career liaisons when they are on a school computer, adding that two (2) to three (3) students will be doing their on-line certification finals this week before graduating.

Probation Department Juvenile Program: Nick Birchard reported on the following:

- Juvenile Probation has been providing reports on Services electronically to all partners; the judge, defense counsel and DA's Office receive emails and thanked the DA's Office for its assistance with the distribution process.
- Victim awareness classes are being offered electronically, which is important as it is a requirement to be dismissed from probation.
- Placement programs are more readily accepting youth now due to Juvenile Hall quarantining, and testing protocols have helped convince these placement programs that Juvenile Hall youth are Covid-free and safe to admit.
- Currently the population at Juvenile Hall is 62 with 57 males and 5 females. Ranch population is 42 with 39 males and 3 females.
- Much work has been done to eliminate Covid-19 exposure to youth and staff. Public Health Department was invited to walk through, provide a report and recommendations for them to do best-practices at Juvenile Hall that may have been missing. Public Health Department did provide a report, which was sent to Chair Hansen. Mr. Birchard asked Chair Hansen to distribute the report thru JJC as it has the email list of JJC participants.
- Juvenile Hall reduced census as it was in the 90's and at one point dropped down to the 40's. A number of Units were opened up in Juvenile Hall and the Ranch to reduce the census within each unit, to help mitigate the spread and create a better environment for social distancing. No Unit in Juvenile Hall has more than ten (10) kids. Every youth and staff are provided a mask and encouraged all to wear which is mandatory for staff. Two (2) intake areas were created as youth enter Juvenile Hall depending on how many as they do try to keep it down to ten (10) youth. Youth stay in the unit for fourteen (14) days before they are admitted into the general population. Youth received Covid-19 testing not only when they first enter Juvenile Hall but again twelve (12) days later, so they have an understanding before youth are transferred. Youth are tested before leaving Juvenile Hall to go to the Ranch.
- Since March 2020, two (2) youth tested positive for Covid-19.
- DJJ is now taking youth from Juvenile Hall until December 2020, based upon who was committed to Juvenile Hall the longest. DJJ has provided a schedule to Juvenile Probation.
- Juvenile Hall has been visiting families and providers via Skype and Zoom to ensure youth stay connected.

Chair Hansen asked how frequent Skype and Zoom meetings are. Mr. Birchard said meetings are daily, adding since each unit has fewer kids it is very easy for them to have access to the phone as well as to Skype and Zoom. Skype and Zoom capabilities have also been added to the learning lounge in addition to a large screen TV, allowing larger groups via Skype and Zoom.

Chair Hansen asked if there has been any movement of consequence in response to the potential closure of DJJ in particular in Santa Clara County. Mr. Birchard said it is still just a proposed recommendation budget from the Governor and nothing has been solidified, adding there is much discussion.

Commissioner Thiele asked if any of students have expressed feelings regarding the George Floyd incident. Dr. Putney said from a school point of view, he has not heard of much from teachers that this topic is coming up through dialogue with kids. Dr. Putney has staff meetings scheduled in the afternoon as well as on Thursday, June 4, 2020 and the topic of George Floyd will be addressed at the meetings.

Desiree Victor with Young Women's Freedom Center said they will be having their Freedom Circles at Juvenile Hall on Monday, June 8, 2020 and knows the topic of George Floyd was brought up in discussion with youth currently at Juvenile Hall. YWFC will also hold a Freedom Circle at James Ranch to open up dialogue and address feelings and questions they may have.

Department of Children and Family Service/Children's Receiving Center (DFCS): Jamila Hankins reported on the following:

- The Keiki Center, open due to the closure of RAIC, is the first stop for youth coming into care. If placement is not immediately found, they will conduct assessment and medical clearance there with the hopes of finding placement. If placement is not found within twenty-three (23) hours and fifty-nine (59) minutes for youth requiring a higher level of care, they will be using their scattered sites. Currently DFCS has five (5) youth at scattered sites that consist of three (3) furnished apartments and six (6) single family homes staffed by DFCS workers and other workers from Behavioral Health and community based organizations.

Chair Hansen commented that JJC appreciates the improvements on accuracy on the Daily Dashboard reports. Chair Hansen also asked for clarification on the number of youth under care of DFCS, as it differs from the report JJC received. Ms. Hankins said it depends on when the report was generated adding that the current number of youth is at five (5).

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

- Regarding youth in-custody, there is a team of clinicians operating regular hours, providing on-call treatment to in-custody youth. Clinicians are still conducting assessments and providing unit check-ins. CITA program is being provided via remote services with youth and their families. The CITA team is working closely with the system partners, Probation and families.
- The Competency Development Program is providing remote services as best as it can. An initial remote Independent Competency Evaluation for a youth that was in-custody was conducted as well as one for an out-of-custody youth, adding that they both went well.

Commissioner Pennypacker said JJC had heard from DFCS of an increase in the use of opioids in Santa Clara County and wanted to know if BH had heard that as well. Ms. Robles said she had not heard about youth coming in under the influence. BH has daily huddles to discuss complex situations saying that

opioid use among youth has not come up. Edith Sona of BH said she had heard the same reports and had nothing to add regarding opioid use, but said they not seen an increase in referrals for youth dealing with opioid dependency. BH is providing services and is processing referrals as they come in.

Law Enforcement: None.

District Attorney's Office: Ann Huntly reported on the following:

- She has not heard of a rise in opioid use amongst youth in terms of cases being submitted for issuance.

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

- Attorney Judy Yang will be out on maternity leave beginning June 16, 2020.
- Based on the Court's operational drop to two (2) Departments and given the current case load the office is looking at possibly reducing to five (5) attorneys perhaps through August 2020 because of the great need at the Hall of Justice with a large backlog of cases needing to be heard.
- Damon Silver is working with the DA's Office on a paperless e-discovery process.
- Hopefully within the next few months there will be a system partner portal for all to use.
- Ms. Younis said she and Ms. Huntly have accomplished much behind the scenes in terms of signing off on applications and orders and presenting things to the judges to sign where there are stipulations and agreements, like getting kids off probation and dismissing ceilings, etc. Both departments are aware that when they are back up and running they will get slammed with new cases and therefore they do not want kids to be on probation any longer than they need be.
- PDO has visited the Ranch and Juvenile Hall and was able to talk with the youth. No one appeared to be in distress but obviously all are anxious. Ms. Younis thanked Probation and said they are doing a tremendous job.
- Ms. Younis said some educational concerns have been addressed to Dr. Putney regarding kids with less visual learning ability. She explained that many kids who have Individualized Education Programs (IEP) struggle with reading making an instant messaging platform ineffective in communicating with their teachers. Hopes are for Skype or Zoom to fill this educational need.
- With the upcoming closure of DJJ, it may change the composition of the Public Defender's team in the future as it absorbs more serious work such as the effect of Prop 57. It is Ms. Younis' understanding that the constitutional deadline for legislature to approve the budget or not, is June 15, 2020.
- Ms. Younis is on the advisory board for the Pacific Juvenile Defender Center. A lot of people have written to the Governor about counter proposals before this is adopted. There is a tremendous fear that if DJJ closes, DA offices in California will seek to transfer more kids to Adult Court. There is concern because frequently prosecution will agree not to transfer kids to Adult Court because a kid can go to DJJ up to the age of 25.
- Ms. Younis thanked Carl Tadamaru from Probation for helping with supplying a Zoom tablet for PDO and ADO paralegals so they may interview new admission kids and help prepare the file for the attorney for the next morning's detention hearing. Initially these interviews were to be conducted via telephone, but it is hard to develop rapport with kids via telephone. A Zoom tablet allowing a paralegal to look at kids, say who they are, hold up a PD/ADO badge and tell the youth "this is client/attorney privileged conversation" is very helpful.

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

- Alfonso Lopez has taken over for Mark Becker in Juvenile Court due to Mr. Becker's retirement.

Independent Defender's Office: No report.

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

- LACY's focus has been on time to preserve family relationships throughout the course of the pandemic. Since the middle of March 2020 many families have not had in-person visitation due to the Public Health considerations. There have been various iterations of standing orders adopted by the Juvenile Dependency Court on the subject. Mr. Cain is happy to report that as far as comparing LACY to other jurisdictions across the state, they have adopted a standing order that strikes a good balance between the public health concerns and preserving the importance of keeping families connected. LACY's policies on the subject have also struck a balance. He thanked the department for work in that area, but explained there are still children who have not had in-person visitation with their families.
- Julia Souza, Supervising Attorney of Education Practice has been meeting many systemic efforts hoped to be impactful for students not just in Santa Clara County but across the State. They worked closely with East Bay Children's Law Center to lead a larger group of organizations in proposing an executive order to the Governor for a moratorium on expulsions. While the Governor has not acted on the request, the many conversations with key stake holders at the State level whether in the legislature, Governor's office or CDE, gives LACY hope that at minimum efforts will result in further chipping away at the school-to-prison pipeline. They have also been working with other CBOs across the bay to ensure COEs are doing everything they can to make sure students in court schools are getting access to all services they need.
- Mr. Cain echoes other concerns regarding kids only having access to their teachers through instant messaging. LACY will continue to monitor and see if there are any additional steps they need to take on the kids' behalf.

Medical Services: Shelley Aggarwal reported on the following:

- VMC has evolving protocols and strategies to managing the Covid-19 risk for youth entering Juvenile Hall and also to continue providing general medical care kids need when entering Juvenile Hall. Comprehensive plans have been developed should things become multi-pronged. They have comprehensive screening calls in which they check temperatures and monitor for symptoms for any youth in Juvenile Hall. All youth are masked. Testing protocols have been evolved over time so they are checking youth for Covid-19 when admitted and then again about two (2) weeks later to screen in as much detail as they can. This allows for capturing youth who are potentially exposed when they come in and to see youth who have early phases of exposure who would not yet test positive, ideally catching them at the two (2) week point. This is for youth who show no symptoms, but for kids who have symptoms, they would intervene with testing and medical care. There were a couple of youth who tested positive who had no symptoms, but VMC has a process to separate them from other youth and closely monitor them based on Covid-19 protocols while monitoring other youth who may have been in contact with

those who tested positive. In addition to screening and testing protocols, VMC is involved in many strategies regarding social distancing, masking, personal hygiene and hand-washing as well as environmental hygiene and cleaning and employee education. VMC is working in close collaboration with the Public Health Department, Adult Custody health partners to modify approaches based on the latest science and Public Health/CDC recommendations. Chai-Chin Lee said to add the detection component of the strategy, adding that the entire health care staff at Juvenile Hall and James Ranch have been tested. The next focus will be Probation, Medical, kitchen and laundry staff. They are in the process of preparing screening for Probation and other agencies. Ms. Lee said they are in daily communication with the Public Health Department and also have a daily huddle with the County regarding the PPE needs of. Covid-19 has had an impact on staffing levels. Two (2) clerks are on leave due to each having an underlying medical condition. One (1) nurse has been hired full-time.

Jessica Neidetter asked if either of the two (2) kids that tested positive for Covid-19 had been hospitalized. Dr. Aggarwal said no one has been hospitalized, just quarantined.

Office of Mediation and Ombuds Services: Ruth Maurice reported on the following:

- Continuing to offer services outlined in the written report that was submitted to JJC.
- OMOS continues to process victim/offender mediation referrals and conduct phone mediation contact with kids, adding that kids and their families are easier to find and more willing to talk with OMOS.
- OMOS continues to offer mediation through video conferencing.
- OMOS is the designated provider of on-line alternate dispute resolution for eviction moratorium issues and mediations and, has partnered with the City of San Jose Housing Unit to be the exclusive provider of mediation services. Referrals are encouraged.

Announcements/Correspondence: Nick Birchard said that with the state of current affairs, Law Enforcement has not brought many youth to Juvenile Hall.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Hansen adjourned to Executive Session at 1:18 p.m.

Next Meeting: July 7, 2020 will be used for the Commission as a planning session. The next public meeting will be held on August 4, 2020 at the DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA.

Respectfully submitted,

Barbara Crump