

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes-March 6, 2018
Isaac Newton Senter Auditorium
70 W. Hedding St.
San Jose, CA 95110**

Commissioners Present: Penny Blake Courtney Macavinta
Raymond Blockie Nora Manchester
Victoria BurtonBurke Carmen Montano (arrived 12:55)
Dante Duffel-Steen Jean Pennypacker, Chair
Gustavo Gonzalez Carol Rhoads
Ron Hansen, Vice Chair Lissa Thiele
Manasa Kumarappan

Commissioners Absent: Dana Bunnett and Vincent Tarpey

Also Present: Honorable Franklin Bondonno, Superior Court
Honorable Pat Tondreau, Superior Court
Marcelo Quinones, County Counsel's Office
Craig Carpenter, Probation Department
Holly Child, Probation Department
Sean Rooney, Probation Department
Carl Tademaru, Probation Department
Robert Young, Probation Department
Veronica Robles, Behavioral Health, Mental Health Services
Patty Dolan, Behavioral Health, Alcohol and Drug Services
Chris Arriola, District Attorney's Office
LaRon Dennis, District Attorney's Office
Cindy Hendrickson, District Attorney's Office
Elisa Kuhl, District Attorney's Office
Nisreen Younis, Public Defender's Office
Dan Silver, Public Defender's Office
Jason Selberg, Public Defender's Office
Sylvia Perez MacDonald, Independent Defender's Office
Karen Steiber, Independent Defender's Office
Kevin Rudich, Alternate Defender's Office
David Epps, Alternate Defender's Office
Andrew Cain, LACY
Vincent Cabada, FLY
Desiree Victor, FLY
Francesca LeRue, Department of Family and Children Services (DFCS)
Dan Little, Department of Family and Children Services (DFCS)
Wren Bradley, Department of Family and Children Services (DFCS)
Steve Eckert, Alum Rock Counseling Center
Chia-Chen Lee, VMC
Lt. Greg Lombardo, SJP
Captain Ed Schroder, SJP
Deputy Chief Shawny Williams, SJP
Telina Martinez Barrientos, Independent Police Auditor
Aaron Zisser, Independent Police Auditor

Katja DeGroot, Ombud's Office
Ruth Maurice, Office of Human Relations (VOMP)
Amanda Clifford, Bill Wilson Center
Deborah Pell, Bill Wilson Center

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.

Administration of Oath of Office: Commissioner Hansen introduced Manasa Kumarappan, a junior at Everygreen Valley High School and a strong advocate for youth in the community, who been involved in UNICEF and Youth Activities for the City of San Jose as the newly appointed Youth Commissioner. Judge Tondreau administered the Oath of Office to Manasa Kumarappan.

Public Comments/Oral Petitions: None

Approval of Minutes:

Moved by Commissioner Hansen and seconded by Commissioner BurtonBurke to approve the February 6, 2018 minutes was approved unanimously.

Presentation: Dr. Holly Child, Probation's Analysis of Recent Trends.

Dr. Child distributed a PowerPoint presentation and gave an overview on **Understanding Youth Who Commit Serious Offenses: A Five-Year Snapshot 2013-17** prepared by the Research and Development Unit, Santa Clara County Probation.

Partners in the juvenile justice system provide an annual report, and reports for the last eight (8) years are available for viewing on Probation's website. These partners include Superior Court, Behavioral Health, Child Welfare and others in the community who study juvenile justice trends in Santa Clara County, especially involving youth committing more serious offenses. Nationally and locally, a small number of youth commit a larger proportion of offenses.

In adolescent development the area of the brain that controls "executive functions", including weighing long-term consequences and controlling impulses, is among the last to fully mature. Youth who experience numerous traumas can have further delays in this development.

There were 2,356 kids responsible for 4,227 offenses. A small number of youth had a larger percentage of referrals in 2017. The kids in the sample only had referrals for those particular offenses.

There were 10 kids in 2017 that entered the system, and they were responsible for 135 referrals. Five of those kids had never touched the juvenile system before.

Q & A

SJPD – How long are these kids held?

Dr. Child - Kids are held three days until their detention hearing.

Ms. Younis – Are cold-hit burglaries accounted for? How are they captured?

Dr. Child – They are captured by the referral date. It does not show the actual time-line and we are thinking about how to start analyzing reports to show the offense date vs the referral date.

Ms. Younis - If one house is burglarized and 5 youth are responsible, and each is charged with burglary, how is that captured?

Dr. Child – Even if it is just one event, each youth is charged and so it counts as 5 referrals.

Commissioner Thiele – Asked for clarification of the term “Criminogenic.”

Dr. Child – Risk is the criminogenic risk, the likelihood someone would commit a new offense. Criminogenic needs are things we know through research correlated to someone being involved in criminal behavior. Responsivity is thinking about the barriers keeping one from being successful in treatment.

Unknown member of the audience – Is there any correlation of recidivism with the new contacts youth have made while incarcerated.

Dr. Child – We do not have a way of tracking who the youth contacts, but there is much information about not mixing risk levels. For instance, you don’t want to mix low-risk youth with high-risk youth.

Unknown member of the audience – Of the 10 kids responsible for 135 referrals, have you looked at the profiles of the 10 kids to identify common trends between them so we can better understand the criminogenic factors that may have impacted this type of spike.

Dr. Child – In reading these kids histories and logging common themes we see the flow of how they end up touching our system and what happens to them, but also looking at JAIS information, that is where we have meaningful conversations with Probation Officers. We see kids who come in and are very far behind in school, have mental health or substance abuse issues, or both, and family dysfunction. In 2017 we saw an increase in kids who have had contact with Child Welfare. Probation has been working with Child Welfare on identifying these kids before they even touch probation. Ultimately, we think the solution may come with sharing information with all agencies to come up with innovative interventions.

Commissioner Thiele – Are you looking anywhere in the link between kids that are on EMP and coming back in because they are going back into the hectic environment?

Dr. Child – We are in the process of doing a study on the EMP program.

Commissioner Rhoads – How much of a conversation does Probation have with local law enforcement.

Dr. Child – Probation has met with SJPD and the DA’s Office on solutions and how we might do a better job.

Commissioner Gonzalez – Did SJPD focus on burglaries in 2017?

Dr. Child – SJPD has been focusing on burglaries for the last 3-4 years. The spike seen was a concerted effort between burglary detectives and officers in the field.

Commissioner Gonzalez – Usually when you enter the system kids do worse. How do we get past that?

Dr. Child – What we have found out is the traumatic event is not necessarily where they are going, it's the removal from their community and their homes.

Chair Pennypacker – Is there any trend as to the amount of crime by age groups?

Dr. Child – There was a small increase in younger kids, but nothing statistically significant. Kids 14 and under were in therapeutic responses we could have prepared for them. We are working with Stanford and other researchers in the area to find proper responses.

Commissioner Thiele – Will the study include looking beyond our county and looking at links between school suspension and expulsion?

Dr. Child – There is data available. Asking kids about school is part of the JAIS assessment process. SCCOE has given Probation access to Foster Vision. We are working on having better education data.

Mr. Rudich – Are there more detail studies on recidivism?

Dr. Child – We just begun a 5-year recidivism study to not only look at serious offenses but all kids in general, looking at touch-points for kids and what changes things for them. The other thing we track is everything funded through JJCPA dollars on which we do recidivism studies. Studies are done on early prevention and early intervention programs and only 3-4% of kid's recidivate. Forty-two percent of Santa Clara County kid's recidivated in the high-risk program, compared with San Mateo's County's 53-57%.

Ms. Younis – Once the police have arrested a youth for carjacking, bring them to JH, they are detained based on the risk assessment. But does this account for the DA who might review a case and determine an element is missing and, say, charge them for auto theft?

Dr. Child – That is fine because it is a referral cite. It's polling the referral and not the actual sustained petition. One of the barriers in tracking referral to petition to sustained petition is a very challenging process. Because what the youth might be arrested with can look very different than what they are charged with, and look very different to what they are sustained with.

REPORTS

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

- Commissioner Blake provided the JJC recommendations listed on the RAIC inspection report for the existing facility posted on the JJC website:
 - Complete the Policies and Procedures Manual.
 - Expedite and make transparent the process to co-locate the facility for children who are placed in protective custody.
 - Increase cooperation between the services of Medical and Behavioral Health.

- Provide sight and sound separation between the Social Workers' area and the children's living area.
- Group Home Inspection is complete and posted on the JJC website. The recommendations will be provided at the April 3, 2018 JJC meeting.
- Juvenile Hall Inspection Report is near completion and should be approved at the April 3, 2018 meeting and posted on the JJC website within a couple of days of approval.
- All vacancies on the JJC have been filled. Chair Pennypacker thanked all who passed on the need for applicants to join the commission.
- At the request of Supervisor Chavez, an ad-hoc committee was formed between JJC, Child Abuse Protective Counsel, Social Service Advisory Counsel, LACY, DFCS and Dr. Sturm (medical director of the SPARK Clinic) prepared a proposal to the Board of Supervisor's (BOS) concerning the interim location of the RAIC. The report was sent to BOS and also discussed at the last Children's, Families and Senior's Sub-Committee.
- JJC continues to monitor the Continuum of Care Reform.
- JJC is concerned about the perception of the increase in juvenile crime in 2017 and still are concerned about release of these kids back into the community, as well as community safety.
- JJC has met with Chief Garnette from Probation as well as Chief Garcia from SJPD. A letter was drafted to the Police Chief's Association outlining JJC's concerns and stated that any action taken should be a coordinated action and date informed. The letter can be viewed on JJC's website.
- The Ranch Inspection Committee is formed and should be active in April 2018.

Juvenile Justice Court: Judge Lucero reported on the following:

- The Juvenile Sex Behavior Treatment and Outcomes training will be held March 14, 2018 from 12:00 to 2:00 p.m. Chris Hunter from DDJ and Dr. Robert Lands, will be the presenters.
- Beyond the Bench will be held on Friday, May 18, 2018 from 8:00 a.m. to 4:00 p.m. at 302 S. Market St. All are encouraged to sign up. Adam J. Foss, Founder and President of Prosecutor Impact and a former Suffolk County Deputy District Attorney in Boston, MA will be the keynote speaker. Tia Elena Martinez Consultant with Forward Change Consulting and previously worked as the Chief Equity Officer at the Stupski Foundation and Angela Alvarado, DDA with Santa Clara County will also be speaking. There will be a screening of the movie "Like Any Other Kid" part of which was filmed at the Ranch. There will be a Q & A with Director/Producer Victoria Mills and youth and staff from the film.

Judge Bondonno reported on the following:

- 2016 stats show that juveniles who have completed the Family Violence or Date Violence programs have not re-offended. Judge Bondonno thanked DDA Dennis for assisting in gathering the information.

Dependency Court: None.

Alternative Schools Department, COE: None.

Probation Department Juvenile Program: Sean Rooney reported on the following:

- The population report for February 2018 was distributed. Population at Juvenile Hall is 110, with 97 males and 13 females. Ranch population is at 49, with 46 males and 3 females.
- Juvenile Hall State Inspection will begin the first part of May 2018.

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

- Ms. LeRue introduced Wren Bradley, newly-appointed interim Program Manager at the RAIC.
- Ms. LeRue and Mr. Little are in support of JJC's recommendations outlined in the RAIC Report and reported on those recommendations:
 - Ms. Bradley will be working on the Policies and Procedures Manual.
 - Expediting the process to co-locate the facility for children placed in protective custody is a priority.
 - Increasing the cooperation between the services of Medical and Behavioral Health.
 - Sight and sound separation between the Social Workers' area and the children's living area is difficult to handle. The building is a privately owned by The Association of Alzheimer's and brings limitations remodeling. Other buildings in the area are being looked to relocate staff and create more space for the kids.
- Continuum of Care Reform remains a primary focus with the kids in Group Homes. Two (2) Group Homes will be closing on March 31, 2018. Efforts are being made to transition the three (3) youths out of these homes.
- There are about five (5) Group Homes that received license extensions until June 30, 2018. The State only grants six (6) month extensions, but that does not mean it will not increase extensions by three (3) or six (6) months, depending on where the group home is in converting to an STRTP. The RAIC is trying not to continue using Group Homes to avoid creating larger populations. Currently there are 83 kids in Group Homes with 20 kids in STRTP's. They are having family and child team meetings for all children in Group Homes and developing a transition plan, moving towards family finding with the hope of finding a relative to support these youth.

Judge Lucero asked for clarification on what "moving toward" means. Ms. LeRue said it means that they have funded a contract and are working toward getting all pieces in place to get the contract moving. They are working with two (2) providers to make this happen. Internal efforts to use Social Workers are being made to do internet searches and case mining and being more thoughtful about asking questions and using child and family practice law.

Judge Lucero expressed concerned about sight and sound separation because kids have their meals within earshot of Social Workers. Ms. LeRue expressed concern as to why there are so many Social Workers (about 13) at the RAIC. The Enberg site should be to provide shelter and care to children. Jennifer Hubbs put much time and effort in developing a program statement to submit to the State and the RAIC is moving forward to submit a statement to the State.

Chair Pennypacker asked if efforts are being made to return children in CCR to their homes. Ms. LeRue said Social Workers are being asked to complete the structured decision-making tool, which is the Risk Re-Assessment and the Risk Re-Unification. There are two (2) populations that need consideration in terms of CCR. 1.) For children who first enter foster care, we need to develop a system that truly assesses their needs as they come into the system so their case and a case plan can be developed for these kids.

The RAIC has partnered with Probation and Behavioral Health to develop a unified assessment coordinated system of entering and; 2.) For children who are already dependents, a better job needs to be done re-assessing their needs and ensuring each child was referred to the Child Adolescent Needs and Strength Assessment.

Commissioner Montano asked why all children are not assessed. Ms. LeRue explained Katie A process, saying that thirteen (13) youth from Los Angeles County successfully sued L.A. County and the State, citing that these kids were removed from their homes and being “Warehoused” (re:McLaren Children’s Center) without prior screening or assessment of each youth regarding mental health.

Commissioner Blake asked what the assessment process is for every child. Ms. LeRue said as of June/July 2018 the Continuum of Care Reform requires every child have a CANS assessment. Santa Clara County has already begun the assessment process with those kids in Group Homes. The CANS tool was developed by Dr. John Lyons, renowned for trauma work. Structure Decision Making Tools require a Family Strength and Needs Assessment, including a child strengthening assessment, and Santa Clara County was the last county in the State to adopt SDM.

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

- Working with Juvenile Hall management to integrate clinicians into housing units.

Behavioral Health - Alcohol and Drug Services: Patty Dolan reported on the following:

- In the process of hiring a Clinician in May 2018.

Law Enforcement: Deputy Chief Shawny Williams reported on the following:

- Officer Williams introduced Captain Ed Schroder who oversees the Property Unit, Burglary Unit and Family Violence Unit.
- In San Jose, Property Crimes are up 20% from this time last year compared to 2016. There has been an increase in car-jacking with ten (10) juvenile arrests.
- In San Jose, in 2017 there were 45 survivors of Human Trafficking with 73% of minor victims coming from Group Homes.

Chair Pennypacker commented that when JJC met last month with Chief Garcia, he mentioned kid crews committing violent crimes, and that these kids come from all over and not just one area.

Lt. Greg Lombardo, Unit Commander for the Gangs Investigation Unit said that many current gangs are not traditional gangs that they are used to. They have been seeing kids, ages 14, 15 & 16, come from all different ethnicities, races and areas of town. The one thing they have in common is they were all on social media like Snapchat. They got together, committed their crimes, and then went separate ways. It wasn’t about spreading the word about their gang...their message was: Let’s get together, do some crimes and make some money – either in burglaries, robberies or car jackings – take our money and separate. Investigating these crimes was a source of frustration because the kids would quickly come together then disperse when done. Another frustration was that of the 10 juveniles arrested, because they were juveniles, all were released into the community, where they returned to committing crimes.

Commission Thiele asked for other sources social of media the kids are using. Lt. Greg said this is different in that the kids know each other from school or from other kids.

District Attorney's Office, Juvenile Justice: No report.

Public Defender's Office: No report.

Alternate Defender's Office: Kevin Rudich reported on the following:

- A Social Worker will begin working in the ADO in the near future.

Independent Defender's Office: No report.

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

- In the process of hiring a Supervising Attorney position to oversee the juvenile dependency practice. Any questions related to dependency work please direct them to Mr. Cain.
- LACY and Dependency Advocacy Center are at risk for having significant funding reductions. Any support that can be offered to LACY would be appreciated.
- There are two (2) scheduled school walk-outs due to gun violence on March 14 & 20, 2018. A group in the LACY office working up technical assistance and publicity plans to support these efforts. Given that LACY has a strong presence in schools, education advocacy around special education and student discipline issues, it would be appreciated if anyone aware of specific schools participating in these walk-outs would pass along information to LACY.

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

- February and March is peak time for the flu season, adding that 95% of the kids in Juvenile Hall and the Ranch have been immunized against the flu virus.

Victim Services Center: None.

YWCA Support Services: None.

Announcements/Correspondence: None.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned to Executive Session at 1:35 p.m.

Next Meeting: April 3, 2018, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA

Respectfully submitted,

Barbara Crump