

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
DRAFT Meeting Minutes-March 5, 2019  
Santa Clara County Crime Lab  
250 W Hedding St  
San Jose, CA 95110**

**Commissioners Present:** Stephen Betts  
Penny Blake  
Raymond Blockie  
Victoria BurtonBurke, Secretary  
Dante Duffel-Steen  
Ron Hansen, Vice Chair  
Nora Manchester  
Carmen Montano  
Darius Parakh  
Jean Pennypacker, Chair  
Carol Rhoads  
Lissa Thiele  
Brian Walton

**Commissioners Absent:** Manasa Kumarappan and Vincent Tarpey

**Also Present:** Honorable Frank Bondonno, Superior Court  
Honorable Julia Alloggiamento, Superior Court  
Jenny Lam, County Counsel's Office  
Enrique Flores, Supervisor Cortese's Office  
Nick Birchard, Probation Department  
Ashanti Hayes, Probation Department  
Vone Kegarice, Probation Department  
Dolores Moss, Probation Department  
Carl Tademaru, Probation Department  
Jill Ugalde, Probation Department  
Vanessa Cornejo, Behavioral Health, Alcohol and Drug Services  
Veronica Robles, Behavioral Health, Alcohol and Drug Services  
Rachel Talamantez, Behavioral Health, Alcohol and Drug Services  
Carolyn Powell, District Attorney's Office  
Damon Silver, Public Defender's Office  
Nisreen Younis, Public Defender's Office  
David Epps, Alternate Defender's Office  
Karen Steiber, Independent Defender's Office  
Daniel Little, Department of Family and Children Services (DFCS)  
Marilyn DeRowen, Santa Clara County Office of Education (SCCOE)  
David Putney, Santa Clara County Office of Education (SCCOE)  
Steve Eckert, Alum Rock Counseling Center  
Vincent Cabado, FLY  
Danielle Olmos, FLY  
Andrew Cain, Law Foundation  
Darcy Cabral, OMOS  
David Galan, OMOS  
Francisco Hernandez, OMOS  
Ruth Maurice, OMOS  
Elizabeth Williams, OMOS  
Debbie Pell, Bill Wilson Center

**Call to Order & 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:***

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

***Public Comments/Oral Petitions:*** None

***Approval of Minutes:***

Commissioner BurtonBurke asked Dan Little to clarify his statement regarding more than 2 STRSTP's on page 6, under DFCS, that read: Mr. Little confirmed there are more than two (2) STRTP's, Rebekah's and Uplift. Commissioner BurtonBurke asked if there are more than 2 STRSTP's in the State and the two (2) are Rebekah's and Uplift are in the county. Mr. Little said that Uplift is the only STRTP and the only approved STRTP in the county and Rebekah's is currently pending licensing. There are other STRSTP's being utilized out-of-county.

Moved by Commissioner Blake and seconded by Commissioner Rhoads to approve the February 5, 2019 Minutes as amended, was approved unanimously.

**REPORTS**

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

- Chair Pennypacker stated at the February 5, 2019 meeting that the Juvenile Hall inspection report was set to be released in March 2019 however, at the time all the information had not been received. The information needed has now been received and will be submitted in April 2019 once approved by the Commission, the report will be posted on the website.
- The publishing of the results of the study on the education at the institutional schools has also been re-set for April 2019.
- JJC met with in February 2019 with the Juvenile Presiding and Juvenile Justice Supervising Judge Lucero and Judge Bondonno and will be meeting with Judges Schwarz and Alloggiamento in the second week of March 2019 to complete the annual update.
- A meeting has been scheduled for Thursday, March 7, 2019 with Francesca LaRue with DFCS to get some clarity on the issues that concern JJC.
- JJC has always been interested in understanding how both systems are doing to improve the outcomes for youth and one thing JJC looks closely at is data. JJC understands that Probation is asking for another staff member to be added to their Research and Development Division for the upcoming budget cycle and JJC offers their support in Probation's efforts to obtain additional funding.
- JJC is active in participating in a lot of standing committees but also serve on some Ad-Hoc committees on topics such as the Detention of youth under 14, high risk youth, EMP and DJJ Alternatives Committee. The Center on Juvenile and Criminal Justice issued a report regarding the conditions at DJJ and can be viewed on jcjc.org. The report says the same issues have occurred as they did in the 1960's.
- Inspection of the James Ranch will begin in April 2019 after the kids move in to the new dorm.

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

- Thanks to Commissioner Ray Blockie for his help with organizing the Community Based Organization training, with a special thank you to the participants Carolyn Powell, Ashante Mitchell and Probation Officer Rudolfo Longoria for their contributions that made the training a huge success. About 115 people signed up with approximately 90 in attendance.
- Clergy day was held on February 28, 2019 with 75-77 clergy attending. A one (1) hour session was devoted to LGBTQ with the emphasis on understanding the issues these kids face and how to support these kids. There was also a section on how to assist young women who are pregnant. County records suggest that approximately 700 young moms are in the county but the county only knows around 250. A conscious effort is being made to locate the young moms and asked the clergy to help with that effort.
- The court is having a difficult time in receiving the psychological evaluations in a timely fashion.

Chair Pennypacker asked as to how many psychologists are on the panel and do they accept all referrals? Rachel Talamantez said there are seventeen (17) on the panel and those that take cases varies but, there are a handful of psychologists that regularly accept referrals. The amount of referrals for January 2019 was between 31 and 33. A busy month like January 2019 will cause a backlog. Ms. Talamantez will be discussing the issue with Dr. Yang in the coming week.

Chair Pennypacker asked Judge Bondonno what was his acceptable turnaround time and Judge Bondonno said it varies based on the type of issue and whether they are in-custody or out-of-custody. If they are in-custody the court needs to find out within a couple of weeks. If out-of-custody then 30 to 45 days is acceptable. These things have real life consequences. Judge Bondonno said if he detains a young person on a violence charge such as an attempted robbery with a knife and it's an A petition, then he needs to know if it is aberrant behavior or if there is a real risk to the public which determines whether the kid is held or released. One of the things the psychological reports tell him is the potential for future harm.

*Dependency Court:* No report.

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

- With the intent to extending the Career Technical Educational Programs, COE is working hard to link the programs from within Juvenile Hall to Blue Ridge. They are in the development of backward-mapping of courses and instruction to Juvenile Hall to have an introductory course that will be content rich and then the 2<sup>nd</sup> or 3<sup>rd</sup> course will be provided at Blue Ridge at James Ranch. Also with the intent to extending into culinary arts program at Blue Ridge they are looking to partner with Probation staff to use the old kitchen at James Ranch in the near future. COE is looking to hire two (2) positions for teachers to help extend the programs.
- Also exploring developing an additional third educational pathway in the Arts and Media/ Expressive Arts. Students are very expressive and, in telling their story, this is a really personal and powerful medium for students to learn and gain more momentum. There is a huge industry for performing arts in terms of art, video and technical support.
- Looking forward to JJC visiting Blue Ridge and James Ranch.

Marilyn DeRowen reported on the following:

On May 2, 2019 from 10:00 am to 3:00 pm, COE Youth Services will host an educational event for foster, homeless and juvenile justice youth. A former foster youth who now works for San Jose City College will be a keynote speaker. A panel of college youth will also be on the program, and there will be workshops on tobacco, drug and alcohol use and sex education going along with the new SB89 Bill that came out regarding requirements for Comprehensive Sex Education for foster youth. Vice-Mayor Chappie Jones offered the Rotunda again for free to this program. The flyer for this event will be emailed to all interested.

***Probation Department Juvenile Program:*** Vone Kegarice reported on the following:

- Around February 22, 2019 Juvenile Hall had to do an emergency transport of four (4) youth back from Glen Mills in light of an investigative report that came out about abuse by staff. The four (4) youth were removed and are now back in Juvenile Hall. Juvenile Hall is now looking at where the four (4) youth will be placed next. Juvenile Hall will be looking at what they have completed thus far and what other challenges they may face and Juvenile Hall is looking for their further placement.

Carl Tademaru noted that even though Glen Mills is in Pennsylvania, that through extraordinary efforts, Vone Kegarice, with the help of Victoria Contreras who is the Supervisor of Placement, were able to arrange and have these kids come back to Santa Clara County within a 72-hour time period. Six (6) staff took it upon themselves to interfere with their own personal lives and take on this task to go to Pennsylvania, regardless of the weather conditions, to move these four (4) youth back to Santa Clara County.

Chair Pennypacker asked if Ms. Kegarice could elaborate on why the youth had to be brought back. Ms. Kegarice said she would send the link to the article that alleged abuse by staff.

Jill Ugalde reported on the following:

- The second annual Resource Fair that will be Wednesday, March 20, 2019 10:00 am to 12:00 pm in the Juvenile Hall gymnasium. The Fair is for staff and system partners as well as anyone that provides resources for our youth within our community. Commissioner BurtonBurke commented that the event is very worthwhile to attend.

Nick Birchard reported on the following:

- The population report for February 2019 was distributed. Population at Juvenile Hall is 124, with 109 males and 15 females. Ranch population is at 62, with 54 males and 8 females. Mr. Birchard noted that there has been a 25% increase in the monthly population from 2017 to 2018.
- Mr. Hayes, Supervisor of Security Unit, was able work with the IT staff to bring for presentation, My Brother's Keeper Rising, which took place in Oakland to the security units. The program was well received by the youth who watched the service.
- Silicon Valley Creates provides services to the Ranch and were able to work with the kids creating a video in celebration of Martin Luther King, Jr. A lot of time and effort went into the making of the video and would like to show the video to the JJC at a future meeting.

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

- There is no new information on the status of the RAIC.

- Monday, March 11, 2019 from 9:00-11:30 am, there will be a showing of the CSEC film California's Forgotten Children at the Julian St Auditorium. A panel discussion led by Judge Tondreau will follow the film.

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

- Rachel Talamantez will be overseeing the new Cross-Systems Division, under the Youth and Family Services and Behavioral Health with Zelia Faria-Costa as Director along with two (2) Senior Managers.
- Vanessa Cornejo will be the manager overseeing the Juvenile Justice programs.
- In February 2019, a pilot program went live for youth released from Juvenile Hall who are on psychotropic medication. Assessing youth and psychotropic medications determines their disposition for those youth who have entered the system already on medication or youth that started the medication while in-custody. There will be a lot of collaboration between Behavioral Health, Probation Officers and Custody Pharmacy because they require a 72-hour notice of release in order to provide the medication.

Mr. Birchard paid recognition to Ms. Robles for all her hard work on the pilot program. The intent was to hopefully make an impact on those youth that were in-custody that were on psychotropic medication, that they would have enough medication with them so when they go out and schedule an appointment with a psychiatrist and continue with that service, to close the gap between being released and their next appointment.

Chair Pennypacker invited Ms. Robles to present back to JJC in six (6) months.

Commissioner Hansen asked if there is a particular time-line that the pilot program was authorized for. Ms. Robles said that they have not discussed the time-line for the program adding that they will be reviewing the program every quarter as well as talking with the systems partners on a six (6) month basis.

Commissioner Parakh asked with the rapid increase of children in Juvenile Hall, what effect would that have on the backlog of psychological assessment of these kids. Ms. Robles said with the psychological evaluations that are being ordered, of which Judge Bondonno spoke, the court is waiting for the outcomes of these youth. For in-custody youth, psych evaluation is ten (10) days and for out-of-custody it is fifteen (15) adding that it is too premature to discuss the potential issue.

Jill Ugalde announced that the Multi-Systemic Therapy training for the entire Juvenile Justice Services Division will be held on March 19, 2019 from 12:30-1:30 pm. which targets youth 14 years and younger, with priority being placed for in-custody youth.

Commissioner Rhoads said that Chief Garnett indicated last year that DFCS would be participating in the Multi Systemic Therapy as well. Ms. Rosales said that DFCS has several spots that are available for this type of intervention however one of the preclusions of Multi Systemic Therapy is the youth cannot be receiving resources or services elsewhere. Each case has to be reviewed individually.

Chair Pennypacker asked if Multi Systemic Therapy services are more intense. Ms. Ugalde said that are very intensive however there are some eligibility requirements that need to be met which will be viewed on March 19, 2019.

**Behavioral Health - Alcohol and Drug Services:** No Report.

**Law Enforcement:** None.

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

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

Ms. Younis asked for clarification on the psych evaluations. Behavioral Health offered to do a quick turn-around psych evaluation and not a full blown evaluation for in-custodies. A psych evaluation technically is sealed until disposition. If a case goes to trial and the youth is acquitted then the psych evaluation never sees the light of day. Oftentimes Probation will ask for a psych evaluation at the time of the detention hearing and court is hesitant to release the youth unless they have seen the psych evaluation. If the attorney does not consent to the psych evaluation then it is not done. Oftentimes the schools have done the psych evaluation and therefore they might have done some of the same testing that the psychologist is going to do, so that issue complicates things. Psych evaluations are only good for one (1) year. If the court, or probation, is requesting a psych evaluation at detention for purposes of feeling comfortable that the youth should be released or not, then the issue is, can there be a quick turn-around that would be better than a full-blown psych evaluation that could take a full three of weeks. There has been an increase in evaluations ordered.

Ms. Kegarice said when Probation met with Behavioral Health to discuss the contract, it was brought up about assessments where Behavioral staff would attend the hearing, which often is not necessary, because sometimes the judge is not asking for a full-blown psyche evaluation but rather just a quick assessment. Quick psych evaluation would alleviate staff to have to attend hearings. There is also discussion regarding the budget to add more people to the panel.

Ms. Robles, said that in talking with Judges Bondonno and Lucero, she now has a better understanding of what the courts' needs are for a quick assessment of these youth versus the need for a full psychological report.

Commissioner BurtonBurke said that at times 4011.6 PC (short evaluation to in-custody prisoners) has been used to give those types of evaluations, and since they are available to adults that they should also be available to our youth.

*Alternate Defender's Office:* No Report.

*Independent Defender's Office:* No report.

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

- Law Foundation of Silicon Valley has moved to 4 N. 2<sup>nd</sup> St., Suite 1300, San Jose, CA 95113
- Through the Title 4E Program, the Federal Government provides reimbursement for many of the costs associated with children in foster care. For many years there has been an ongoing advocacy effort to expand the definition of reimbursable expenses under Title 4E, to include the costs associated with providing counsel to parents and children in juvenile dependency cases. About 2-3 months ago the Federal Government released revised guidance that said such reimbursements are now allowable but, there are limits associated with that and many details still to be worked out. It has been on-going issue for years at the State level to fill the gap associated with providing the costs of representation by LACY for parents in dependency. There is no impact on the amount of money available to cover the traditional expenses associated with

foster care and there are no caps associated with whether it is going to hurt the ability to cover all the standard costs to maintain children in foster care. Good things are yet to come for counsel for Dependency Court for kids, parents and the entire operations of the Dependency System.

*Medical Services:* None.

*Office of Mediation and Ombuds Services:* No report.

*Announcements/Correspondence:* None.

*Old Business:* None.

*New Business:* None.

*Adjourn to Executive Session:* Chair Pennypacker adjourned to Executive Session at 12:58 p.m.

*Next Meeting:* April 2, 2019, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA.

Respectfully submitted,

Barbara Crump