

**COUNTY OF SANTA CLARA
JUVELINE JUSTICE COMMISSION
DRAFT Meeting Minutes-May 6, 2014
Crime Lab, 1st Floor
250 W. Hedding St.
San Jose, CA 95110**

Commissioners Present: Raul Colunga, Vice Chair
Stephen Betts, Secretary
Raymond Blockie
Dana Bunnett
Bonnie Charvez
Kimberly Dong
Nora Manchester
Jean Pennypacker
Anita Sunseri
Pamela Serrano
Vincent Tarpey

Commissioners Absent: Penelope Blake, Chair & Tracy Lauth

Also Present: Honorable Patrick Tondreau, Superior Court, Dept. 77
Honorable Jesus Valencia, Superior Court, Dept. 79
Honorable Katherine Lucero, Superior Court, Dept. 67
Honorable Margaret Johnson, Superior Court, Dept 79a
Pinaki Chakravorty, District Attorney's Office
Chris Arreola, District Attorney's Office
David Epps, Alternate Defender's Office
Kevin Rudich, Alternate Defender's Office
Rita Loncarich, Probation Department
Elsa Jennings, Probation Department
Laura Garnette, Probation Department
Mariel Caballero, Probation Department
Christy Smith, Probation Department
Daniel Cortet, Probation Department
Karen Fletcher, Probation Department
Patricia Trammel, Probation Department
JJ Kapp, Public Defender's Office
Jose Franco, Public Defender's Office
Elsa Jennings, Acting Probation Manager, Juvenile Hall
Sue Nelson, Department of Alcohol & Drug Services (DADS)
Ernesto Bejarano, Department of Alcohol & Drug Services (DADS)
Jenny Lam, County Counsel
Neysa Fligor, County Counsel
Angela Haick, Principal Osborne School, SCCOE
Chia-Chen Lee, VMC
Jaime Lopez, Department of Family & Children's Services (DFCS)/Receiving Center
Steve Monte, Mental Health Department
Fabian Castaneda, Restoration Counselor, Mental Health
Lauren Gavin, Interim Juvenile Hall Clinic Manager

Guests Present: Debbie Pell, Bill Wilson Center
Ron Hansen, Private Citizen
Lyn Johnson, Private Citizen
Victoria BurtonBurke, Private Citizen

Call to Order & Introductions: Vice-Chair Colunga called the meeting to order at 12:19 p.m. All who were in attendance stated their names and organization.

Agenda Approval:

Moved by Commissioner Manchester and seconded by Commissioner Pennypacker, the agenda was approved unanimously.

Public Comments/Oral Petitions: None

Presentation:

1. Judge Tondreau administered the oath of office to Commissioner Bonnie Charvez, who will serve another term on the Juvenile Justice Commission.

2. DDA Arreola distributed a Power Point handout and gave a presentation on the 707(b) & 707(d) Direct File cases in 2013 and, the work being done with the Burns Institute to examine the data in filing of all violent offense cases with data from 2012 and updated 2013 data. Raw data has been provided to Vice-Chair Colunga.

- Most common violent offenses are robbery, rape, forcible child molest and certain types of car-jacking.
- Non-707(b) crimes make up about 82% of all other filings consisting of residential & commercial burglary, theft & simple battery which was compared to what was filed in adult court.
- Kids have to be fourteen (14) or older and it has to be a 707(b) to be considered.
- Process for Review of our direct file decisions.
- Eligible offenses were broken down by ethnicity and the specific offenses that were directly filed.
- Looked at case processing time for directly filed youth. (Cannot answer)
- Looked at outcomes; did the youth plead to 707(b) offenses; what are the dispositions; have youth re-offended post disposition.
- Law clerks spent eighty 80 hours going the entire data bases.
- Data bases were combined, looking at sustained charges and put into a spreadsheet. DDA Arreola explained the breakdown.
- Looked at: common offenses; how many youth who are eligible for direct file were directly filed; if the youth plead to 707(b) charges; dispositions for youth filed in Juvenile Court; have the youth filed in Juvenile Court re-offended post-disposition.

Commissioner Tarpey asked if someone re-offends, are they moving up the scale in terms of what they get charged with. Mr. Arreola said they did not see what is was adding that it could involve probation violations.

Judge Valencia asked if the Burns Institute keeps stats on confinement times re: kids who resolved by way of EMP, Ranch or how much time they served. Mr. Arreola said that they just

did EMP. Judge Valencia asked how much time kids spend in confinement pre-jurist. Mr. Arreola said they tried to look a time to disposition adding it was difficult and inaccurate.

Mr. Epps asked if all stats reflect a situation a post decision made regarding 707(b) filings do you have data on cases referred that are considered that are not 707(b). Mr. Arreola said it was impossible to match up because arresting agency's charges are not added. Charges may differ.

The presentation will be sent out to all via email to Commissioner Betts.

Commissioner Tarpey asked if there were any surprises. Mr. Arreola indicated that he was very happy with their decisions.

Judge Lucero asked that with Burns Institute collection of data, does it help to develop policy or make any suggestions. Mr. Arreola referred to the next slide on developing a process to review Direct File cases.

- Which cases should be reviewed?
- Who should be part of review process?
- What should the committee review?
- What should the process for review look like?

Deciding to Direct File is a team decision.

Burns Institute liked our Direct File policy and asked to share this data with other DA offices.

Judge Valencia asked about former minors who are picking up adult charges with a pending 707(b) or fitness, is the date captured in the statistics? Mr. Arreola said when you're crossing systems it is difficult to match the data.

Mr. Bejarano asked if there are any best practices that you had the opportunity to refer to in the development in this process. Mr. Arreola said the statistics more relevant and more automated. An annual report is helpful. Make sure we follow the procedures.

Judge Tondreau said he saw all the disposition outcomes for cases filed in Juvenile wanted to see what it looked like for the Direct Filings. Mr. Arreola said they tried to run that for 2013 and we couldn't get good data but for 2012 they did. We tried to run in system differently and results were minor defendant admitted as charged.

Commissioner Bunnnett asked when DA makes a decision to direct file, is there no place to interrupt the process. Mr. Arreola said that process can be interrupted if a judge finds it's a misdemeanor or the DA can dismiss and file in juvenile court, adding the latter has never been done.

DDA Arreola invited all to attend Juvenile Justice System Collaborative & Disproportionate Minority Contact (DMC) meetings adding that the meetings are public with the next meeting on May 21, 2014.

Review & Approval of Minutes: The following change was made to the April 1, 2014 meeting draft minutes:

1. On page 1, under **Also Present**, DDA Chris Arreola's name was spelled "Arriola" and should be changed to Arreola.
2. On page 3, Under **Reports, Juvenile Justice Court**, first bullet point reads "*Commissioner Lauth was reappointed, and should she be sworn in.*" It should be changed to "and was sworn in."
3. On page 4, under **Dependency Court**, Judge Lucero is listed. It should be moved just above Judge Johnson's name.
4. On page 6, under **Department of Family and Children's Services/Children's Receiving Center (DFCS)**, third bullet point from the top reads "*They are continuing with the CAB grant.*" It should read "CAPP."
5. On page 6, under **Department of Family and Children's Services/Children's Receiving Center (DFCS)**, third paragraph from the bottom reads "*...with Sobrato House for MND.*" It should read Non-Minor Defendant NMD.

There was no motion made to approve the minutes.

REPORTS

Chair's Report: Vice-Chair Colunga did forgo a report due to the time constraints.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Juvenile Competency Training is scheduled for Wednesday, May 7, 2014 at 3:30 p.m., 4th Floor of Juvenile Probation.
- Immigration Training is scheduled for Monday, May 12, 2014 at 1:30 p.m., 4th Floor of Juvenile Probation.
- At a previous meeting questions were raised of co-jurisdiction on housing dependents and wards. Judge Tondreau did some research and found two sentences that say you can house them together, if the probation officer and social worker agree that there is a commonality of needs that has been defined as free of undue influence of criminality and is safe.
- All are to be commended on the fantastic March inspection report. It is a primer for how Juvenile Hall works.

Judge Valencia reported on the following:

- Working with County Counsel's Office and Department of Revenue regarding financial orders that affect the parents of minors regarding support, maintenance & supervision, to set up a process or procedure to allow parents to have a hearing when they have disagreements with recommendations that are made by the Department of Revenue. There is a committee in place to address these financial hearing evaluation rights. Once close to finalizing, Judge Valencia will report back to JJC.
- Judge Lucero & Judge Valencia are working with Mr. Franco & Ms. Steiber on a JTC CETA mental health training collaborative which will take place October 29, 2014 off site.
- While on vacation in Pennsylvania Judge Valencia visited Glen Mills School and was impressed with the facility, staff and programming. Thanks to Probation for suggesting he visit the school.

Judge Lucero reported on the following:

- We have completed the re-write on the JTC protocol. A scanned copy will be distributed. Thanks to the stake holders for their timely response in getting signatures back.

- Also re-working the JTC handbook and will likely produce a handbook for youth and parents.
- First Opportunity Court, which was court off-site, which is the third Thursday at JTC and was a great success. Would like to get more youth to have that kind of experience at JTC. Eighty-four (84) service providers that would like to be available to help our youth.
- Meeting with Justice Engaged Youth to close the educational gaps in our rehabilitative efforts with our Juvenile Probation youth. In the process of developing a seven-point plan.
- Also working on a residential treatment care for kids who need substance abuse counseling.

Judge Johnson reported on the following:

- Domestic/Family Violence program began this week in Gilroy.

Dependency Court: Judge Clark was not in attendance and asked Judge Tondreau to pass on that he had nothing to report.

Probation Department Juvenile Program: Ms. Rita Loncarich reported on the following:

- Distributed the population report and noted population at Juvenile Hall is 152, with the Ranch population at 41.
- On behalf of Robert & Elsa thanks to JJC for their professional job on the inspection of Juvenile Hall.

Commissioner Manchester asked about the kids listed in the report that as a courtesy hold. Ms. Loncarich responded that the majority of the kids are Direct File. DDA Arreola added that they are minors but, because they are Direct Files they are supposed to be in jail but Juvenile Hall holds them as a courtesy for the jail until they are eighteen (18). Cases could take 2 years. Judge Tondreau added that there is a section that allows them to petition on certain findings to stay until age nineteen (19).

Laure Garnette reported on the following:

- The Equity Project will be honored by Supervisor Yeager's office on May 30, 2014 at 6:30 p.m., receiving a community relations award.
- Officially launched the Dual Status Unit and have started taking cases.

Mental Health: Mr. Steve Monte reported on the following:

- Mr. Monte indicated that this is his last JJC meeting.
- Mr. Monte introduced Fabian Castaneda as the new Restoration Counselor. Mr. Castaneda gave a brief background on his education indicating that he holds a bachelor's degree in psychology & master degree in counseling psychology with an emphasis is Latino therapy from Santa Clara University. Mr. Castaneda was with EMQ FamiliesFirst for 2 ½ years, working with kids who have experienced a lot of trauma & with youth that have been on probation.
- Mr. Monte thanked all who made the hiring of Mr. Castaneda possible, especially Probation who provided the funding.
- Mr. Monte introduced Lauren Gavin who will be replacing him at the Juvenile Hall Clinic. She has worked in Mental Health Administration and with Children's Shelter as a therapist and lead.
- Juvenile Competency Restoration Program is currently serving ten (10) youths with five (5) on the waiting list adding that all are out-of-custody. Four youths have moved out of the program. The longest wait of any youth is 194 days. Referrals were on the rise during the first part of 2014.

DDA Arreola added the DA's Office did take a look at the list and will try to resolve some of the cases.

On behalf of JJC, Vice Chair Colunga thanked Mr. Monte for all his work with the youth that have been served by the system and wished him the very best.

Department of Children & Family Service/Children's Receiving Center: Jaime Lopez reported on the following:

- Numbers are consistent with one (1) youth staying over 24 hours adding there are fewer runaways this past month.
- April 23, 2014 was the last Stake Holders RAIC meeting.
- Dually involved youth has started training for the staff.

Ms. Garnette asked how to get the numbers of calls not returned with the CAM Center. Mr. Lopez explained that if they don't respond in 20-30 seconds and if people hand up or do not leave a message it is an abandoned call. New staff will help with reducing abandoned calls.

Department of Alcohol & Drug Services (DADS): Mr. Sue Nelson reported on the following:

- Four (4) schools that were staffed during the school year and will have on-going services in South County during the summer.
- Parent workshops are being done on two (2) Vietnamese radio stations.
- Telemundo News aired a piece last week on underage drinking.

Ernesto Bejarano reported on the following:

- Mr. Bejarano provided materials and said work continues with underage drinking, ecstasy and especially the marijuana issue, with emphasis being placed on adolescent prevention.
- Invited all to attend and address the issues about marijuana dispensaries at the City Council Meeting on Tuesday, May 13, 2014 at 7:00 p.m.

Law Enforcement Agencies: None

District Attorney's Office, Juvenile Justice: DDA Chris Arreola reported on the following:

- DDA Pinaki Chakravorty will be the new team leader as Mr. Arreola will be on vacation for the months of June and July.

Independent Defender's Office: No report.

Alternate Defender Office: No report.

Public Defender's Office: Mr. Jose Franco reported on the following:

- Barbara Muller will be moving off the Juvenile Team and will be replaced by Kenny Luu and will be going into Dept. 79 with Ms. Cortese will be going to Dept. 78.

Thanked Judge Lucero for Opportunity Court adding it was well received by the kids.

Legal Advocates for Children & Youth (LACY): No report.

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

- Ten (10) nurses from SJSU will begin orientation on May 7, 2014.

Alternative Schools Department, COE: Angela Haick reported on the following:

- Staff has been presenting the Cognitive Behavioral Development Program in the Life Skills class for the last six (6) months and it has created excitement among the youth regarding diplomas, passing GED and reading. Kids have been asking for books, adding gently used books would be greatly appreciated.
- Three teachers will be presenting at the JSAC conference.
- Training teachers and support staff about technology and implementation, learning a new security software for security monitoring and tracking, and demonstrate competency around that and undergo the oversight of the smarter balance testing.

Commissioner Bunnett asked if COE was able to speak to the Board of Trustees regarding drop out recovery pilot classrooms. Ms. Haick said all have opted to continue and further their education.

Victim Witness Assistance Center: No report.

YWCA Rape Crisis Center: No report.

Announcements/Correspondence: Dana Bunnett announced that Kids in Common is hosting a workshop at The Sobrato Center on May 7, 2014 from 10:00 a.m. to 11:30 a.m. Implicit Social Cognition and the Justice System with Shawn Marsh presenting.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Vice-Chair Colunga adjourned the meeting to Executive Session at 1:35 p.m.

Next Meeting: June 3, 2014 at 12:15 pm.

Respectfully submitted,

Barbara Crump