

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes-May 5, 2015
Crime Lab, 1st Floor
250 W. Hedding St.
San Jose, CA 95110**

Commissioners Present: Penny Blake, Chair
Raul Colunga, Vice Chair
Jean Pennypacker, Secretary
Raymond Blockie
Victoria BurtonBurke
Bonnie Charvez
Kimberly Dong
Gustavo Gonzalez
Ronald Hansen
Courtney Macavinta
Nora Manchester
Carol Rhoads
Pamela Serrano
Vincent Tarpey

Commissioners Absent: Jeremiah Tanojo

Also Present: Honorable Patrick Tondreau, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Margaret Johnson, Superior Court
Octavio Jimenez, Superior Court
Chris Arriola, District Attorney's Office
Cindy Hendrickson, District Attorney's Office
Robert DeJesus, Probation Department
Elsa Jennings, Probation Department
Carl Tademaru, Probation Department
Jermaine Hardy, Probation Department
Robert Young, Probation Department
Jose Franco, Public Defender's Office
Karen Steiber, Independent Defender's Office
Jennifer Kelleher, LACY
Suzanne Yang, LACY
Matthew Henry, FLY
Jennifer Hubbs, DFCS/RAIC
Keith Neumer, San Jose Police Department
Yvette Irving, Santa Clara County Office of Education (SCCOE)
Lanphuong Le, VMC
Russ Correia, Local 1587
Karen Brajenovich, OMB
Katja DeGroot, OMB
Michelle Osorio, BOS
Mario Lopez, BOS D3

Guests Present: Lyn Johnson, Private Citizen
Michelle Osbourne, Private Citizen

Call to Order & Introductions: Chair Blake called the meeting to order at 12:18 p.m. All who were in attendance stated their names and organization.

Presentation: Ms. Suzanne Yang from LACY gave a PowerPoint presentation on Group Home regulations.

The presentation is designed to inform both the youth and Group Home caregivers about their personal civil rights. This is a community based system of care providing youth with a home-like environment. Sources that regulate these homes are The California Code of Regulations 84072: Personal Rights of foster youth in community care facilities (incorporates Foster Youth Bill of Rights) and the Welfare and Institutions Code 16001.9: Foster Youth Bill of Rights.

The presentation covered: The posting of a listing of resident's rights, possessions, visitation, telephone access, mail access, contact in general, health & well-being, freedom & civil rights, education, restraints and allowances.

Questions arose from commissioners on youth and computer use, and whether the home is required to provide a computer: Ms. Yang said all youth should be able to bring a computer and have access to it and should be unmonitored, adding that there is no requirement or regulation. If a school requires that the youth have access to a computer, perhaps they can go to a computer lab within the school.

Commissioner Serrano asked if the youth and parents/guardians are informed of their list of rights. Ms. Yang said yes, both receive a list of the resident's rights.

Judge Lucero asked whether there is a published allowance. Ms. Yang said there is no regulation on the amount of an allowance.

Commissioner Macavinta asked about conducting auditory interviews with the youth as they could be a little nerve wracking for them as they may fear retaliation. Would it be a good practice to have them complete a written survey? Ms. Yang said that a survey would be a good idea because about 50% of the time the kids do not want to have to give their name.

Commissioner Tarpey asked about the security of exterior doors. Ms. Yang said that the doors can be locked from outside but must be able to be exited from the inside.

Commissioner Hansen asked why a home would have restraints. Ms. Yang said that only Level 14's homes have restraints. If a youth has to be restrained, there is a safe way to restrain requiring two trained staff. Ms. Yang added that restraining for an AWOL is not allowed and also staff can follow a kid but cannot restrain them.

Commissioner Macavinta asked what kind of intervention the Group Home is responsible for if a child is not going to school. Ms. Yang said a Group Home has to provide adequate nutrition and ensure kids are getting out the door in the morning - providing the same type of support as a parent. If a child is refusing to go to school then staff should notify the person who is responsible for that child's education.

Agenda Approval:

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

Public Comments/Oral Petitions: None

Approval of Minutes:

1. Page 1 under Also Present: Enrique's Carbajal is listed as Carbopol.
2. Page 1 under Also Present: Nick Brichard is listed twice with two different spellings. The first one is the correct spelling. Omit second entry.

Moved by Commissioner Manchester and seconded by Commissioner Tarpey to approve the minutes of April 7, 2015 as amended, which passed unanimously.

REPORTS

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

- Juvenile Hall report is published and on the web site.
- Ranch Report in the process of being completed.
- RAIC Report should be complete by June 2015.
- Work continues on the User Survey.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Commended Youth Commissioner Kimberly Dong for her thoughtful article on solitary confinement and asked that all commissioners receive a copy.
- Commended Commission on the comprehensive Juvenile Hall Report.
- Systems Training scheduled for Wednesday, May 6, 2015 has been cancelled.
- Training is scheduled for Wednesday, June 3, 2015 at 1:30 on the fourth floor training room on Motivational Interviewing, with Julia Reya from Starlight presenting.
- Voiced concerns regarding the State budget cutbacks in the amount of funding that is going to the attorneys in the Dependency system. The Board of Supervisors is being asked to make up the difference or changes will have to made in Dependency, which will limit the amount of services those two organizations bring.
- Dually Involved Youth Co-jurisdictional Team currently has 4 people and a couple of supervisors with hopes of expanding the team to ten (10). Board of Supervisors (BOS) is being asked to fund three (3) new Social Workers.
- Changed the name of Dual Status Court to Dually Involved Youth Court.
- Protocol just finalized and signed off on the Dually Involved Youth Protocol.

Chair Blake asked if the changes to the Dually Involved Youth Protocol are on the court website. Judge Tondreau said yes, the changes are on the website.

Commissioner Macavinta asked if funding for the 3 social workers is on a BOS agenda. Judge Tondreau said it is but he was not sure where. Chair Blake said it will be on the Social Service's budget.

Judge Lucero reported on the following:

- Judges Johnson and Lucero will be working on the Superior Court Juvenile Hall Inspection on Friday, May 8, 2015.
- A Task Force has been formed on continuum of care for girls from detention to dismissal. There has been community interest in assuring that, given a low population of girls, they have gender specific interactions.
- Probation has been instrumental in launching the Virtual Re-Entry program and is partnering with the Mayor's Gang Task Force Youth Outreach workers, making sure youth who have probation termination upon release at age 18 have services set up in the community in order to reduce the number of arrests, once they are no longer in the Juvenile system. Right now about 50% of youth get re-arrested within the first year. There will be a meeting on this matter in Judge Lucero's chambers on Wednesday, July 1, 2015 at 1:30 p.m. for those interested.
- She reported on the progress of the Path to Service Court and Dual Diagnosis Court.
- Residential Treatment Mapping meeting will be on May 29, 2015 at 1:30 in Judge Lucero's chambers. The program is designed to make sure kids have seamless integrated assessments

and treatment for drug and alcohol abuse. Once the kids are assessed at Juvenile Hall, they need to get out to treatment quickly and the treatment tailored to their needs.

Judge Johnson reported on the following:

- Working with the DOR regarding money issues.
- Continuing to work with the process for sealing records under the new legislation.
- Working with the Establishment of Parentage and how it will be handled.
- Talking with Next Door about providing more victim services regarding the DV program.

Dependency Court: None

Probation Department Juvenile Program: Elsa Jennings reported on the following:

- The population report for April 2015 was distributed. Population at Juvenile Hall is 121 with 107 males and 14 females. The Ranch population is at 39, with 37 males and 2 females.
- Ms. Jennings introduced and welcomed Robert Young as the new Institutions Manager. He has 20 years of experience in this field.
- Ms. Jennings thanked the commissioners for working with her on the Juvenile Hall Report.
- Thanks to the principal at Osbourne School for organizing the First Annual Honors Assembly at Juvenile Hall. The program recognized from 18 to 20 youths for their efforts in academics, with 30 parents in attendance. A few boys from the Hall gave speeches and provided music at the event. A small reception for the youth and the parents was held after the event.
- Mother's Day celebration will be held on Saturday, May 9, 2015 with Megan Williams providing flowers to make arrangements for the youth to present to their mom, special teacher or line staff.

Chair Blake requested the salient features report continue to be provided to the Commission.

Robert De Jesus reported on the following:

- Complimented Commissioner Dong's on her report on solitary confinement, calling it excellent and encouraging all to read it.
- Thanked the Commission on the positive Juvenile Hall Report, especially the acknowledgement of the cooperation afforded by staff to the Commission.
- As of April 20, 2015, the six (6) month B-9 OC pilot was completed, without OC spray ever being deployed. The study showed there was no compelling reason to continue the pilot. The OC pilot as it relates to room extractions actually was initiated before the B-9 pilot. The difference between the two was that the B-9 pilot gave staff authorization to utilize OC spray to address combative situations. The room extraction pilot, which started in August of 2014, is only allowable as a last resort in terms of a room extraction where a youth has been given every opportunity to cooperate. He reported that OC spray has never been deployed for a room extraction.
- Congratulations to former Probation Manager, now new Deputy Chief Jermaine Hardy, who will be taking over the Institutions Division.
- Mike Clark will be the interim director at the Ranch for the next 3-4 months.
- In 2011 the Probation Department underwent a significant amount of training in Evidence Based Practices (EBP) in 2013, a presentation was made to Juvenile Hall staff introducing EBP, the type of training the staff would take, and its impact on the institution. The goal of the training was to develop a positive rapport and relationship with youth, to lead to a safer and better learning

environment within Juvenile Hall. A promise to staff was made to measure disciplinary action. In September of 2013, Probation started gathering data on the effects of the program, and after 16 months, had the following data: Juvenile Hall population dropped 22%; fights dropped 35.5%; restraints dropped 47.3%. The drop in the number of incidents has led to a nearly 50% decline in Workman's Comp claims by staff as a result of fewer use-of-force incidents.

- Mr. De Jesus thanked the Commission, adding that he could not have worked with a greater group of people. Mr. De Jesus said it is tremendous to see how strong the collaboration is and how willing everyone is to hear each other, to look at research and to learn and evolve.
- This is Mr. De Jesus' last meeting as he is moving to Adult Probation. Mr. De Jesus thanked Juvenile Court and Judge Tondreau for the great relationship, as well as Judges Johnson and Lucero for their dedication to the youth.
- He thanked the Juvenile Probation team and the managers from the institutions.
- He thanked all of Juvenile Hall staff, who he said are the real champions serving our youth, and who really have passion in their hearts to do so. Mr. De Jesus said everyone has the responsibility to give them all the tools they need to ensure the kids are safe.

Commissioner Tarpey complimented Jermaine Hardy for helping with the familiarization session.

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

- The Receiving Center is in the middle of an assessment.
- Stakeholder's meetings for the design of the new receiving center have been on hiatus.
- Three (3) locations are being considered for building a new temporary receiving center.
- Core Team meeting is Wednesday, May 20, 2015.
- Service Provider's Update meeting is June 1, 2015 from 2:30-4:30.
- Advisory Team update meeting is June 9, 2015 from 2:30-4:30.
- Continue working with the Crisis Stabilization Unit regarding kids with intense behavioral needs.
- A San Andreas Regional Center client stayed for about 5 days.

Behavioral Health - Mental Health & Alcohol and Drug Services: None

Law Enforcement Agencies: No report.

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

- April was a slow month with 120 filings, compared to 250 filings each in February/March.
- There was one (1) Direct File for an armed robbery involving a 17 year old. A 15 year old co-defendant was not a Direct File.
- New staff is being trained on sexual assault victims in court.
- There were 200 sexual assault cases filed in 2014.
- Truancy is a hot item right now with an expectation of about 600 truancy filings in May/June. Cases are down from 3,000 five years ago to 600 cases, due to diversion programs.
- Funding is being provided to the Mayor's Gang Prevention Task Force Youth Summer Program.
- Funding is being provided with Probation to impact the highest 1% at-risk gang members on probation.
- Sponsoring a youth soccer league at the Washington United Youth Center.

Independent Defender's Office: None.

Alternate Defender Office: None

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

- Maria Avila will be replacing Pola Crawford, who took a job in SF Public Defender's Office.
- Mr. Franco recognizes the issue with the high turnover of attorneys.

Commissioner Serrano inquired about the amount of experience in Juvenile Court Ms. Avila has.

Mr. Franco said Ms. Avila has about 3 years of experience with one (1) year with Riverside County and one (1) year experience with Fresno County and about 1½ years with Santa Clara County, but no Juvenile Court experience. Melissa Wardlock and Mr. Franco are providing Fitness training to new lawyers. The National Defense guidelines suggest that each Juvenile courtroom has two (2) District Attorneys and two (2) Defense Attorneys and that they not be moved, to allow the building of relationships to benefit minors. Currently, the District Attorney's Office has one senior lawyer and one new lawyer in each courtroom. The Public Defender's Office has only one senior lawyer with substantial Juvenile Court experience on the Juvenile Court team.

Commissioner Macavinta asked if the outcomes for the youth, during this staffing change crisis, are being tracked versus other years where there was more stability.

Mr. Franco said, as far as he knows there is no tracking, due in part to an outdated case management system sold by a company that has gone out of business. Mr. Franco said his office is in the process of getting a new case management system. Mr. Franco said the two (2) lawyers in Dept. 77 have about 49/52 cases respectively; Dept. 78 two attorneys have 56/55 and Dept. 79 two (2) attorneys have 92/69. Each attorney has about 80 cases, about 20 more than they would like to see. Also, two (2) lawyers on the team each have two (2) fitness cases, the other four each have one (1) fitness case and Mr. Franco has one (1) fitness case.

Judge Tondreau would like to meet with the leadership of JJC regarding the high turnover of attorneys.

Michelle Osbourne asked about the possibility of a citizens review board to look at the procedures.

Judge Tondreau answered that he thinks there are a number of different system committees that scrutinize what the DA does. Judge Tondreau said the judges look at petitions filed by the DA. He said it will take a Board of Supervisors commitment to set aside a certain number of experienced lawyers to be assigned long term to the courts.

Legal Advocates for Children & Youth (LACY): Jennifer Kelleher reported on the following:

The Judicial Council voted to re-allocate money from counties like Santa Clara to counties like Los Angeles which means a \$200,000 shortfall this coming year. LACY is very active with the BOS to fill the gap, as continuity is important.

Judge Tondreau and Judge Neha will be presenting on Dually Involved Youth at the National Conference for Children to be held in Monterey on August 25-27, 2015. Ruby Marquez will be presenting a separate session on approaches different counties have toward dually involved youth. LACY will be presenting on psychotropic meds, and dually involved youth.

Medical Services: No report.

Alternative Schools Department, COE: No report.

Victim Witness Assistance Center: None

YWCA Rape Crisis Center: No report.

Announcements/Correspondence: None

Old Business: Juvenile Hall report is published.

New Business: None

Adjourn to Executive Session: Chair Blake adjourned the meeting to Executive Session at 1:36 p.m.

Next Meeting: June 2, 2015.

Respectfully submitted,

Barbara Crump