

COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes-May 7, 2019
Santa Clara County Crime Lab
250 W Hedding St
San Jose, CA 95110

Commissioners Present: Stephen Betts
Raymond Blockie
Victoria BurtonBurke, Secretary
Dante Duffel-Steen
Ron Hansen, Vice Chair
Nora Manchester
Carmen Montano (12:19)
Darius Parakh
Jean Pennypacker, Chair
Carol Rhoads
Vincent Tarpey

Commissioners Absent: Penny Blake, Manasa Kumarappan, Lissa Thiele and Brian Walton

Also Present: Honorable Katherine Lucero, Superior Court
Jenny Lam, County Counsel's Office
Enrique Flores, Supervisor Cortese's Office
Nick Birchard, Probation Department
Vone Kegarice, Probation Department
Kris Leisten, Probation Department
Erika Perez, Probation Department
Sean Rooney, 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
Chris Arriola, District Attorney's Office
Marisa McKeown, District Attorney's Office
Carolyn Powell, District Attorney's Office
Molly O'Neal, Public Defender's Office
Nisreen Younis, Public Defender's Office
David Epps, Alternate Defender's Office
Karen Steiber, Independent Defender's Office
Nathan Lingat-Thomas, Department of Family and Children Services (DFCS)
Daniel Little, Department of Family and Children Services (DFCS)
Steve Eckert, Alum Rock Counseling Center
Vincent Cabado, FLY
Andrew Cain, Law Foundation
David Galan, OMOS
Shelley Attarwal, Valley Medical Center
Chia-Chen Lee, Valley Medical Center
Debbie Pell, Bill Wilson Center
Christine Clifford, Silicon Valley De-Bug
Jose Valle, Silicon Valley De-Bug

Also Present: Con't

Lori Ramos Chavez, ConXion
Rose Amador LeBeau, ConXion
Jethroe Moore, II, NAACP
Allison Aina Alpuerto, Intern, Respect Institute
Vikita Sharda, Intern, Respect Institute
Kurumi Babe, Intern, Respect Institute
Darya Worsell, Intern, Respect Institute
Conor Pierce, Intern, Respect Institute

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

Public Comments/Oral Petitions: None

Approval of Minutes:

On Page 2, Under Approval of Minutes, change the date from February 5, 2019 to March 5, 2019.

Moved by Commissioner Manchester and seconded by Commissioner BurtonBurke to approve the April 2, 2019 Minutes as amended, was approved unanimously.

Presentation: DA's Juvenile 5 -Year Juvenile Stats Report: Marisa McKeown.

Ms. McKeown is a supervisor of the Crime Strategies Unit at the District Attorney's Office. One task is to regularly query the DA's Office data to help prepare presentations. Ms. McKeown pointed out she is not the supervisor of the Juvenile Team and therefore if there are questions about details of the Juvenile Team, colleagues of Ms. McKeown are present for that purpose.

The purpose of preparing the report was to update last year's initial look at some of the crime that has been charged by the DA's Office in Santa Clara County. Measured in 2019 were some of the same factors from 2018, yet with more precision. The unit wanted to compare charged cases to charged counts because of differences in the number of charged juveniles versus charged offenses, and that is noted in the report. Asked to look at the demographics of the charged population, the unit did a detailed glimpse per charge and differentiated between types of crime by zip code, gender, race and age. They also examined trends over time with specific charges. The DAO report may not match arrest data because not all cases result in prosecution and therefore the DAO numbers may differ from police data.

Questions and Answers:

Ms. Younis asked when San Jose PD's Burglary unit came into effect. The Public Defender's Office is seeing some cases filed in 2018 that are two years old, and are these cases reflected in the 2018 data? Ms. McKeown said SJPD's Burglary Unit was started in 2018, and the date reflected is the date of charging. Fingerprint hits were the primary way burglaries were solved.

Mr. Epps asked if the zip codes reflected the location of the offense or where the minors reside. Ms. McKeown said it reflected minors' residences, adding there may be multiple zip codes for the offense.

Ms. Molly O'Neil commented that the point Ms. Younis makes is important related to the date of charging vs the date of offense if trying to understand trends. She cited two recent instances where SJPD presented a 5-year report of an increase in arrests between 2016 and 2017, yet showing a decline in arrests for 2018, creating a need to reconcile the DA's Office charges in 2018 with charges from a different year. Ms. McKeown concurred.

Commissioner Manchester asked if the age of the minor is the date they were charging. Ms. McKeown said it was the date of charging.

Commissioner Rhoads asked if the number of minors unduplicated not just with respect to multiple counts but separate incidents. Ms. McKeown said that the number of minors who were charged means the number of minors where this was count one, or the primary count in their case. She clarified that the number of times an offense is charged is the raw number of times that that count was charged. Commissioner Rhoads asked if the minor was charged for two completely unrelated incidents and there was a primary count in each case would that still show as just one minor. Ms. McKeown said yes.

Mr. Epps asked, based on data provided, is there an increase or decrease in juvenile crimes, and is there an increase or decrease in misdemeanor crimes in juvenile crimes. Ms. McKeown said in both the number of minors charged and in the number of offenses charged, they see from 2012 to 2018 an overall increase in residential burglaries, but that in 2016 it was not the case. There was a dip in 2015 and 2016 and 2018 looks to be a high watermark for residential burglaries but it is not linear. Carjacking seems to be the only linear upward crime and it seems to be a phenomenon in the arrest data as well as the DA charge data. Otherwise residential burglaries, robberies and vehicle thefts in 2018 were higher than prior years, adding that there were some low years and it tracks with some of the number of times the offenses are charged. The number one crime that is seen in the DA's Office data and SJPD's arrest data is carjacking's. Robberies in 2018 for adults and juveniles were up quite a bit at SJPD for arrests and charges for adults and minors. Misdemeanors were not tracked but can be for future reports. The types of crimes were chosen because they are the five (5) felonies looked at by various other stakeholder meetings and are the same five (5) reported on last year. They do maintain data on all primary charged offenses including misdemeanors.

A question was asked if she had data on the number of crimes reported, but where no one was charged. Ms. McKeown said there is arrest data provided by LE agencies with SJPD being the vast number of cases reviewed. A side-by-side comparison can be done of some of the trend lines.

A question was asked if other demographics such as housing status or family unit in reference to particular minors are tracked. Ms. McKeown said they do not in the DA's Office data. They do look in the Crimes Strategy Unit annual report for primary zip codes and break it out by looking at public health data, census data and Healthy Kids survey. They also look at some of the demographic factors that are also co-existing in the five (5) primary zip codes. They compare medium income, access to health care, number of adults in the residence, residents who are reporting crime is major or frequent concern in the home and also look at victim demographics. As of three (3) years ago, when the Victim Services Unit came into the DA's Office they started tracking some of the same demographic factors for the victim population to see if they were coming from the same neighborhoods and if those factors are co-existent.

Commissioner Rhoads asked if there was comparative data on the trends of other counties or state-wide. Ms. McKeown said she had some information in 2018 but did not in preparation for 2019. There are some counties that report publicly on juvenile crime trends such as San Francisco and Sacramento Counties. Ms. McKeown added that they could inquire of neighboring counties if it would be helpful.

A question was asked if charging practices at the DA's Office remained fairly consistent in the last ten (10) years. For example, if six (6) kids came in on a carjacking, are all six (6) kids being charged with carjacking or is one charged with the carjacking and the others charged with auto theft. Ms. Powell said based on what she has seen in looking at various cases, the charging practices are fairly consistent and when they are looking at a case they look at the length and time element between the carjacking and the car stop to see if there is other evidence those five (5) kids were actually involved in the carjacking or picked up after it happened. Ms. McKeown answered that it is really whether there is evidence all six were actually involved in the carjacking itself. Continuing, she said when looking at felonies vs misdemeanors there are a lot of charges that they used to charge as felonies which would have jacked the felony charges up but because of legislative and initiative changes are now misdemeanors only. Many of the misdemeanors do not come to the DA's Office as they are handled informally by Probation. They do not have information regarding the number of misdemeanors because they do not have a complete picture of how many juveniles are being cited for misdemeanors. The number of felonies should be reduced as a result of the fact that cases that used to be charged as felonies are no longer felonies.

REPORTS

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

- JJC runs on a Fiscal Year and therefore new officers (Chair, Vice Chair & Secretary) will be selected at Executive Session and will begin their term July 1, 2019. Newly elected officers will be announced at the June 4, 2019 meeting.
- Education for Probation Youth Report is complete. It has been submitted to the committee and should be approved at Executive Session. Once approved it will be uploaded to JJC website. Thanks to Ron Hansen and his committee for all their hard work.
- The Ranch Inspection is underway and almost complete. Also attended the ribbon-cutting ceremony for the newly constructed Ranch Facility. The dorms provide a wonderful environment for the youth.
- LEA Inspections are also underway beginning with Palo Alto PD and are spearheaded by Commissioner BurtonBurke.
- JJC sent a letter last month supporting SB716 (Provide secondary education by Probation and COE) which has passed the first phase of the committee and is now before the education committee.
- JJC is opposing AB696 (Chemical use of chemical agents) due to concerns the bill is simply taking time to study the Issue. JJC Public Safety Committee feels enough time has been spent on the bill and action should be taken. One reason for opposing the bill is JJC supported AB1321 (Custodial departments must annually report their use of chemical agents.)
- JJC agreed to participate on a committee to oversee a grant for which Probation has applied.
- There will not be a meeting in July 2019.

Juvenile Justice Court: Judge Lucero reported on the following:

- Judge Lucero regrets the other Judges could not be in attendance for a group photo which occurs every two years.

- Juvenile court continues to be busy juggling the many issues it is facing.

Dependency Court: None.

Alternative Schools Department, COE: None.

Probation Department Juvenile Program: Jill Ugalde reported on the following:

- When a juvenile is brought in to Juvenile Hall they are now screened by an agent from Medical to see if they have medical services in place. Juvenile Hall has expanded the process in the past month by mailing information to families so they may contact eligibility for services. This is followed with a telephone call to ensure that if there are questions, the family has a contact person they can call for help in getting services.

Commissioner Hansen asked if they are asking the youth if they are enrolled in Medical.

Ms. Ugalde said the screening goes through a very extensive process to where it involves records and Social Security numbers involving SSA to determine the youths' status, which is provided to the Probation Department. Probation has an extensive list of youth and their status that have been admitted. Monthly statistical information is provided to Superior Court as well as Probation administration.

Commissioner Rhoads asked Ms. Ugalde if she could provide a rough idea of the statistics. Ms. Ugalde said there is a very small number of families that have private insurance as far as the expired Medical it runs about 20% per month. The rest of the youth have active Medical.

Nick Birchard reported on the following:

- The population report for April 2019 was distributed. Population at Juvenile Hall is 136, with 120 males and 16 females. Ranch population is at 58, with 50 males and 8 females.
- Thanks to everyone for attending and for being a part of the process of the ribbon cutting ceremony at the Ranch. Two (2) pods were set up to show what it will be like for the youth. They should be up and running by summer 2019.
- They are exploring providing animal therapy similar to that provided at Juvenile Hall with the Unchained program. They are reaching out to the local SPCA and South County in connecting Unchained.

Department of Children and Family Service/Children's Receiving Center (DFCS): Nathan Lingat-Thomas reported on the following:

- There is no new information on the status of the RAIC.
- The RAIC has signed an MOU with the California Department of Social Services to become a Transitional Shelter Care Facility. It is expected that CDSS will sign quickly.

Chair Pennypacker asked about the status of the location of the RAIC and if it has been resolved. Mr. Lingat-Thomas said the effort is still in progress and that they are in negotiations to buy the building currently leased from the Alzheimer's Association. Once they purchase the site, they can modify the building.

Judge Lucero asked how many days the license allows youth to stay at the Transition Shelter Care Facility. Mr. Lingat-Thomas said it is a 3-day facility, but the license allows them to ease into it saying the first year is a 5-day facility, the second year is a 4-day facility and the third year is a 3-day facility. CDSS does not like to license these types of facilities any more so, after the 3 year period it will be reviewed by CDSS.

Commissioner Rhoads said the Group Homes Committee receives monthly reports from DFCS and noticed very little change in the last report in Group Homes and STRTPs. But there was a dramatic increase in the number of kids in THPPs. He asked Mr. Lingat-Thomas if he could elaborate. Mr. Lingat-Thomas said they are no longer placing kids in Group Homes, which are set to expire May 30, 2019, unless an extension is granted. He added that could account for them looking more towards a THPP as an option for youth who may not qualify for STRTPs because they come with a great deal of health services. So it is possible they are giving THPP a closer look than in the past.

Commissioner Rhoads expressed her concern about how carefully kids are being screened so they can succeed in THPPs since there is less support in the THPP program. Mr. Lingat-Thomas said he thinks they use the Casey Assessment Tools for screening. They are currently looking to place 33 kids who are presently in group homes, which are set to shut down on May 30, 2019, unless an extension is granted."

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

- Erin Ward has been hired as a Clinician for the CETA program.

Behavioral Health - Alcohol and Drug Services: No Report.

Law Enforcement: None.

District Attorney's Office, Juvenile Justice: Carolyn Powell reported on the following:

- Members of the DA's Office attended the ribbon-cutting ceremony at the Ranch and were pleased with new facility. Ms. Powell and five (5) of her teammates will tour DJJ in Stockton May 8, 2019.
- In anticipation of the meeting Ms. Powell ran stats for April 2019 of the highest type of charges being petitioned. The number one charge is armed robbery with 25 charges filed in April 2019 involving 15 different cases. Of the fifteen (15) petitions, there were two (2) 17-year olds, two (2) 16-year olds, four (4) 15-year olds and five (5) 14-year olds. The second most frequent charge was residential burglary with 15 cases, totaling 20 counts among seven (7) 17-year olds, four (4) 16-year olds, one (1) 15-year old, one (1) 13-year old and one (1) 12-year old. The third was carjacking: 6 cases involving 9 counts, with four (4) 14-year olds and two (2) 15-year olds.

Ms. McKeown clarified that the stats are at the age of incident and not the age at charging.

Ms. Younis asked if it is possible to track if youth are committing crimes with adults. Ms. McKeown can only provide that information by looking at each file.

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

- Ms. Younis thanked everyone who attended the Brain Development Training by Judge Gaston from San Diego. It was a great turn out with a lot of positive feedback. The Judge was fair and neutral and explained how to practically apply the material. When in a courtroom setting and a DDA tells a kid he/she is doing good means a lot to that kid. Ms. Younis observed some of the DDAs in court the next day speaking kindly to kids and how that changed the tone of the courtroom. These kids have already admitted their offenses and are on probation, so focusing on the positive in the kids' reports is important.

Alternate Defender's Office: No Report.

Independent Defender's Office: No report.

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

Medical Services: No report.

Office of Mediation and Ombuds Services: No report.

Announcements/Correspondence: Jose Valle of Silicon Valley De-Bug wanted to point out that San Jose has the highest population of La Raza (His race) in Northern California. San Jose also has the third highest homeless population in the country. Most of the crimes presented in the presentation can be viewed as economic crimes. He said that we cannot deny this is the Trump era adding when Trump became president his son cried. Mr. Valle said he grew up in the 95122 zip code in the 1980's and 90's saying it was tough being Chicano.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned to Executive Session at 1:07 p.m.

Next Meeting: June 4, 2019, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA.
THERE WILL BE NO PUBLIC MEETING IN JULY 2019.

Respectfully submitted,

Barbara Crump