

**COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes – May 4, 2021
Via Zoom**

Commissioners Present:

Ron Hansen, Chair	Penny Blake
Victoria BurtonBurke, Vice Chair	Lissa Thiele
Jean Pennypacker, Past Chair	Lisa Macias
Stephen Betts, Secretary	Lon Allan
Darius Parakh	Carol Rhoads
Paula Escobar	Nora Manchester
Heather Angove	Diana Traub
Vaishali “Shali” Sirkay	

Commissioners Absent:

Also Present:

Honorable Franklin Bondonno, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Frederick Chung, Superior Court
Audrey Nakamoto, Superior Court
Vanessa Cornejo, Behavioral Health
Veronica Robles, Behavioral Health
Daniel Little, Department of Family and Children’s Services
Ravi Rajendra, Deputy County Counsel
Ann Huntley, District Attorney’s Office
Chris Bijoux, Dually Involved Youth Initiative
Rob Lang, San Jose Police Department
Alex Villa, Probation Department
Mike Simms, Probation Department
Jill Ugalde, Probation Department
Holly Child, Probation Department
Dr. Katherine Everett, Alternative Schools
Nisreen Younis, Public Defender’s Office
Damon Silver, Public Defender’s Office
David Epps, Alternate Defender’s Office
Karen Steiber, Independent Defender’s Office
Annalisa Chung, Dependency Advocacy Center
Andrew Cain, Law Foundation of Silicon Valley (LACY)
Shelley Aggarwal, Valley Medical Center
Lanphuong Le, Valley Medical Center
Matt Cammann, SENECA
Ruth Maurice, OMOS
Jim Elliott, San Andreas Regional Center

Also Present Cont’d: Pat Tondreau, Citizen (Ret. Judge)

Call to Order & Introductions: Chair Hansen called the meeting to order at 12:15 p.m.

Agenda Approval: The agenda was approved by all Commissioners present.

Public Comments/Oral Petitions: None.

Approval of Minutes: April 6, 2021 Minutes approved by all Commissioners present.

Presentation: Changes to Juvenile Housing- Welfare & Institutions Code 208.5 presented by Mona Williams, Ann Huntley, and Nisreen Younis.

- The presentation is focused on current law, proposed amendments to those laws, and areas impacted by those changes.
- Welfare & Institution Code 208.5 was modified on 9/30/20 (Senate Bill 823- Juvenile Justice Realignment Legislation).
- If a person is detained, they must remain in Juvenile Hall up to the age of 25 if their case originated in Juvenile Court. This includes VOP's (violations of probation) and youths whose cases were transferred to adult Court.
- There are two exceptions to this rule: 1- the Probation department can petition the court to have someone who is 19 years or older housed in county jail. To do so, the Juvenile Court must hold a hearing on that petition, and there is a presumption that the youth will remain in Juvenile Hall. There have to be written findings on five criteria. 2- A youth or young adult who is committed to Division of Juvenile Justice (which will close) will remain in Juvenile Hall. Pending legislation, there is a final closure date set for DJJ as of 6/30/23.
- The five criteria that need to be included in the hearing on petition to have a youth housed in county jail include: the impact of being held in an adult facility on physical and mental well-being, the benefits of continued programming that the young adult could receive at the Juvenile facility and whether required education or other services that are called for in any Juvenile Court disposition or otherwise provided by law or Court Order can be provided at the adult facility, the capacity of the adult facility to separate younger and older people as needed and to provide safe and age-appropriate housing and program opportunities, the capacity of the juvenile facility provide separation of older from younger people given the youth that are currently housed in that facility, and evidence demonstrating that the juvenile facility isn't able to currently manage that person's needs without posing significant danger to staff or other youth in that facility.
- Changes being considered in the Trailer Bill (SB92). Section 3 of 208.5 of the Welfare & Institution Code is going to be amended to add the language, "a person whose case originated in juvenile court but who was sentenced in criminal court shall not serve their sentence in a juvenile facility, but if not otherwise excluded, may remain in the juvenile facility until transferred to serve their sentence in an adult facility." The case may be going to adult court for trial and sentencing, but while it is pending, they can remain in Juvenile Hall until the age of 25.
- Some issues that have come up with BSCC (Board of State and Community Corrections), the designated state agency that monitors local juvenile detention facilities to make sure they're in compliance with federal laws (Juvenile Justice and Delinquency Prevention Act)- are on a case-by-case basis. For instance, the issue of sight and sound separation, which keeps kids and adults separate so that they don't see or hear each other, no longer applies.
- The document, "Sight and Sound Separation for Adult and Juvenile Population Requirements Under 34 USC 11133", which was published on 11/23/20, states that the definition of an adult inmate is an individual who has reached the age of full criminal responsibility under applicable state law. In California, that is 18 years old. The idea is that they don't want people who have been exposed to county jail to return to a Juvenile Hall setting. There are still many details that have not been clearly defined.
- There is concern over the disproportionality argument- black and brown clients are over-policed. There is still a lot of grey area in this legislation, so situations will be handled on a case –by-case basis.

- Judge Bondonno asked if there is any understanding of what's likely to come out of this trailer bill. Mona Williams answered that there are no expected surprises that they know of yet. The bill is slated for final floor action this week, and will be presented to the governor shortly thereafter.
- Commissioner Pennypacker asked, we are currently a part of a pilot program (TAY) that allows young adults who were convicted in criminal court to be housed in Juvenile Hall under specific charges. How does this affect that group of kids? Nisreen Younis answered, because they are not under the juvenile court jurisdiction, the sight and sound separation rule most likely still applies. Ann Huntley supported that belief and said that the starting point to understand all of this is who has original jurisdiction over the case. If it is a youthful offender who is an adult who has an adult case housed in Juvenile Hall, the jurisdiction of that person's case is adult court. If that person is technically an adult- over 18 years old- but has a case whose jurisdiction started in juvenile court, for purposes of his housing, he is treated as a juvenile until age 25 unless Probation brings a motion that satisfies the 5 criteria mentioned above.
- Commissioner Pennypacker asked if this small group that is housed in Juvenile Hall has ever touched Juvenile Hall before. Ann Huntley answered that it depends on the initiating document- an adult or juvenile petition. The original subject jurisdiction is the determining factor.
- Judge Lucero added that she does not believe the pilot program exists anymore. Maybe 824 or 823 specifically got rid of the program. The only surprise that we may see is that there is contention about a 2-year period of control. For example, when a crime isn't found out until the offender is older or there is a late report, pre-alignment, there was an opportunity to possibly send that person to DJJ for a 2-year period of control. Right now, there has not been agreement about how this will be handled.
- Chair Hansen added that Dr. Holly Child mentioned there are currently no TAY Pilot participants in Juvenile Hall. Chair Hansen asked about the results of the TAY Pilot Program. Dr. Holly Child said that the TAY participants are now in the community, and the pilot is still running.

REPORTS

Chair's Report: Chair Hansen reported that the JJC will be conducting its annual planning meeting in July; the survey was included in the invitation. Feedback is very much welcome.

Juvenile Justice Court: Judge Lucero reported on the following:

- We are working to be prepared for the DJJ realignment and are working on evidence based programming and keeping the community safe.
- We recently had a training on 4/21/21 that spoke on PIVOT strategies, which will be available to secure track youth post-incarceration. Another training will be on 6/16/21 regarding the full program of the continuum of rehabilitation after DJJ realignment.
- We will likely remain in our current form in courts until at least August; despite changes in budget, there may not be any changes in the staffing situation.

Dependency Court: Judge Chung had nothing new to report.

Public Defender's Office: Nisreen Younis had nothing new to report.

Alternate Defenders Office: David Epps had nothing new to report.

Independent Defender's Office (IDO): Karen Steiber had nothing new to report.

Legal Advocates for Children & Youth (LACY): Andrew Cain had nothing new to report.

Dependency Advocacy Center: AnnaLisa Chung had nothing new to report.

The Office of Mediation and Ombuds Services: Ruth Maurice had nothing new to report.

Alternative Schools Department, COE: Dr. Katherine Everett reported on the following:

- At Blue Ridge, we have awarded 191 industry certified certificates to students who have gone through programs, including the one that helped lay concrete sidewalks.
- Facilities and Maintenance training is starting today- they will be getting certificates through West Valley College. There are currently 7 students enrolled.
- COE will rotate these programs in each semester so that students can participate in this construction course.
- Preliminary analysis of RenStar scores indicates that growth has been fairly stagnant in the last school year.
- Commissioner Pennypacker asked how many kids were involved in the RenStar scores. Dr. Everett answered 14 students, about 20% of the population at that time who remained with us for the 2 semesters. Blue Ridge did seem to have some increases in math, so the math teacher who has credentials in several areas of math will be rotating throughout the classrooms to support teachers with their delivery and to support students.

Probation Department Juvenile Program: Alex Villa, Mike Simms, and Elisa Carias reported on the following:

- Reiterating what Judge Lucero said, the juvenile division services continue to designate a significant number of resources to supporting the DJJ realignment. The restoration committee continues to meet on a regular basis and focus on current and emerging safety procedural changes. Juvenile services is collaborating with DFCS and Behavioral Health to implement the family urgent response systems first which are directed at helping youth during times of instability and crisis.
- Probation has initiated contact between JPD, Juvenile Hall, and county jail as it relates to housing juveniles.
- Probation is currently in the middle of revising the CSEC Memorandum of Understanding. During the first week of June, we will see the conclusion of the school year for many students, and the preparation for the upcoming school year will be taking place.
- Commissioner BurtonBurke asked if the family urgent response system can be explained. Alex answered that it is a coordinated state-wide, regional, county-level system that is designed to provide collaborative and timely response to current and former foster youth during times of instability.
- Commissioner BurtonBurke asked if that includes probation youth or just foster youth. Elisa Carias answered that it does include probation youth who were in placement at one point.
- Judge Bondonno asked if probation is also establishing a family finding program. Mike Simms answered yes, they have been working with DFCS around Family Finding.
- Commissioner Rhoads asked about education during the summer- what will be done with verbal and numeric education during the summer when school is not in session? Dr. Everett answered that the court's schools do not end- they are year round. There is only a 2 week break between December and January.

Department of Children and Family Service/Children's Receiving Center (DFCS): Daniel Little reported that DFCS has received a tentative start date in mid-May for the Welcome Center. Commissioner Blake asked if the operating standards are published somewhere. Daniel Little answered that once they are clarified, they will be, and he will make it available to the Juvenile Justice Commission.

Behavioral Health - Mental Health Services and Alcohol and Drug Services: Veronica Robles reported the following:

- There has been a staffing change- 2 clinicians for the general clinic program that focus on the direct treatment and services given to youth in custody have given notice. Behavioral Health is currently in the process of recruiting to fill their roles.
- Behavioral Health is also recruiting for rehabilitation counselors to support the rolling out of the DJJ.
- Chair Hansen asked how these staffing changes leave the current staff. Veronica Robles answered that they are down to 6 clinicians for the youth program. They have lost 2 other clinicians to the Voluntary Separation Program and are working with HR to look at transfers and create a recruitment list.

Medical Services: Dr. Shelley Aggarwal and Lanphuong Le reported on the following:

- The current vaccination status is as follows: There are 3 types of vaccine (Pfizer, Moderna, and Johnson & Johnson). Pfizer and Moderna are given in a series of 2 doses. Pfizer is administered approximately 21 days apart, and Moderna is administered approximately 28 days apart. Johnson & Johnson is single dose.
- Parental consent is required for youths between the ages of 16-17. Youths who are 18 years and older do not need to have parental consent.
- After Medical Services has attempted to offer the vaccine to a youth 3 times, if they are declined, they will no longer make the offer.
- If parents consent, but youth decline, they cannot administer the vaccine.
- Vaccinations started on 3/04/21- a total of 48 doses of the first dose of Pfizer/Moderna have been administered.
- The nursing staff is 91% vaccinated- those who are vaccinated have received both doses of the vaccine, the majority of which are Pfizer. 100% of the nursing staff are compliant with the weekly swab testing.
- There is a weekly vaccination clinic on Tuesdays at Juvenile Hall where, on a rolling basis, youth are being vaccinated. Medical staff is trying to cover as many youth as possible; hopefully, Pfizer will be available for youths 12 years and older soon, which would capture all of the youth.
- Stephen Betts asked what the compliance rate for the youth is. Dr. Aggarwal answered that, in general, the consent rate has been about 40%; however, the numbers are always fluctuating. The staff is working on debunking myths and encouraging vaccinations.
- Commissioner BurtonBurke asked if there is a possibility of tying in the parents getting their shots. Dr. Aggarwal answered there are some community initiatives being discussed for mobile units to offer vaccinations to the public. There are discussions about how to make that more accessible for youths' parents.
- Commissioner Rhoads asked if there are other vaccines that are mandatory or if the protocol is the same as other vaccines. Dr. Aggarwal said, yes, there are certain vaccines that are required for schools. However, there are no mandates on the COVID vaccinations- they are currently on a voluntary basis.

Law Enforcement: Rob Lang had nothing new to report.

District Attorney's Office: Ann Huntley had nothing new to report.

Announcements/Correspondence: None.

Adjourn to Executive Session: Chair Hansen adjourned to Executive Session at 1:15 p.m. The next meeting will take place on June 1, 2021.

Respectfully submitted,

Audrey Nakamoto