

**COUNTY OF SANTA CLARA**  
**JUVENILE JUSTICE COMMISSION**  
*Meeting Minutes-November 7, 2017*  
**Crime Lab, 1<sup>st</sup> Floor**  
**250 W. Hedding St.**  
**San Jose, CA 95110**

**Commissioners Present:** Dana Bunnett  
Brittney Dong  
Dante Duffel-Steen  
Gustavo Gonzalez  
Ron Hansen, Vice Chair  
Courtney Macavinta  
Nora Manchester  
Jean Pennypacker, Chair  
Carol Rhoads  
Vincent Tarpey  
Lissa Thiele

**Commissioners Absent:** Penny Blake, Victoria BurtonBurke, Secretary, Bonnie Charvez and Raul Colunga, Past Chair

**Also Present:** Honorable Katherine Lucero, Superior Court  
Honorable Julianne Sylva, Superior Court  
Honorable Pat Tondreau, Superior Court  
Marcelo Quinones, County Counsel's Office  
Nick Birchard, Probation Department  
Ashanti Hayes, Probation Department  
Elsa Jennings, Probation Department  
Sean Rooney, Probation Department  
Jill Ugalde, Probation Department  
Robert Young, Probation Department  
Chris Arriola, District Attorney's Office  
Jay Boyarsky, District Attorney's Office  
LaRon Dennis, District Attorney's Office  
Nisreen Baroudi, Public Defender's Office  
Karen Steiber, Independent Defender's Office  
Kevin Rudich, Alternate Defender's Office  
David Epps, Alternate Defender's Office  
Jennifer Kelleher Cloyd, LACY  
Chia-Chin Lee, VMC  
Jennifer Hubbs, Department of Children and Family Services  
Francesca LeRue, Department of Children and Family Services  
Steven Eckert, Alum Rock Counseling Center  
Veronica Robles, Behavior Health Services Department  
Karen Brajenovich, Ombuds Office  
Katja DeGroot, Ombuds Office

**Guests Present:** Students from Summit Prep Charter High School in Redwood City  
Jane Abrams                      Amanda Guthmann              Micah Tam  
Anna Axiag                        Milo Kemper                        Isabella Weiss  
Krishan Bekele                    Maria Martinez                    Robert Wilds  
Liliana Gomez                    Jordan Sanchez

**Call to Order & Introductions:** Chair Pennypacker called the meeting to order at 12:15 p.m. All who were in attendance stated their names and organizations.

***Agenda Approval:***

Moved by Commissioner Tarpey and seconded by Commissioner Manchester, to approve the agenda, was approved unanimously.

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

***Approval of Minutes:***

Corrections: Page 1, under ***Also Present***, second to the last name is incorrect. Correct from *Kevin* Steiber to *Karen* Steiber.

Moved by Commissioner Hansen and seconded by Commissioner Manchester to approve the October 3, 2017 minutes as amended, was approved unanimously.

**REPORTS**

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

- RAIC report is in progress and should be completed before the Executive Session for the December 5, 2017 meeting and should be posted to the JJC website sometime after that meeting.
- Juvenile Hall inspection should begin in November.
- Group Home Committee has reviewed the list of homes and have begun visiting these homes.
- JJC Annual Report is complete and will be reviewed at Executive Session. Once approved it will be posted on the JJC website by the end of week.
- Commissioner Colunga has resigned from the Commission due to family obligations.
- A Speaker's Bureau has been organized to go out to service clubs and other groups to tell them about JJC with hopes to generate interest in serving on the Commission.
- Commissioners Hansen, Manchester and Pennypacker attended the Regional Workshop for the Juvenile Justice Commissions throughout the State. Sixteen (16) counties were represented and all participated in sharing of information of successful programs in these counties as well as challenges that all counties face as well as challenges within JJC. There is concern among the counties with implementing of AB403, STRTP's, Resource Families, Education, Mental Health services and internal issues within JJC's such as recruiting and funding. There is a strong willingness to get together and organize so that they can share efforts and collaborate and move forward in possibly doing some lobbying on legislation.
- JJC January meeting will be held on January 9, 2018 at the SSA Auditorium at 333 W Julian St.

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

- Beyond the Bench will held on May 18, 2018. The Unsung Hero Award will be posthumously presented to Bob Campbell and the Distinguished Service Award will go to Judge Margaret Johnson. Any stories or anecdotes would be appreciated and can be emailed to Judge Tondreau.

Judge Lucero reported on the following:

- There will be a Court Systems Training on the Adolescent Brain Development on November 8, 2017. Although the training is full, there is a waiting list. The training is free.

- January 2018 Court Systems Training will be on Legal Updates for Juvenile Justice with LaRon Dennis and Nisreen Baroudi conducting the class which will be held at the Crime Lab Training Room. MCLE credits available for the class.
- The Adult and Juvenile Female Offender (AJFO) conference will be held December 11, 12 & 13, 2017 at the Santa Clara Marriott, 2700 Mission College Boulevard, Santa Clara, CA 95054
- The Court Systems potluck will be held on December 21, 2017 from 12:00-1:30 p.m. in the Judicial Conference Room.
- Two (2) court rooms will be running over the holidays.
- A tour of the Ranch will be on November 8, 2017 at 2:30 p.m. All are encouraged to attend.

Commissioner Hansen added that the film, "Like Any Other Kid" which focuses on three (3) Missouri modeled institutions (New York, Louisiana and James Ranch) will be shown at the AJFO conference on December 11, 2017 in the afternoon.

Judge Silva reported on the following:

- The DIY team will be doing a presentation at the AJFO conference.

*Dependency Court:* None.

*Alternative Schools Department, COE:* None.

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

- The population report for October 2017 was distributed. Population at Juvenile Hall is 90, with 81 males and 9 females. The Ranch population is at 59, with 52 males and 7 females.
- For the October 2017 the Judicial Transfer Setting and Hearing had one youth committed to DJJ, one youth that was Probation Terminate Upon Release, four (4) were transferred to the Adult Division and ten (10) cases are still pending.

Nick Birchard reported on the following:

- The fourth dog graduation was held on November 2, 2017. There were a total of four (4) dogs with three (3) being adopted. Three (3) Forty-Niners attended the event speaking to the kids and provided their support.
- The Halloween decorating contest was a huge success. There will be a Holiday decorating contest as well.
- Mr. Birchard met with the Cal-Fire Chief at the Ranch as they are looking to form a partnership with the Ranch kids starting with post-cleaning and developing into a larger project such as training on CPR, First Aid including giving the kids a stipend.

Commissioner Gozalvez asked for an update on the Ranch construction. Mr. Birchard said all underground work has been completed and they are now in the process of moving earth in order to lay the foundation. Phase I (dormitory) should be complete by August of 2018 and Phase II (gymnasium, kitchen and Administration building) will be complete after Phase I.

Commissioner Hansen asked for an update on transition-age youth. Mr. Birchard said that SB1004 is up and running with two (2) young adults receiving services that they would not have had the opportunity to receive in County Jail. One (1) youth has been there 30 days and will be transitioning out soon with one (1) more referral in the system. They are looking at expanding the project to South County and

North County for kids who are eligible and meet the criteria. Commissioner Macavinta asked if they are creating a data-dashboard for the kids. Mr. Birchard said there is a data component to the project they are required to keep and report back to the State. Chair Pennypacker asked if they will be forming a comparison group. Mr. Birchard said that they will from the adult system.

Judge Lucero asked if there was an update on the adding a breaking out of the Transfer Hearings. Mr. Birchard said it appears on page 2 of the daily report.

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

- DFCS asked for an extension on the deadline to November 30, 2017 regarding licensing.
- DFCS secured the lease to remain at the Enborg site through December of 2018. DFCS is currently working with Facilities to secure a new site to carry them through completion of the future site.
- The future site for the RAIC should be complete by 2020 and is a top priority for the County.

Chair Pennypacker inquired about the status of AB403, STRTP's and Resource Families. Ms. LaRue said with regard to the Resource Families process that they are improving with approximately 131 homes in the process of being recruited, with 68 homes already recruited adding that 63 of those homes are relatives or family friends. A recruitment plan is in place and DFCS is eager to put that plan in motion. The concern is the Resource Family Approval (RFA) process still needs some work. DFCS front-loaded the approval process which included twenty-seven (27) hours of training when the State only required twelve (12) hours of training. RFA is adamant that caregivers need 27 hours of training, which is necessary and appropriate however it prolongs the caregiver's ability to be approved because they have to take 27 hours. DFCS is meeting with West Valley College to amend the contract. Caregivers will be approved with only 12 hours of training CPR and First Aid and they will have an additional three (3) months to complete 15 hours of the additional training needed. Caregivers will receive their certificate with the completion of the 15 hours but it gives DFCS the ability to place of children with relatives sooner.

Francesca LeRue reported on the following:

- Working with Probation, Behavioral Health and DFCS in developing the Continuum of Care Reform model for Santa Clara County.
- CCR requires DFCS to have a true assessment of all youth entering the system therefore, DFCS is moving forward with hiring a Psychologist as well as clinical Social Workers to aid in this process so the right placement can be made. DFCS has developed a Unified Coordinated Care Assessment that will work in Juvenile Hall as well as DFCS by creating a team of assessors and social workers.

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

- As of October 31, 2017 two (2) Court Psychologists, Dr. Hart and Dr. Winter have been added to the contractor panel and are able to receive court-ordered psychological evaluation referrals. There are currently fifteen (15) licensed psychologist and seven (7) doctoral interns that are part of the panel.
- Collectively working with Juvenile Probation and Medical Clinic looking at increasing preparedness for behavioral health.

***Behavioral Health - Alcohol and Drug Services:*** None.

*Law Enforcement:* None.

*District Attorney's Office, Juvenile Justice:* LaRon Dennis reported on the following:

- Aware of the concern with the number of kids in the Ranch and in-custody especially with the younger kids under the age of fourteen (14). The cause of the increase in youth arrests is due to the increase in the following crimes from all of 2016 compared to January thru October 31, 2017:
  - Residential Burglaries - 68 in 2016 compared to 164 for year-to-date in 2017.
  - Auto Theft - 110 in 2016 compared to 156 in 2017
  - Robbery - 70 in 2016 compared to 165 in 2017
  - Carjacking - 4 petitions were filed in 2016 compared to 21 in 2017.
  
- There also has been an increase in the number of kids obtaining and using guns more frequently.

Commissioner Gonzalez asked if there was an increase in police officers on the streets. Ms. Dennis said she is not aware of an increase in staffing for San Jose Police Department but did say there are a couple of groups that are active in the last year that are not yet considered gang-related because they are across ethnicity etc. and that they just happen to be friends from school and in neighborhoods. Del Mar High School is one of the schools. They are referred to as flash-money "crews" and are not necessarily breaking down along the Norteno or Surreno lines.

Commissioner Macavinta asked from a data standpoint if the youth are ever asked why they are committing these crimes. Ms. Dennis said that in her review of police reports she sees a lot of what is happening with residential burglaries and auto theft is financial due to it being very lucrative. Chris Arriola said the new Crime Strategies Unit did a study of 100 burglars in Santa Clara County and most burglars started as juveniles adding that a third of the victims knew the offender. As a result of the 33% of the victims knowing their offenders has now prompted SJPD to ask the victims if they know of anyone committing the burglaries. Mr. Arriola said only 5% of all residential burglaries are cleared. The Crime Strategies Unit report should be published soon.

Commissioner Rhoads asked in regards to it being lucrative, is there some sense of how one might constrain that. Ms. Dennis said that one of the groups has adult co-defendants and in particular there is a woman who fencing for these kids at various pawn shops. Mr. Arriola added the pawn shops will comply with State law and they are not going to be advocates for us. Commissioner Macavinta asked if there is a higher penalty for pawn shops. Mr. Arriola said yes there is but all they have to do is take down the information. However, if the DA's Office learns of a pattern, they will do their due-diligence adding that the records should be at the pawn shops. Mr. Boyarsky asked if JJC would be interested in the Director of the Crime Strategies Unit attend a future JJC meeting and give a presentation. Chair Pennypacker said yes. Commissioner Gonzalez asked if they were checking for items that were stolen on the internet. Ms. Dennis said that yes some of the kids in the "flash-money" group were posting photos of the stolen property on Facebook as they were stealing the items.

Commissioner Thiele asked if the annual report reflects the zip codes where these crimes are being committed. Ms. Dennis said they will show the zip codes at the end of 2017 on the annual report. Mr. Arriola added that the zip codes will reflect where the offender resides and not necessarily where the crime occurred.

Commissioner Hansen asked if there was a corresponding increase in the same type of crimes on the adult side over the last couple of years. Ms. Dennis said she had not yet looked at the adult numbers but

surmised that is probably the case. Ms. Baroudi added that because these kids have adult co-parts and that it would be interesting to get a break-out of the ages of these offenders.

Commissioner Bennett asked if the data is for all juveniles or is it broken down by age. Ms. Dennis said it data reflected all petitions. Commissioner Bennet said it would be interesting to see what the adult influence is on these kids.

Judge Lucero added that the penalties for burglary for an adult are a lot different than the penalties for a juvenile in that the juveniles will more than likely be used by the adult to commit these crimes. Because burglaries are DEJ eligible, youth tend to be released to the community. Judge Lucero is bothered by the the fact that the youth are quickly re-offending and which leaves the court with very little options. Judge Lucero said this is a new era of trying to design an intervention that protects the community and allows the youth to be in the community adding that this is a very difficult balance.

Commissioner Tarpey asked if the stats show an increase in violence associated with the crimes. Ms. Dennis said she does not have any hard data but did say there have been several cases where the kids have been armed with weapons when they were committing the residential burglaries, which is unusual, saying there were a few cases where the victims have been pistol-whipped. Mr. Boyarsky said the rise in robberies is very concerning but does not track crime data state-wide over the same period of time.

Chair Pennypacker asked if this is unique to Santa Clara County. Mr. Boyarsky said that has been a rise in car thefts and a minor decrease in property thefts with San Jose has seeing an increase in violent crimes.

Commissioner Macavinta asked Judge Lucero if amongst the committees, is there is a home for revamping intervention. Judge Lucero said she is not sure if falls within the current work being done but said it is a developing issue adding that she could take the issue back to the judicial collaborative saying they are looking at new populations to study. Nisreen Baroudi said that it would be interesting to break down the robberies. She added that ensuring public safety is important but also how to rehabilitate the youth.

*Independent Defender's Office:* No report.

*Public Defender's Office:* Nisreen Baroudi reported on the following: No report.

*Alternate Defender's Office:* Kevin Rudich reported on the following:

- CBO training was very successful with approximately 150 in attendance.

*Independent Defender's Office:* No report.

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

- The Annual LACY Honors was held on November 3, 2017 with FLY receiving an award their amazing work and Supervisor Chavez receiving an award for her advocacy for the youth that are served.
- The County approved the bridge funding for both LACY and Dependency Advocacy Center to fill half the cut they received from the judicial council and the state. Because there has been a delay in getting the contract process they approved a retroactive contract

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

- About 98% of parents have given their consent for their children to receive a flu vaccine. Approximately 117 kids have received the flu vaccine.
- Accreditation inspection is November 8, 2017.
- Three new nurses have been hired as extra help.
- Nutrition survey has revealed that kids learn about nutrition from medical personal. 30% of kids want to learn about nutrition.
- With the double entrée program it was discovered that some of the kids were not eating their vegetables in order to have a second helping. This issue is being addressed.

*Victim Services Center:* None.

*YWCA Support Services:* None

*Announcements/Correspondence:* None

*Old Business:* None.

*New Business:* None.

*Adjourn to Executive Session:* Chair Pennypacker adjourned to Executive Session at 1:23 p.m.

*Next Meeting:* December 5, 2017, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA

Respectfully submitted,

Barbara Crump