

COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
DRAFT Meeting Minutes-November 6, 2018
Santa Clara County Sheriff's Office Auditorium
55 Younger Drive
San Jose, CA 95110

Commissioners Present: Stephen Betts
Penny Blake
Raymond Blockie
Dana Bunnett
Victoria BurtonBurke, Secretary
Dante Duffel-Steen
Ron Hansen, Vice Chair
Manasa Kumarappan
Nora Manchester
Darius Parakh
Jean Pennypacker, Chair
Carol Rhoads
Vincent Tarpey
Lissa Thiele

Commissioners Absent: Carmen Montano

Also Present:
Honorable Frank Bondonno, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Julianne Silva, Superior Court
Honorable Pat Tondreau, Superior Court
Jenny Lam, County Counsel's Office
Enrique Flores, Supervisor Cortese's Office
Morena Cruz, Probation Department
Kris Leisten, Probation Department
Lay Saechao, Probation Department
Jill Ugalde, Probation Department
Veronica Robles, Behavioral Health, Mental Health Services
Zelia Faria-Coster, Behavioral Health, Alcohol and Drug Services
Stacy Capps, District Attorney's Office
Carolyn Powell, District Attorney's Office
Damon Silver, Public Defender's Office
Nisreen B Younis, Public Defender's Office
David Epps, Alternate Defender's Office
Kevin Rudich, Alternate Defender's Office
Amanda Kennedy, LACY
Vincent Cabada, FLY
Jonathan Weinberg, Department of Family and Children Services (DFCS)
David Putney, Santa Clara County Office of Education (SCCOE)
Francisco Hernandez, OMOS
Ruth Maurice, OMOS
Deputy Chief Shawny Williams, San Jose Police Department
Captain Dave Tindall, San Jose Police Department
Amanda Clifford, Bill Wilson Center
Jim Davis, Public
Reresentative from Evergreen Valley College
Brian Walton, Public

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. Chair Pennypacker gave a brief background on Mr.

Betts. Mr. Betts previously worked for Behavioral Health and Drugs & Alcohol, from which he retired. He joined JJC then went to work for Bill Wilson Center and now has returned to JJC.

Agenda Approval:

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

Public Comments/Oral Petitions: None

Approval of Minutes:

Page 5, Judge Tondreau's report, first paragraph, third line reads ...due to 2448 should read AB2448.

Moved by Commissioner Manchester and seconded by Commissioner Rhoads to approve the October 2, 2018 Minutes as amended, was approved unanimously.

REPORTS

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

- Juvenile Hall inspection will begin towards the end of November 2018.
- Met with BOS Supervisor Simitian to re-introduce JJC, as he is now Board President, and to discuss areas of interest to JJC.
 - Concerns about the RAIC relocation.
 - Need for more foster families.
 - Thank the BOS for funding the Multi-Systemic for children 14 years and younger coming in to the Juvenile Justice system.
 - BOS is in the process of planning a facility for juveniles for in-patient psychiatric services and wanted JJC to lend their support.
- In the process of scheduling a meeting with Supervisor Chavez's office to discuss the future of the RAIC.
- JJC met with Los Altos and Los Gatos Police Departments, who do not have THF's for juveniles, to discuss requirements when kids are held temporarily.
- JJC will have a vacancy sometime in mid-December. Please encourage potential candidates to apply.
- JJC conducted a study on kids 12 and under who are in Juvenile Hall. An interim report was prepared and published and can be found on the JJC website. Commissioner Rhoads presented JJC's findings and gave a brief overview:
 - The impetus behind the study was concern that all the System Partners share about the increasing numbers of very young kids coming into the juvenile system with more serious offenses and specifically coming into detention at Juvenile Hall, given what we all know about the long-term effects of system involvement.
 - JJC issued a report on the same subject in 2010 and recommended positive changes that proved very effective.
 - The Committee process was grounded in extensive conversations with virtually every System Partner that touches this issue.

- Discussions of the underlying dynamics that drive the trends and various people's perspectives helped to form the entire picture.
- Legislation and statutes pertaining to this and largely revolving around competency issues and making dependency jurisdiction not dependent on a finding of fault by parents were reviewed.
- Every case of a child 12 and under who came into detention was reviewed. JJC will continue to review cases on an ongoing basis.
- Contributing factors included increased cyber activity, younger onset of puberty, school reactions, underlying zero-tolerance policies and an absence of resources and understanding to deal with prevention and diversion before problems escalate in school, the phenomenon of crews and increased family stress.
- Charges are sometimes brought as the most expedient way to bring services to kids who cannot get them otherwise due to scarcity of alternatives and resources.
- JJC came up with a number of major recommendations which are in process or were already in process at the time of the report.
- JJC is pleased with Probation's MST program and view it as a terrific example of approaches JJC would like to see used and are pleased there are resources behind this effort.
- JJC recommended convening a cross-system group with broad participation and robust participation by law enforcement in schools, which has already begun with the DAY subcommittee and met on September 26, 2018 on how to deal with under-14 kids in the system and how to prevent them from entering the system.
- SB439 passed, which will keep kids out of juvenile hall except for most serious offenses.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Juvenile Court has re-assigned Judge Sylva to a special project, replacing her with Judge Julia Alloggiamento will take place on January 22, 2019. Judge Sylva will be missed by staff and juveniles.
- LACY's Honors luncheon will be held Friday, November 9, 2018 at 11:30 at the Crown Plaza in Palo Alto. An award will be given to the Dependency Advocacy Center, comprised of attorneys who represent parents in Dependency Court, and another award to Patricia Gardner, outgoing director of Silicon Valley Counsel of Non-Profits.
- AB1214 passed with was the Bill aimed at laying out a comprehensive competency. In the bill was a requirement for judicial counsel to again put together a task force to create any rules necessary to implement the whole process, but in particular to address the issue of qualifications for experts who are going to evaluate whether someone is competent or not. It is an opportunity to look at the bill, and if it has holes or ambiguities that could be cleaned up, sometimes State Court rules can do that. Judge Bondonno has a working group looking at AB1214. Any suggestions would be appreciated.

Commissioner Bunnett announced Kids in Common and Children's Agenda will be recognizing Judge Tondreau with the Bold Steps for Children Award at the 12th Annual Santa Clara County Children's Summit on March 8, 2019. The award is usually not given to individuals, but because of Judge Tondreau's collaborative thoughtful leadership in the Juvenile Justice area and with his pending retirement, they did not want to miss the opportunity to recognize his great work in our county.

Commissioner Hansen asked that with the departure of Judge Sylva from the Juvenile Bench, will 12 and 13 year olds continue to be assigned to that department. Judge Lucero said those assignments will continue, and they are making sure the new judge will be trained and are encouraging her to come watch the 241 calendar as often as possible between now and her official assignment. She has much experience,

as a community prosecutor for many years, handling a variety of youth issues, and in founding the Parent Project. Cases will continue to be streamlined to that department.

Judge Lucero reported on the following:

- With SB439 coming into play, it is mandated that the court do design services for kids who will not be brought in. It is the hope that the work group already set up to handle under-14 kids start dealing with it and to be sure that Behavioral Health is on board as it is the key Stake Holder in this new group with no new funding.
- Continuing to collaborate with the Vera Institute, and are getting a standard order in place with the goal of having no girls incarcerated in Santa Clara County. We are also with our Juvenile Court Aligned Action Network, an education effort with a one-year plan involving a literature review, data collection and analysis and a service mapping. The plan will be presented to BOS in hopes of identifying specifically how Juvenile Probation kids can have an 80% high school completion rate.
- Foster Education program referral process is working well.

Judge Sylva reported on the following:

- Judge Sylva expressed her sadness in leaving but excitement about her new assignment. She will continue to be involved through the handling of the Transitional Age Youth.

Jonathon Weinberg from DFCS wanted to be sure the incoming judge observe Dependency Court. Judge Tondreau said they will make sure that happens.

Dependency Court: Judge Bondonno reported on the following:

- There will be a training January 30, 2019 between 1:30 p.m. and 4:30 p.m., in the DA Conference Room. Dr. Karen Franklin, who teaches competency, has been invited to train and it is hoped all providers are at least thoroughly familiar with the new law. Credits will apply.
- There will be a training for community support people, February 13, 2019 (time to be determined) at Sobrato Center.

Alternative Schools Department, COE: David Putney reported on the following:

- Looking to add a new construction trades teacher at Blue Ridge who will begin at the end of November 2018.
- A college liaison person at Blue Ridge will be added to help with graduates and current students with on-line classes with local community colleges.
- Working with Probation on the culinary arts CTE pathway to future as they move into the new facility and collaborate with the older kitchen at Blue Ridge.
- Working with Work to Future to support a future grant for additional funding for the Culinary Arts Program.
- Working with Strengths Based, focusing on each individual's strength. Strength Based Institute is part of the Gallop Poll. It has done much research over the last 50 years and will be building out curriculum to help students reconnect to their individual strengths.

Commissioner BurtonBurke asked about the retirement of the Special iEducation teacher at Blue Ridge. Dr. Putney said that Sam Bolt is replacing Lanelle Faraj adding that there was never a loss of service.

Commissioner Hansen asked if Strengths Based services is going to be instituted at both Blue Ridge and Osbourn. Dr. Putney said the initial process was to have staff on board to understand the significance of Strengths Based. Approximately 70 to 80% of the staff attended a 2-day training in summer of 2018 and fall 2018. The remaining 20% will receive training in the spring and summer of 2019. Working with the Gallop Team and the Strengths Based team between now and January 2019 to figure out how to roll out the program to students. The intent is for students to do an on-line assessment, which leads to analysis through an algorithm, giving them information to identify their top five (5) strengths in relationship to their natural 32 strengths, and finally to make a decision. All divisions within COE in the last three (3) years have received training, going forward for future years. Blue Ridge and Sunol staff are also receiving the training. The Strengths Based 2-day training is available to JJC Commissioners and can be arranged through Dr. Putney.

Probation Department Juvenile Program: Kris Leisten reported on the following:

- Annual Halloween decorating contest went well with the young ladies winning first place for their Día de los Muertos program, which included them singing a song. B-7 came in second place with a murder mystery theme the judges had to solve. B-4 came in third with their Egyptian theme.
- Five (5) members of the 49ers visited all the youth and each unit was able to nominate a young person to have their picture taken with the 49er team at a later date. The 49ers also visited with transitional aged youth. Players and the youth had a great time.
- There will be 6-8 transitional-aged youth graduating in the next couple of months.
- The Ranch is on schedule to open and occupy the dorms sometime in January 2019.

Jill Ugalde reported on the following:

- Work continues on the MST contract and will be given to Seneca.
- Currently going through contract negotiations.
- Working on devising an internal on devising an internal referral process with corresponding policy with training to begin in December 2018 and services to begin in February 2019.

Department of Children and Family Service/Children's Receiving Center (DFCS): Jonathan Weinberg reported on the following:

- Waiting on the issuance of a license to move to allow a 72 hour facility at the Shelter.
- In September 2018 there were 51 kids in Group Homes, who are slowly being transitioned out. The deeper this process goes, the more needs these kids have and the greater a challenge to find a setting to help these kids thrive. Red Staffing is a specific type of staffing where anyone involved in the case meets to help these kids thrive by thinking outside the box.
- DFCS is reorganizing. Phase I is designed to combine emergency response and dependent intake into a single bureau and has begun with the conclusion of interviews for the SSPIIs who are an integral part of the infrastructure. DFCS thrives on being a learning and coaching organization, with time to drill down on data and using the data to inform decision making. III's will be overseeing at a higher level, system-wide on how programs are going and how to enhance them; the II's will be running the programs; the I's drill down the data to help strategically move forward on an ongoing basis.
- Manet Tovar has retired with over 26 years of service.
- Mr. Weinberg said he is retiring in December 2018.

Judge Lucero inquired about the status of Family Finding. Mr. Weinberg said he does not have a definitive answer. It has been discussed but he does not know if there is a formal contract. Finding families is a part of the Red Staff meetings.

Judge Tondreau said losing Jonathan is a huge loss to the involved youth project. He has been one of the gigantic voices at the table he supervises, a co-jurisdictional unit. He has huge amount of history and passion.

Chair Pennypacker identified two types of kids at the RAIC; those who are abused and neglected and those who are returning dependents. The return of kids has always been an issue and more of a concern because returning kids are refusing to be placed. Placements are found, kids agree, and then at the last minute they refuse to go. This has been a strain on RAIC staff. Mr. Weinberg said he is not aware of a solution, adding that is a kid's right as an individual. It is a complicated situation. Judge Lucero asked if there is there any gender breakdown of the population. Mr. Weinberg said the occurrence is across the board, explaining that one youth hears about it, then all the youth know about it and it becomes a trend. Chair Pennypacker said she understands that Behavioral Health is taking on a bigger role at the RAIC. Ms. Nisreen Younis said the only two (2) local placements for the kids are Rebecca's in Gilroy and Uplift in Los Gatos. One recommendation is to place these kids out-of-county, but these kids do not want to leave Santa Clara County. With such limited options and the consequences of the CCR reform, is there more effort to certify and license more homes? Mr. Weinberg said with the high cost-of-living and the limited number of rooms available they continue to struggle with this issue. Mr. Weinberg said he does not know where the DFCS stand on these programs, however they any entity that can create programs for these kids. Judge Lucero asked what it would take for DFCS to get a robust family-find. Mr. Weinberg said it takes money, adding that it is easy to plug a name into a program and 65 names might come back, but the skillset is in talking to the people you get from the list. There is a talent in engaging family members especially if they have no connection to the youth. Chair Pennypacker asked if two (2) people were hired to work on family-finding. Mr. Weinberg said he did not know.

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

- Staff is spread pretty thin to meet all the needs of the youth. Three (3) Spanish speaking clinicians have been hired, tailored to the needs of the unit and the youth, and are working a Wednesday to Saturday schedule.

Zelia Farie-Coste reported on the following:

- Three (3) programs will be added to the Behavioral Health Services for justice involved youth in collaboration with the Probation Department.
 - MST Program in collaboration with Probation
 - Treatment Focused Services
 - Continuum of Services for Re-Entry

Behavioral Health - Alcohol and Drug Services: No report.

Law Enforcement: Captain Tindall reported on the following:

- Community-based Policing Unit (CPBU) is a collaboration between Probation and SJPD and will handle both adults and juveniles. The purpose of the program is to be more involved in the

community by attending community meetings and to assist patrol officers on the street where Probation can get involved, all to defer a citation or arrest and provide support to Investigations of ongoing cases.

Judge Lucero asked if it was a joint response. Captain Tindall said it is and it is not. There will be space provided at the Hank Lopez Center, SJPd and Probation. There will be an on-call list in SJPd Communications.

Ms. Younis asked that with SB295, where law enforcement has to call an attorney to make sure kids are 15 or younger, has there been discussion about ensuring that the perception that probation officers cannot legally become agents of law enforcement because of Miranda issues. Are these kids already on probation? Captain Tindall said he cannot speak for Probation on what options are going to look like, but from the law enforcement side, they are not calling out Probation to preempt what is already in place. If a juvenile suspect is arrested, will SJPd continue working with the Public Defender's Office, making phone calls and doing the referrals? Probation is specifically for juveniles on probation that are not being arrested.

- SJPd reports on Uniform Crime Reporting (UCR), which is all public, to the FBI every year on violent and/or more serious crimes involving adults and juveniles. The list of crimes below is for January through September 2018 YTD on Part I crimes and shows a rise in crime of 7.8% from the same time frame in 2017:
 - Homicides are down 8.3%
 - Sexual Assaults are flat at 1.2%
 - Armed Robberies are up 19.5%
 - Aggravated Assaults are flat at 2.7%

- Other crimes are as follows:
 - Burglary is up 20.4%
 - Larceny which includes all theft is 1.4%
 - Auto Theft is flat at .4% (6,000 auto thefts) SJPd averages about 8,000 auto thefts a year.

Judge Sylva asked about carjackings.

- Since November 4, 2018 San Jose has had 139 carjackings resulting in 101 arrests in which 67 were juveniles, 34 were adults. Of the 139 carjackings, 78 involved weapons in which 61 were firearms. There were 107 carjackings in 2017.

There is a potential they could be duplicated as far as the juvenile offenders themselves but they are separate incidents. You may have juveniles that have been arrested but it is not the same case. The cases that are lumped together have separate incidents, separate victims, separate case numbers. Captain Tindall said that a comprehensive 5-year report will be coming out with an 18 month snapshot listing specific unduplicated incidents broken down and listing juveniles, age, race etc.

YTD SJPd has seized 522 firearms.

Commissioner Tarpey asked how SJPd is doing with recruiting. Captain Tindall said SJPd is doing very well, holding three (3) academies a year, with more than 50 recruits in each academy.

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

- Court Systems Training will be November 14, 2018 from 12:00 noon to 2:00 p.m., at the Santa Clara County Crime Lab, and offers the topic of Victim Services. Ms. Powell will be facilitating

the training, working with Victim Offender Mediation, Probation's Victim Services and the DA's Victim Services, as well as victims who have worked with each service addressing their concerns with the Juvenile Justice System.

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

- Ms. Younis introduced Damon Silver, Assistant Public Defender to replace Michele Diederichs, who is retiring in December 2018.
- The Under 14 Committee has had one (1) meeting.
- Augustin Arias will be leaving and will be replaced by Karina Alvarez.
- Ms. Younis expressed concerns about the closing of EDGE/PEAK and the lack of an alternate site, and asked that they keep it on their radar for 2019.

Alternate Defender's Office: No report.

Independent Defender's Office: None.

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

Medical Services: None.

Office of Mediation and Ombuds Services: No report.

YWCA Support Services: None.

Announcements/Correspondence: None

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned to Executive Session at 1:24 p.m.

Next Meeting: December 4, 2018, DA Crime Lab Conference Room, 250 W. Hedding St., San Jose, CA.

Respectfully submitted,

Barbara Crump