

**COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
Approved Meeting Minutes-October 6, 2015  
Santa Clara County Crime Lab, 1st Floor, 250 W. Hedding St., San José, CA**

**Commissioners Present:**

Raúl Colunga, Chair	Bonnie Charvez
Jean Pennypacker, Vice Chair	Gustavo Gonzalez
Ronald Hansen, Secretary	Courtney Macavinta
Penny Blake, Past Chair	Carol Rhoads
Raymond Blockie	Kimberly Dong
Victoria BurtonBurke	Jeremiah Tanojo

**Commissioners Absent:** Commissioners Nora Manchester, Pamela Serrano, and Vincent Tarpey previously notified the Commission that they each would be unable to attend the October 6, 2015, meeting.

**Also Present:**

Honorable L. Michael Clark, Superior Court  
Honorable Margaret Johnson, Superior Court  
Honorable Katherine Lucero, Superior Court  
Honorable Pat Tondreau, Superior Court  
Honorable Franklin Bondonno, Superior Court  
Chris Arriola, Supervising Deputy District Attorney, District Attorney's Office  
Vone Kegarice, Probation Manager, Juvenile Probation Dept.  
Carl Tademaru, Probation Manager, Juvenile Probation Dept.  
Nick Birchard, Probation Manager, Probation Department Dept.  
Elsa Jennings, Probation Manager, Juvenile Hall  
Sean Rooney, Probation Manager, Juvenile Hall  
Jermaine Hardy, Deputy Chief Probation Officer, Probation Dept.  
Ruby Marquez, Staff Attorney, LACY  
David Epps, Alternate Defender Office (ADO)  
Robert DeJesus, Assistant Chief Probation Officer, Probation Dept.  
Jaime Lopez, Assistant Director, Department of Family & Children's Services (DFCS)  
Stephanie Kitchen, Prevention Program Manager, Department of Alcohol & Drug Services (DADS)  
Kevin Rudich, Attorney, ADO  
J.J. Kapp, Assistant Public Defender, Public Defender's Office  
Ashanti Hayes, Group Counselor, Juvenile Hall  
Eric Parsons, Group Counselor, Juvenile Hall  
Randi Perry, Law Program Manager, FLY  
Dana Foster, Social Worker Supervisor, In-Home Supportive Services (IHSS)  
Jennifer Hubbs, SSPM, Department of Family & Children's Services (DFCS)/Receiving Center  
Robert Young, Probation Manager, Probation Department  
Chia-Chen Lee, Manager, Valley Medical Center (VMC)

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Michael Clarke, Probation Dept. – James Ranch  
Karen Steiber, Attorney, Independent Defense Counsel Office  
Dana Bunnett, Director, Kids in Common  
Nisreen Baroudi, Public Defender’s Office  
Lauren Gavin, Health Care Program Manager, Mental Health  
Services  
Octavio Jimenez, Juvenile Justice Drug Court Coordinator,  
Superior Court

**Guests Present:** None

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

**Agenda Approval:** Moved by Commissioner Pennypacker and seconded by Commissioner Hansen, the agenda for October 6, 2015, was unanimously approved.

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

**Approval of Minutes:** Moved by Commissioner Gonzalez and seconded by Commissioner Hansen, the minutes of September 1, 2015, were approved unanimously. Commissioner BurtonBurke added that on page 3 of the September minutes, CPO is used instead of CBO to refer to Community Based Organizations.

**Recognition of Mr. Robert DeJesus, Probation Department**

Commissioner Blockie presented Mr. DeJesus with a certificate of recognition for his years of service and many contributions to the Juvenile Justice System of Santa Clara County. Commissioner Blockie gave a brief overview of Mr. DeJesus’ career with the Probation Department, which began in 1986 and has included roles such as Supervising Group Counselor and Deputy Chief of Institutions. Mr. DeJesus was recognized for his accomplishments, which have included but are not limited to his work on the first transgender policy and procedure in Santa Clara County, the creation of the Assessment and Orientation Unit in Juvenile Hall, and the significant reduction of major safety categories, such as a 47% reduction in restraints used for non-compliance in Juvenile Hall.

Commissioner Blockie presented Mr. DeJesus with the certificate and thanked him for working closely with the many Juvenile Justice partners throughout the County to strengthen the teamwork philosophy and for assisting in the shared goal of reducing the number of youth in custody and creating a safe environment for both youth and staff. Mr. DeJesus was commended and thanked for working closely with the Commission to increase transparency in the decision-making process.

Mr. DeJesus expressed his gratitude to the commissioners, and for what has so far been a rewarding career in a County where all partners do what is right for the youth. He articulated that it has been a privilege and an honor to work alongside people who have such a passion for what they do. Mr. DeJesus stated that the staff themselves have done the work to turn the vision into reality, and that

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he has been humbled by them and all they do. He also reflected on the enormous responsibility that working in Juvenile Hall is, and of the experiences that have resulted in his appreciation of the passion and love that his staff show in all the work that they do.

**Juvenile Justice 2014 Annual Report by Ms. Mariel Caballero, Program Manager, Santa Clara County Probation Department**

Ms. Caballero presented a PowerPoint slide show based on the Juvenile Justice 2014 Annual Report done in collaboration with the District Attorney's (DA) Office, Public Defender's (PDO) Office, Behavioral Health Services Department, Department of Family & Children's Services (DFCS), and the Superior Court. The slide show is attached to the minutes for reference. All statistics are shown in calendar year, and were completed by the Burns Institute.

The youth population in Santa Clara County has changed dramatically within the last 10 to 12 years. The proportion of youth of color has increased to 72% of the population. This shift has been seen in the Juvenile Justice system. Another shift has been fewer youth cited since 2011, while the number of petitions filed has raised slightly.

The most frequent reasons for arrest, including those cited in the field and released to their parents, are property crimes and drug and alcohol abuse. Black and Latino youth were 6.4 and 3.6 times more likely than white youth to be arrested, with Asian and Pacific Islander youth are 3 times less likely to be arrested than their white counterparts. The vast majority of youth arrested are males 16 and older. Arrest and citations in the Probation Department are recorded where the youth reside and not where the crime was committed, with 61% of all youth arrested residing in San Jose and 6% from Gilroy.

There was a 14% decrease in 2014 from 2013 in youth brought to the front door of Juvenile Hall, commensurate with the decrease in number of referrals to the department overall. The most frequent reason for being brought to Juvenile Hall was violation of probation, with property crimes, including first degree burglary, the second most common reason. Racial and ethnic disparities increase at this stage, with black and Latino youth 12 and 7 times more likely to be detained than their white counterparts. Approximately 60% of the youth brought to Juvenile Hall are 16 and older, with 85% of those youth being male.

Since 2007, the average daily population has drastically been reduced, with alternatives to detention being utilized by the Probation Department.

The Juvenile Hall has a risk assessment tool that measures how likely the youth is to fail to appear at their first hearing after their arrest and how likely they are to re-offend. The department is concerned about overrides, where the Probation Department feels that the youth will either fail to appear or re-offend despite what the risk assessment tool says. This year, the department is focusing on gang overrides and EDGE/PEAK or education overrides. Every year, they attempt to tackle this problem piece by piece. As the department tackles these discretionary overrides, the proportion of policy or mandatory overrides increase, so those will be looked at as well.

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In 2014, of the 5,636 arrests and citations, 1,560 petitions were filed by the DA's Office. This is an unduplicated count, where every petition counts as one despite the number of charges. Residential burglary is the most frequent reason. The racial and ethnic disparities are still seen at this stage, with black and Latino youth 9 and 5.5 times more likely to be petitioned than white youth.

Of all 707(b) petitions in 2014, the DA's Office directly filed 24% of the time. The demographics of those youth were discussed. Mr. Chris Arriola added that this was a decrease from 2013. Additional information can be found on direct files in the Annual Report.

In 2014, the Court for the Individualized Treatment of Adolescents (CITA) still existed, along with Juvenile Treatment Court (JTC), Family/Domestic Violence Court, and Dually Involved Youth (DIY) Court. Latino youth made up the majority of CITA Court and JTC Court. Family/Domestic Violence Court is the only court where youth were referred solely on their charges. The DIY Court included youth who had a 241.1 hearing. Of those in DIY Court, 62% were Latino, with 18% white youth. The proportion of white youth in DIY Court is highest in any of the specialty courts. Asian and Pacific Islanders are disproportionately underrepresented in both the Juvenile Justice and DFCS systems. Mr. Arriola added that some studies have indicated this is a reporting issue, where the crimes are occurring but there is no intervention.

Over time, commitments and placements have decreased in 2014 compared to 2013. Juvenile Hall made up 50% of all commitments. These are relatively short term stays, ranging 15 to 60 days. Within each commitment type, the highest disproportionality appears to be in commitments to the James Ranch, where 90% of the youth are Latino.

Secure care and placement alternatives have stayed roughly the same. There was an increase in the Post-Court Community Release Program (CRP). In the future, the department will look at length of stay on CRP and if any of those youth graduated to home arrest.

The Juvenile Justice 2014 Annual Report is available in its entirety on the Probation Department's webpage.

Ms. Bunnett inquired if the rates were based on population. Ms. Caballero stated that yes, the consultant, the Burns Institute, does their analysis by population and not by the previous decision point.

Commissioner Gonzalez inquired if there was a report that shows how much is spent managing these programs cost-wise, and if that money could be better spent assisting families and children who would otherwise be in the system. Mr. Arriola stated it does cost a lot to adjudicate a case and incarcerate a child. They generally only take cases to Court when they are serious crimes or repeat offenders. Otherwise, Probation handles many misdemeanor and low-level crimes. The DA's Office refers about 200 cases a year back to Probation to be handled informally. There was a proposal last year in the County Executive's Office to identify 2,300 families who were involved in multiple courts and to aggregate the services for those families. It hasn't been done but it's a good way to look at how we can serve these families.

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Commissioner Macavinta asked if the Burns Institute can give recommendations on the disproportionality issues given that they work with so many counties. Ms. Caballero responded that there are several groups focused on disproportionality that receive suggestions and assistance from the Burns Institute. Mr. Arriola added that he was on the first Juvenile Detention Reform Committee in 2000 and the Burns Institute acknowledged that there is no quick fix, but that individuals have to drill down in their areas of influence and figure out why this happens and what we can do if not to eliminate the disparity, but to limit the number of kids going into higher levels of detention. It's also day-to-day decision makers asking what impact they are having.

Commissioner Hansen asked if it is possible to identify the effects of the programs covered in the annual report on recidivism rates. Ms. Caballero answered that recidivism information is covered in a different report. Evaluators at Applied Survey Research do the recidivism report for the Probation Department. The Fiscal Year 2014 data will be coming out in March of 2016. The Prevention and Early Intervention (PEI) program handles 40-50% of the 5,636 arrests and citations, and of those, there is a 4% recidivism rate. Mr. Arriola stated that they have found that with low level offenders, less intervention is better. They are still tracked in case they re-offend. Also, Probation renewed the federal funding for crime prevention about a year ago, and a two hour presentation to the Board of Supervisors was given on recidivism and evidence-based programs. Ms. Caballero added that the report covers five programs, and is required by the State of California and the Juvenile Justice Crime Prevention Act. The report is available on the Probation Website under the Juvenile Justice Coordinating Council agenda documents.

Commissioner Rhoads asked about the slide on the one day count that included 2007 data, and if it was a peak year for the Juvenile Hall population. Mr. Arriola answered that the peak was in 2009 at close to 390, and that the County is currently experiencing a radical drop in juvenile crime. Ms. Caballero added that the one day snapshot was an average of that time that was available to give an idea of where the numbers were at that time.

Commissioner Gonzalez inquired if we know that being detained is worse for youth the longer they are in, are we missing something by keeping them in Juvenile Hall. Mr. Arriola responded that kids used to be detained for a lot longer for different reasons, but there are now meaningful alternatives to allow them to be in the community while being supervised. Every judge and DA asks if the kid is going to commit another felony and be a threat to public safety, so those who are in there should be, even though it is recognized that custody time is not good for kids to be away from family and their community.

**REPORTS**

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

- Reminder: The November 3, 2015, Juvenile Justice Commission meeting will be held in the Social Services Agency Administration Offices auditorium located at 333 West Julian Street, San Jose, CA.

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

- The first DIY protocol training went well. Those who attended were given a tremendous amount of information to show how to move from on-hold to lead agency models. The next session is tomorrow, October 7<sup>th</sup>.

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- There are now confirmed judicial moves for next year. Judge Franklin Bondonno will be coming to Juvenile Justice. He will preside in Department 79 doing the domestic violence (DV) calendar. Judge Johnson will be moving to Department 77 as the DIY Court judge. Judge Lucero will continue to be in Department 78, and will be the Supervising Judge of Juvenile Justice next year. Judge Tondreau will continue in the role as the Presiding Judge of Juvenile Court, but will return to Department 70 for a Dependency assignment. He will continue to be involved in certain activities in Juvenile Justice, such as continuing to attend the DIY steering and policy meetings, planning Beyond the Bench, among others.
- A tentative date for the next Juvenile Justice Beyond the Bench has been set as January 27, 2017. Dependency will be having their Beyond the Bench conference on September 9<sup>th</sup>, so the 2017 date was chosen to avoid the holidays. The first planning meeting for the Beyond the Bench Committee occurred, and those who are normally on the committee are encouraged to attend the next meeting on November 19<sup>th</sup> at 12:15 p.m.

Judge Johnson reported on the following:

- The Governor has signed several Juvenile Justice bills. There are three on sealing, which a committee has dealt with all year and will be incorporated into a protocol. If anyone is interested in learning more, Judge Johnson has an overview of the changes.

Judge Bondonno stated that he looks forward to working with the Commission.

**Dependency Court:** No report.

**Probation Department Juvenile Program:** Ms. Elsa Jennings reported on the following:

- Mr. Sean Rooney was introduced as newly assigned to Juvenile Hall from Adult Probation. He has been with the department for over 25 years and the Hall is happy to have him.
- The population of Juvenile Hall remains low at 102. The population of the Ranch is 38, including two females.
- A live drill evacuation was held at the Hall last week and went well. Routine evacuations are being held to try to get the feel for how a true evacuation should go. Mr. Hayes, a quality assurance supervisor in the Hall, is having his team complete a quality assurance evaluation of the evacuation, and they will share the reports once they are done. The clinic joined forces with us to provide triage services in the gym. The school was also part of the drill, and there were no major hiccups.
- The Hispanic Heritage event occurred this past month. Rather than having a full assembly this year, 20 guest speakers from throughout the community came to speak to the youth in the Hall. Speakers included Fire Marshall Personnel, actors, and business owners, and they talked to the youth about where they came from and their journey into a successful life. The event was well received by the youth.
- The kitchen remodel is on schedule to start October 15<sup>th</sup>, and if all goes well, construction should end June 30, 2016.

Commissioner Blake inquired if food would be brought in in the meantime. Ms. Jennings responded that all food will be prepared at 2310 Charcot and brought in. Commissioner Blake asked about the salient features, and Ms. Jennings stated she would ask for more information.

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Commissioner Gonzalez asked if the evacuations were related to the Great California ShakeOut. Ms. Jennings responded that they were not related. The drills are in part to be in compliance with state standards. Mr. Rooney added that staff in the Hall are given little information during the drills so that they have to think on their feet in the different situations. This week, the situation was that they were smelling gas. Staff discussed afterward what could be done better in the future.

Mr. Jermaine Hardy reported on the following:

- Mr. Michael Clarke was introduced as the Ranch manager.
- The SB 81 project for Ranch construction is at the point in the process where the Finance Board needs to review the new numbers for what will be built. Hopefully, that will be approved by the end of October, and an RFP can be put out. There is agreement on the land issues that had stalled progress before, so it is moving forward now.

Mr. Carl Tademaru introduced Ms. Vone Kegarice as taking over for Ms. Karen Avila over the Court unit, special programs, and placement.

Chair Colunga welcomed Ms. Kegarice, Mr. Clarke, and Mr. Rooney.

Mr. Robert Young announced he will be assuming QA and PREA duties for the Ranch and Juvenile Hall.

**Department of Family & Children's Services (DFCS)/Receiving Center:** Mr. Jaime Lopez reported on the following:

- Mr. Lopez will be retiring at end of December after 31 years with the County. He will miss the team effort and forward thinking shown by those in the County, and wishes everyone the best of luck. Mr. Lopez also thanked the Commission for their support with the Receiving Center.

Ms. Jennifer Hubbs reported on the following:

- September was a challenging month, and the numbers will reflect this.
- The Harvey Rose audit suggestion that the children's counselors be changed to social workers is in the final phase. Four positions have been posted and closed. One additional position will be going to the Board of Supervisors to be changed to a social worker.
- The capital projects application is due October 9<sup>th</sup> for the budget for the RAIC re-design.
- A proposal has been submitted to move the CAN Center at nighttime to the Receiving Center and put that into a 24-hour mode. This was one of the recommendations from the Civil Grand Jury.
- The response to the Commission went to the Children, Seniors and Families Committee.

The October, 2015 Monthly Statistical Summary for the RAIC is attached to the minutes for reference.

**Behavioral Health - Mental Health Services:** No report.

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**Behavioral Health - Alcohol and Drug Services:** Ms. Stephanie Kitchen reported on the following:

- The department will have a name change to Substance Abuse Prevention Services. The treatment end will have a different name as well.
- The marijuana education campaign has been relaunched. Spot ads will be in the theatres and bus panels. A website is also being finished. This will not be a political stance; rather, there will be a focus on the effects of marijuana on young people.
- A curriculum on prescription drug abuse is being developed.
- The department is participating in and supporting the launching of the Keeping Youth Safe coalition. This is a County-wide coalition to address different issues through advocacy and subcommittees focused on certain issues.

**Law Enforcement Agencies:** No report.

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

- The juvenile unit is down two deputies, and those spots are being filled with community prosecutors. It has been difficult but should be fixed by next month.
- A clerk will be placed in the issuing office at the juvenile office to log in all cases within the next few weeks.
- A presentation on direct files was done at the Juvenile Justice System Collaborative with the Burns Institute. The committee wants to work on a protocol to see if it is appropriate to return kids from the adult system to juvenile.
- There appears to be only 1 direct file in September. There has been an increase so far in October, which is a later peak than usual. There will be a report in January on how many cases there were in 2015.
- Three attorneys went and toured the Youth Authority, DJJ to look at the programs they have. They are now holding direct file kids for longer.
- Mr. Arriola was a speaker at Juvenile Hall for Hispanic Heritage month, and covered the Mendez v. Westminster case, which was a 1947 school desegregation case in California.

**Independent Defender's Office:** No report.

**Alternate Defender Office:** No report.

**Public Defender's Office:** No report.

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

**Medical Services:** Ms. Chia-Chen Lee reported on the following:

- At the James Ranch, 95% of the youth have been given the flu vaccine. Two kids had their parents refuse to give consent so they will not be vaccinated.
- The vaccination rate at Juvenile Hall is hard to calculate because youth are in and out so frequently, but 112 kids have received the vaccine.

**Alternative Schools Department, COE:** No report.



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**Victim Witness Assistance Center:** No report.

**YWCA Support Services:** No report.

**Announcements/Correspondence:** None.

**Old Business:** None.

**New Business:** None.

**Adjourn to Executive Session:** Chair Colunga adjourned the meeting to Executive Session at 1:27 p.m.

**Next Meeting:** November 3, 2015 at 12:15 pm.

**Respectfully submitted,**

**Britney Huelbig  
Recording Secretary**