

COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
APPROVED Meeting Minutes-October 3, 2017
Auditorium of The Department of Family and Children's Services
333 West Julian Street
San Jose, California 95110

Commissioners Present: Penelope Blake Ron Hansen, Vice Chair
Dana Bunnett Courtney Macavinta
Victoria BurtonBurke, Secretary Nora Manchester
Bonnie Charvez Jean Pennypacker, Chair
Brittney Dong Carol Rhoads
Dante Duffel-Steen Vincent Tarpey
Gustavo Gonzalez Lissa Thiele

Commissioners Absent: Raul Colunga, Past Chair

Also Present: Honorable Franklin Bondonno, Superior Court
Honorable Katherine Lucero, Superior Court
Honorable Pat Tondreau, Superior Court
Marcelo Quinones, County Counsel's Office
Nisreen Baroudi, Office of the Public Defender
Lyle Bickley, Bickley Consulting West Inc.
Nick Birchard, Probation Department
Ashley Boleware, Behavioral Health Services - Substance
Use Treatment Services (SUTS)
Mae Conroy, West Valley College
LaRon Dennis, Office of the District Attorney
David Epps, Alternate Defender Office
Vianni Garcia, Fresh Lifelines for Youth (FLY)
Cindy Hendrickson, Office of the District Attorney
Jennifer Kelleher, Legal Advocates for Children & Youth
(LACY)
Francesca LeRue, Department of Family and Children
Services
Kathy Martinez, Probation Department
Kevin Rudich, Alternate Defender Office
Karen Steiber, Independent Defense Counsel Office
Jill Ugalde, Juvenile Probation Department

Guests Present: Mario Lopez, Supervisor Dave Cortese's Office
Mariel Caballero, Program Manager, Juvenile Probation
Craig Carpenter, Management Analyst
John Hirokawa, Private citizen

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Call to Order and Introductions: Chair Pennypacker called the meeting to order at 12:17 p.m. All who were in attendance stated their names and organizations.

Agenda Approval:

Moved by Commissioner Hansen to change the order of the agenda to include the Probation presentation after COE and seconded by Commissioner BurtonBurke, the agenda as amended was approved unanimously.

Public Comments/Oral Petitions: None.

Approval of Minutes:

Corrections to the September 5, 2017 minutes are as follows:

- Page 5, under **Public Defender’s Office**, the bullet point reads “... *Augustine Iris* will begin on September 11, 2017 in Department 80,” but should read “... *Agustin Arias* will begin on September 11, 2017 in Department 80.”

Moved by Commissioner BurtonBurke and seconded by Commissioner Tarpey to approve the September 5, 2017 minutes as amended, was approved unanimously.

Oath of Office: Judge Tondreau administered the Oath of Office to Commissioner Victoria BurtonBurke.

Presentation of 2016 Annual Data Report: Craig Carpenter, Management Analyst, Probation Department presented a PowerPoint presentation on the Juvenile Justice 2016 Annual Report.

The 2016 Annual Report was redesigned slightly to include more information on programs available throughout different test points of the Juvenile Justice system. This presentation is a summary of the 63-page 2016 Annual Report posted on the Juvenile Probation website.

Arrests, admissions to custody, petitions, placements from dispositions, and violations of probation all decreased in 2016, yet the racial disproportionality remained unchanged. There were 3,310 arrests and citations; 1,100 (33%) were accepted by the Prevention and Early Intervention Probation Unit; 168 cases diverted directly to the Direct Referral Program for counseling services. The numbers represent the actual number of arrests as opposed to a particular youth who may have been arrested multiple times; each arrest is counted. The number of arrests decreased in eight of the top ten zip codes.

Judge Bondonno asked if a majority of arrests still occur in three known zip codes, two in the Eastside and one in Morgan Hill. Mr. Carpenter replied in the affirmative.

Of those taken to Juvenile Hall, 88% were detained at screening for: Property Crimes (27%), Felony Crimes Against People (26%), and Violation of Probation (23%). Eighty-two percent [JP1][RH2] of detainees were male and 69% were 16 years old or older. Black youth are 10 times and Latino youth are 6 times more likely to be detained than white youth.

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Commissioner Gonzalez asked if there is any reason for the racial disparity. Mr. Carpenter stated there is not an easy answer, but may involve the history of the youth when arrested. Commissioner Gonzalez inquired further if it was reflective on the inability to afford an attorney. Judge Lucero added that since this was Juvenile Intake at Juvenile Hall, attorneys are not involved. Mariel Caballero added the reasons are not easy to pinpoint. Judge Lucero added judges and attorneys are not involved theoretically, but they are working on remedies. Nisreen Baroudi added information from a presentation regarding the racial bias and different perspectives from the same person will not be consistent for White and Black youth.

There are 15% fewer petitions compared to 2015 with frequency being in Car Theft, Robbery and Residential Burglary. Black and Latino youth are 7 and 6 times, respectively, more likely to be petitioned than White youth.

Deferred Entry of Judgement (DEJ) program has been successful for youth of color in 2016. One-hundred percent of Black youth successfully completed the program which is highly attributed to the Court Appointed Friend and Advocate (CAFA) program.

The Dispositional Outcomes chart shows that secure placements and commitments have decreased. Efforts have been made to keep youth safely in the community with appropriate services. Chair Pennypacker asked if home placement is a part of foster care. Ms. Caballero confirmed it is a part of foster care. Future reports of the James Ranch facility will be impacted because of the passing of Prop 57.

Commissioner Gonzalez asked if increased police support will affect the numbers. Mr. Carpenter said not yet. There is potential, but it will depend on the training of the officers.

REPORTS

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

- The RAIC Inspection Committee is working on the report. After many inspections, information regarding submitting the report for approval and publication may be announced at the November meeting.
- The Juvenile Hall Inspection will begin late October or early November.
- JJC is still looking for applicants for anticipated vacancies on the Commission.
- JJC is closely following the implementation of the AB 403 in Santa Clara County. JJC is diligently attending meetings to learn about the anticipated changes in January with regards to the transition of group homes to Short-Term Residential Therapeutic Program (STRTP) and recruitment of Resource Families.
- JJC is in the process of a year-long education study. The team has finished interviewing key decision makers Judge Lucero, David Putney from COE, and Nick Birchard and Kathy Martinez from Juvenile Probation Department. They will narrow the focus of the study.

Presiding Judge's Report:

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Judge Lucero reported on the following:

- Judge Schwarz authored the grid shown on slide 3 of the Juvenile Justice 2016 Annual Report presentation.
- November 8, 2017, from 12:00 p.m. until 2:00 p.m. at the Isaac Newton Senter Auditorium will be the Adolescent Brain Development Training which features Dr. Josephine Lau, a Pediatrician specializing in Adolescent Medicine from the Kaiser Permanente who recently presented at California Quality Parenting Initiative Conference.
- December 11 – 13, 2017, will be the Women and Girls in the Criminal Justice System Conference. Early bird rates were extended until October 6, and group discounts are available.

Judge Bondonno reported on the following:

- The Courts are conducting community training for various CBO organizations. The sign-up is full, but a secondary date may open.
- Psychological Evaluator, Dr. Sorci, is no longer working with the Court because the County did not approve of her reporting format and would not approve payment to her. A request has gone to County Counsel.

Judge Tondreau reported on the following:

- The *2017 Legislation on the Governor's Desk* handout provided by Judge Tondreau summarizes all of the Bills with the Governor that involve youth. Some Bills have been unintentionally omitted but will be added to the list. The last day for the Governor to sign is October 15, 2017. Another list will be created detailing the outcomes.
- Judge Tondreau thanked the Commission for looking into Foster Vision Database.

Probation Department – Juvenile Program:

Kathy Martinez reported on the following:

- Regarding Proposition 57:
 - 1 DJJ
 - 12 New Transfer Cases pending
 - 52 Old cases were transferred in.
 - 12 of the 52 have been dispositioned to DJJ;
 - 6 of the 52 have been transferred to Adult Court;
 - 27 of the 52 are pending.
- The Youth and Advisory Council began conducting new youth orientations for newly declared wards of the Court and their parents consisting of a 2-hour overview of what it means to be on Probation.

Nick Birchard reported on the following:

- Juvenile Hall 18-21 Year Olds' Project is moving forward.
 - 4 referrals

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- October 10, 2017, may be first day a young adult will be accepted into the program.

Commissioner Rhodes questioned the location the young adults will be held. Mr. Birchard stated they will be at the previously closed section of Juvenile Hall.

Commissioner Rhodes questioned if the program development was complete. Mr. Birchard stated the program for the males is pretty much complete, while the female program needs to adjust some gender specific areas.

Commissioner Rhodes questioned how the education component will be incorporated. Mr. Birchard stated OYA will develop the adult education for the youth.

Commissioner Gonzalez asked what the possible outcome changes are. Mr. Birchard explained the Bill (SB1004) is targeted at brain development in youth. Since it is a DEJ program, after a year of successful probation, it is wiped off their record completely.

Chair Pennypacker requested clarification on the time in custody. Mr. Birchard stated it will be 30 – 60 days in custody.

Commissioner Macavinta asked if the exit route will be James Ranch or Juvenile Hall. Mr. Birchard stated it will be Juvenile Hall.

Chair Pennypacker wondered if the youth were volunteers. Mr. Birchard said they are volunteers who must meet eligibility standards. They are not mandated.

- Construction at James Ranch is moving forward.

Department of Family and Children's Service/Children's Receiving Center (DFCS):

Francesca LeRue reported on the following:

- The RAIC was able to extend the Enborg location until December 2018, but will be looking for another site.
- Submitting the application to turn the RAIC into a 3-day shelter has been extended until November 30, 2017.
 - There are problems with the requirements and regulations with the State compared to County.
- Continuum Care Reform (CCR) update: There are 3 STRTPs in the County
 - Rigorous eligibility standards and the lack of available spaces for youth attribute to the challenges of STRTPs.
 - Investigating restructuring of Resource Family Approval Process to reduce time.
 - Ms. LeRue will meet with all of the Group Homes and FFAs.
 - The agency will be recruiting families, and try to provide Wrap Around Services.

Judge Tondreau asks if the RAIC will relocate back to Santa Clara Street when the Enborg contract expires. Ms. LeRue replied it will not.

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Judge Lucero wondered if ineligible or unwilling youth not going an STRTP are able to go to a Professional Parent. Ms. LeRue stated they only have one Professional Parent, but they are hiring two recruiters. Professional Parents are designed for only 30-day stays. Judge Lucero asked if the design can change or is it mandated by law. Ms. LeRue stated it is not mandated by law, but resources will need to be explored first.

Judge Lucero asked about the priority of getting Family Find into the RAIC. Ms. LeRue stated Foster Care Recruitment Planning and Retention Budget (FCRPRB) has added positions to retain Family Find people.

Commissioner Macavinta asked what other stopgaps are being explored to lighten the load for the Resource Families. Ms. LeRue said FCRPRB will add more support and bring in more Trauma Informed trainings for Resource Families.

Commissioner BurtonBurke asked what is being done about youth on probation who need STRTPs. Ms. LeRue stated the process is the same, and they are hiring a recruiter.

Chair Pennypacker requested stats on the recruitment of foster families.

Behavioral Health – Mental Health Services: No report.

Behavioral Health – Alcohol and Drug Services:

Ashley Boleware reported on the following:

- The department has partnered with San Jose City College to begin a Workforce Development Initiative. It is a 2-tiered program: Level 1 is a free five-course competency program to provide foundational information for substance abuse and is for zero credit, but participants will receive a certificate recognized by the State; Level 2 will start in the Spring 2018 at City College and is 28 courses over 2-years, plus allows participants to take the State Certificate Exam to be certified nationally.
- At the end of the month the department will be finished with a countywide assessment on substance use to find what the needs are throughout the County.

Chair Pennypacker asked about the comparison of opioid use in Santa Clara County and in the East. Ms. Boleware stated heroin is the drug issue in the East.

Commissioner Gonzalez asked if marijuana legalization changes the look of the program. Ms. Boleware explained there will be more emphasis on parameters around use included in the education about marijuana use.

Law Enforcement Agencies: No report.

District Attorney's Office – Juvenile Justice:

LaRon Dennis reported on the following:

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- There are approximately 33 pending Transfer Cases.
- Tamalca Harris will return to the Juvenile team to replace George Tran.

Public Defender's Office:

Nisreen Baroudi reported on the following:

- Jonathan Mosby returned to Juvenile Court to replace Ashanti Mitchell.
- Seventeen Prop 57 cases have returned: only one (by stipulation) resolved in adult court (six year sentence with reduction of charge); one homicide case is pending; and fifteen have been retained and dispositioned in Juvenile Court.

Alternate Defender's Office:

David Epps reported on the following:

- Most of the Prop 57 cases have resulted in a disposition in Juvenile Hall.
- Two Transfer Hearings for homicide are pending.

Independent Defender's Office: No report.

Legal Advocates for Children and Youth (LACY):

Jennifer Kelleher reported on the following:

- There may be a slowdown in the immigration work for the County because of the potential ramifications of filing, therefore other options are being explored.

Judge Lucero asked if undocumented youth are provided other options. Ms. Kelleher said there is a social worker and a case aide dedicated to provide them information.

Medical Services:

Chair Pennypacker read the following report emailed from Chai-Chin Lee:

- The Nutrition Survey for Juvenile Hall is complete. The team will meet to finalize recommendations and a PowerPoint to be sent to JJC. A summary of results:
 - There was an 86% response rate.
 - 30% of the youth would like to learn more about nutrition, particularly healthy food, healthy eating and protein.
 - Youth have been receiving nutrition information from medical personnel, parents, and teachers.
 - Data indicates most youth are skipping vegetables.
- Flu vaccines began the week of September 25, 2017, with federal funded Flu Vaccine for Children (VFC). 18-21 year olds will receive flu vaccines when they arrive which will be funded by the State.
- The new Narcan practice is ready to go live. Staff training will be at 12:00 p.m. on October 6, 2017. Commissioners are welcome to join.

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Judge Tondreau added Ms. Lee and Judge Schwarz now send names of youth in Dependency with a JV 220 to be matched to retrieve the Order to know a doctor is involved with medication.

Victim Services Unit: No report.

YWCA Support Services: No report.

Alternative Schools Department, COE: No report.

Announcements/Correspondence:

Cindy Hendrickson reminds the audience that it is Domestic Violence Awareness Month. There will be The Annual Domestic Violence Conference at the Marriott in Santa Clara on October 13, 2017.

Commissioner Blake announced the Child Abuse Council has moved their meeting to October 6, 2017, at 7:30 a.m., in light of the Domestic Violence Conference mentioned earlier.

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned the meeting to the Executive Session at 1:28 p.m.

Next Meeting: November 7, 2017, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Janice Jones