

COUNTY OF SANTA CLARA
JUVENILE JUSTICE COMMISSION
Meeting Minutes – October 1, 2013

Crime Lab
First Floor Conference Room
250 West Hedding Street
San Jose, CA 95110

Commissioners Present: Penelope Blake, Chair
Raul Colunga, Vice Chair
Stephen Betts, Secretary
Raymond Blockie
Bonnie Charvez
Kimberly Dong, Youth Commission
Tracy Lauth
Nora Manchester
Calixto Manriquez
Jean Pennypacker
Pamela Serrano
Anita Sunseri
Vincent Tarpey

Commissioners Absent: Dana Bunnett

Also Present: Honorable Patrick Tondreau, Superior Court
Honorable Jesus Valencia, Superior Court
Jenny Lam, Deputy County Counsel, Office of the County Counsel
Debbie Pell, Associate Director, Bill Wilson Center
Sgt. Jason Herr, San Jose Police Department (SJPD)
Robert DeJesus, Probation Department
Laura Garnette, Probation Department
Kevin Rudich, Alternate Defender's Office
Yvette Irving, Alternative Education (AED)/Santa Clara County Office of Education (COE)
Jennifer Kelleher, Directing Attorney, Legal Advocates for Children and Youth (LACY)
Dr. Angela Haick, Principal, Osborne, SCC COE
Luis Araujo, Public Policy Intern, Silicon Valley Council of Nonprofits
Jack Felker, Student
Chris Arriola, District Attorney's (DA) Office
Alvaro Viramontes, YWCA Rape Crisis Center
Victoria Bustan Burke, Private Citizen
Steve Monte, Manager, Department of Mental Health
Mario Trevino, MSW Intern, Department of Mental Health
Marta Rodriguez

Jaime Lopez, Department of Children and Family Service (DFCS)/
Children's Receiving Center

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Jose Franco, Public Defender's (PD) Office

Guests Present: Baljit Nagi, Pathway Society, Inc.

Call to Order/Roll/Introductions: Chair Penny Blake called the meeting to order at 12:21 p.m. All persons in attendance stated their names and organizations.

Agenda Approval: On consensus of the Juvenile Justice Commission (JJC), the agenda for October 1, 2013 was approved as submitted.

Public Comments/Oral Petitions: None.

Presentation by Baljit Nagi, On Site and Aftercare Director, Pathway Society

12:24 p.m. – 12:50 p.m. – Ms. Nagi, presented a PowerPoint slide presentation titled, "Pathway Society, Inc. – Treatment Services Provide to Youth." The presentation covered:

- The staff make-up at the Pathway Ranch, including the composition of the treatment team and frequency of staff-client interactions;
- A general time line of treatment services at Pathway Ranch, including the approximately one-month long assessment period and categorization of high, medium, or low risk;
- The determination of an individualized treatment plan and emphasis on providing services tailored to the needs of the client;
- The therapist-client interaction, and collaborative effort put forth by staff and Multidisciplinary Team to meet the needs of the client;
- The Aftercare Services aimed at supporting and assisting youth when they transition back into the community;
- A profile of the youth served by Pathway Society;
- The goals of Pathway Society, including assisting youth in the development of positive life skills; and
- The success seen by the program so far, including those youth showing positive changes in the aftercare program.

A question and answer session followed, wherein the assessment process was discussed in depth. Ms. Nagi explained that youth meet with therapists for one to four weeks in collaboration with the Mental Health Department to determine the best treatment (e.g. group therapy versus individual) for each client. Ms. Nagi also explained the Aftercare and Family services offered to youth in the program. Additionally, while a minor in the Aftercare services, Pathway Society will reopen a youth's case if the youth's probation officer feels further review is needed. Family concerns are also addressed, and the therapist and client discuss if the youth is ready to be discharged. Ms. Nagi informed the Commission that staff at Pathway Society attend cultural services trainings to approach situations with understanding and sensitivity. The program has a Spanish-speaking therapist who provides family and individual sessions as needed. Ms. Nagi stated that the program is hoping to get more multi-lingual individuals on staff as the program grows.

Ms. Nagi stated that changes are currently underway with the Aftercare portion of treatment, and she would welcome the opportunity to make a follow-up presentation to the JJC at a later date. The factors for measuring success, and what performance measures are in the contract were discussed, and Ms. Nagi highlighted the 45% participation rate of clients in the Aftercare Services program. Ms. Nagi also stated

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that Pathway does primarily focus on drug and alcohol treatment, but that therapists and other staff with the Pathway program do meet with school facilitators and other educational providers.

(Note: The “Pathway Society, Inc. – Treatment Services Provide to Youth” PowerPoint is attached)

Review and Approval of Minutes: Mr. Alvaro Viramontes reported the following changes to the minutes:

1. Under “Guests Present,” YWCA is currently listed as YMCA.

On Commission consensus, the minutes of September 3, 2013 were approved with the changes outlined above.

REPORTS

(Note: Various reports were taken out of order)

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

- The Commission is hoping to finish the Competency Report this afternoon. The Mental Health Department and Clerk’s Office provided substantial assistance in completing the report.
- The Commission is continuing with timely new member training.
- Inspections that are required for law enforcement agencies are approaching. The Commission has the letter prepared and will be sending it out shortly. It was stated that approximately ten agencies will be receiving a letter and an explanation. Sgt. Herr from the San Jose Police Department (SJPD) asked what agencies are being inspected, and Chair Blake stated that the inspections are for agencies that keep youth in detention.

Juvenile Justice Court: Judge Tondreau reported on the following:

- Superior Court judges are receiving new assignments effective January 1, 2014. Judge Zepeda will be reassigned to the Civil Division as of October 18, and Judge Lucero will be coming to Juvenile Justice Court. Judge Lucero has been a voice for youth in our County and for dependency, as Judge Lucero previously supervised Dependency Court. Judge Lucero has also previously run treatment courts within Family Court. Judge Tondreau stated that he will be asking Judge Lucero to be the Volunteer Director. Commissioner Bunnett has been serving as the Director temporarily for four years, and they are in need of new volunteers and a permanent Director. It was inquired if Judge McGowan would be moving, and Judge Tondreau responded that he could not speak to that. All other judicial assignment changes will be announced later next week.
- The Competency Report has taken a lot of time and thought from everyone, with approximately 65 files used. Two suggestions are currently being moved on:
 1. Additional training: There has been a lot of turnover, so Judge Tondreau spoke with Mr. Steve Monte from the Mental Health Department regarding the next systems training. It will be the first Wednesday of December at 3:30 p.m. Mr. Monte will be presenting on competency and competency restoration.
 2. Forming a competency leadership team: This team will meet quarterly, and several individuals (i.e. from the DA’s and PD’s Office) have already expressed interest.
- The Supreme Court recently granted review in a juvenile competency case where the Court of Appeal had ruled consistently that the burden is with the minor to prove they are not competent.

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- The Adult and Juvenile Court are supposed to report to the Attorney General each time they find a minor incompetent. The minor cannot possess or own a gun or a deadly weapon for the rest of their life unless there is a subsequent finding of restoration. A letter went out statewide about this issue.
- The foster youth database (formerly FYSIS) includes the 32 school districts county-wide, and is a web-based database in which the Probation Department and the Department of Family & Children Services (DFCS) can access records of at-risk or foster care youth. The database has been in the making for eight years. The County Office of Education (COE) is ready to move forward with the database. The Superintendent of Campbell Union School District, Eric Andrew, and the chair of the Superintendent's District Committee met with Judge Tondreau, and Mr. Andrew agreed to be the first district to use the database. They will be working with the COE to enlist three to four other districts to use the database to work out any kinks before rolling out the database to the remaining districts.

Dependency Court: Judge Valencia reported on the following:

- Visitors came last week to see Mental Health Court. Officials from seven to eight agencies spent the day meeting with the Multidisciplinary Team representatives, including the Alternate Defender's Office, Public Defender's Office and more. Victoria Cervantes organized the visit, and Judge Valencia expressed his appreciation.
- A Russian Delegation also visited, and participated in a lunch, and question and answer session. It was a great visit that included a cultural exchange of information.

Mental Health: Steve Monte reported on the following:

- Mr. Monte introduced Mr. Mario Trevino, a management intern working on his Master of Social Work degree at San Jose State University. Mr. Trevino is working with Mr. Monte on a project aimed at tracking outcome measures for the first two years of the Competency Restoration Program. They expect to have that report out in March, or April at the latest.
- The Competency Restoration Program currently has six youth on the waiting list. The program capacity is eight youth. The wait list is currently at 177 days, just shy of six months.
- The program has received approval from the Board of Supervisors to fill a restoration counselor position.
- The Mental Health Department has been recruiting for this position in anticipation of this posting. The goal is to hire and train the counselor before the end of the year.

Probation Department Juvenile Program: Mr. Robert DeJesus reported on the following:

- Juvenile Hall had no programs this month; The Hall is just coming off of the August Nights programming, and will be going into the Juvenile Hall Olympics starting in October.
- The population has remained steady at 135 youth. The Department is anticipating a population growth due to the start of the school year. If the population remains low over the next three to four weeks, the trend may be that the population is decreasing. Over the past two years, the population has leveled off at about 165 youth, with peaks and lows throughout.
- The Probation Department also hosted the Russian Delegation, and felt it was a great opportunity to talk with individuals involved in their Justice and Juvenile Justice Systems, and the treatment programs they offer. The Delegation brought representatives from their substance abuse and residential programs, and they were able to exchange ideas about rehabilitation. The Probation

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Department hosted the Delegation at the James Ranch.

- The Chief Probation Officer, Ms. Sheila Mitchell, announced she will be retiring after nine years with the Probation Department. She will leave mid-November. Mr. DeJesus stated that how Santa Clara County serves the youth is better from Ms. Mitchell having served here the past nine years.
 - Chair Blake added she enjoyed working with Ms. Mitchell, and requested that Mr. DeJesus pass along Chair Blake's appreciation of all the time Ms. Mitchell spent.
 - Commissioner Manriquez stated that Ms. Mitchell has made a difference in the course of Juvenile Justice, and has strived to incorporate parents.
 - Judge Tondreau announced that on October 18, 2013, at the Beyond the Bench Conference, Ms. Mitchell will receive a distinguished service award on recommendation of the Beyond the Bench team. Ms. Mitchell was recommended before the announcement of her retirement.
- The Department of Probation has decided not to renew its contract with its vendor providing outgoing phone calls from youth in Juvenile Hall. The current model charges youth a high rate. In order to help youth stay connected to communities, the Probation Department will work with County telecommunications providers to make these calls for free. This plan will also include a set-up to ensure that the receiving individual is aware that the call is coming from Juvenile Hall. The Probation Department has the support of Supervisor Simitian, who will also be working with the Department of Corrections to not have a similar price gouging occur with adult inmates.

Laura Garnette, from the Juvenile Services Probation Department, added that the Russian Delegation Visit was a great week. The Probation Department turned in the application for the MacArthur Million Dollar Youth Project to the Foundation last week. They anticipate going to the Board at the beginning of the year about that.

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

- There is no September Receiving Center report available today. Mr. Lopez will forward the report through the Chair of the JJC once it is completed.
- They are continuing to have Stakeholder meetings on the Receiving Center. The next meeting is October 8, 2013, at 2:00 p.m., and everyone is welcome to attend. The upcoming meeting will have a slightly different format. It will be utilized for two work groups that were created out of a previous workgroup meeting. The two groups will be:
 1. Looking at the data of children who have been served by the Receiving Center in order to focus on what direction they want to go with a new Receiving Center concept; and
 2. Current and future models for a Receiving Center plan.

Ms. Garnette reported that the Probation Department released an RFP for "pro-social" activities as part of a pilot project to provide services to youth in the Juvenile Justice system. The RFP focuses on existing pro-social activities and providing the linkages and case management services to help youth succeed in community activities. The RFP will be posted to the website, and comments are appreciated.

Mr. DeJesus added that the Probation Department also released an RFP that will go out next Tuesday from the Receiving Center stabilization team. The RFP is geared toward finding high need youth a stable and secure place. The entity that is awarded the RFP will be working to stabilize youth advocacy with an up to 60-day intense therapeutic model.

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Department of Alcohol and Drug Services (DADS): No report.

Law Enforcement Agencies: Sgt. Herr from SJPD reported the following:

- The Truancy Abatement / Burglary Suppression (TABS) Program, which was shut down due to a lack of funding and staffing in Fiscal Year 2012-2013, was reinstated approximately 6 weeks ago. In the time that TABS was not running, the City of San Jose saw a 44% increase in property crime. The City Council and SJPD allotted funding to run TABS out of the Foothill Division at the PAL Stadium.
 - Since the reinstatement of the program, TABS has made contact with 491 minors, 20% of whom were on probation.
 - Fourteen misdemeanor and six felony arrests have resulted from TABS.

It was inquired if there was demographic data being collected on juveniles who are contacted by TABS officers, and stated that if there was, the JJC would be interested in obtaining a copy of the publication. Sgt. Herr stated that while a study had been recently started on collecting that information for another area, he was not sure if it was collected for truancy, but that he will find out if TABS is monitoring demographic data.

Regarding if schools had the option of taking truant youth back into class, or if there was a coordinated effort to ensure juveniles would return to school, Sgt. Herr stated that most kids are brought back to school. Mr. Arriola added that the schools do have to take truant youth back, while kids who are expelled or committed an offense go back to the TABS center. He also stated that the majority of the roughly 500 kids who were picked up on a truancy action this year would not have gone back to the TABS center.

It was asked if there was a difference between an officer on patrol versus a TABS officer coming into contact with a youth who should be in school. Sgt. Herr responded that TABS officers are specifically looking for truants, and while it is common for regular officers to come across minors who should be in school on a regular assignment, they will typically ask for a TABS officer to arrive at the scene. Sgt. Herr also added that a regular patrol officer can also take the juvenile back to school, issue a citation, arrest the individual, or call the parents of the youth to take them back to school; but that having a designated officer to handle those situations helps.

Medical Services: Mr. DeJesus reported that Chia-Chen Lee from Valley Medical Center (VMC) will be out on leave, and Kim Young will be the acting nurse manager while Ms. Lee is out.

District Attorney – Juvenile Justice: Mr. Chris Arriola reported on the following:

- There were two recent direct file cases, both of which were serious and gang-related.
 - One case involved a youth over the age of 16 with the use of a deadly weapon. The other case involved two twelve year olds who went before a judge at a detention hearing.
- The DA's Office is down one attorney, which brings their office to 6.5 positions from 8-9. They expect to be short at least through November, perhaps until January.
- Regarding the TABS program, the truancy referrals have dropped to approximately 500. The DA's Office will not typically get involved until 30 days have passed. The truancy rate for the County is roughly 14-15%.
- The DA's Office has assigned one person to the 95122 Committee. The committee's focus is on

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disproportionate minority contacts.

Independent Defense Office: No report.

Public Defender Office: Mr. Jose Franco reported the following:

- The next lunch meeting is Friday, October 11. Prior to the next meeting, the PD's Office will meet with five pilot schools.
- Their office is down one additional lawyer.

It was inquired if anything has been done to have more attorneys to benefit the youth. Chair Blake stated that the PD's Office is funded by the Board of Supervisors, and the concern for additional funding for the PD's Office should be directed to them.

Alternate Defender Office: Kevin Rudich reported the following:

- Their office was able to add an attorney last year.

Chaplain: No report.

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

- Roy Bennett retired, but will be filling in for Crisanne Hazen for several months while she's on leave.
- AB216 was signed into law last week to take effect immediately. AB216 clarified that youth who are subject to a 602 petition are eligible for the benefits of AB167, and that partial credit is also eligible for the same population.
- LACY recently selected honorees for the annual luncheon, which is scheduled for November 8, 2013. Dr. Ahsan Shaikh, a psychiatrist who serves youth served by LACY, is an honoree.
- The Supervising Attorney position will be posted soon. LACY is recruiting for child advocates with supervising experience.

Alternative Schools Department, COE: Dr. Angela Haick reported on the following:

- Teachers at the Osborne School are undergoing training for new common core standards. This will be an on-going process over the next few years to focus on balanced assessments.
- An ROP teacher was hired for a career technical course. It is a 0.4 position that covers two days a week. The school is in need of additional funding to make it a full time position.
- The model of paraprofessionals providing support to kids has changed. Previously, the paraprofessional was an additional person serving in a classroom. Now, they are using the pull-out model where support services allow ELC and IPL support services to provide thirty minutes of interaction to kids. Most students are being responsive and like the individuality of the change.

Victim Witness Assistance Center: No report.

YWCA Rape Crisis Center: Mr. Alvaro Viramontes reported on the following:

- In the month of September, they saw two ongoing cases where the suspects are juveniles who are high school students. They are looking into the situation to see if there is a trend.

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Announcements and Correspondence: No report.

Old Business: No report.

New Business: No report.

Adjournment: On order of Chair Blake, the meeting was adjourned at 1:44 p.m. to executive session. The next meeting will be held on Tuesday, November 5, 2013, at 12:15 p.m. in the Crime Lab, First Floor Conference Room, 250 W. Hedding Street, San Jose.

**Respectfully submitted,
Britney Huelbig
Recording Secretary**