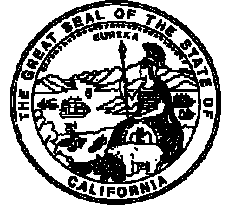


Superior Court of California County of Santa Clara

191 North First Street
San José, California 95113 (408) 882-2700

Chambers of

HON. KATHERINE LUCERO, Judge



2018 Juvenile Justice Judges' Annual Report

To: The Presiding Judge of SCC Superior Court Patricia Lucas
The Assistant Presiding Judge Deborah Ryan
The Presiding Judge of the Juvenile Court Pat Tondreau
CEO Rebecca Flemming

Submitted by Juvenile Justice Supervising Judge Katherine Lucero
Judge Franklin Bondonno
Judge Julianne Sylva

Date: November 13, 2018

In 2018 our biggest challenge was the impact of the November 2016 passage of Proposition 57 which now requires a Juvenile Court Judge to decide whether a minor will have their case heard as an adult in Adult Court. 2018 was a year of complex Transfer Hearings and trial court decisions coupled with California Court of Appeal and California Supreme Court clarification decisions of the Trial Courts. And in October of 2018 Governor Jerry Brown has signed off on further Juvenile Court Reform legislation that has resulted in significant changes in the law again. Due to the new laws such as Senate Bill 439¹ and Senate Bill 1391² we will likely spend the next year and a half sorting out even more complex cases in order to determine whether they stay in Juvenile Court or are transferred to adult court. These changes have resulted in more litigation around serious, violent crimes that were previously handled in adult court. To add to the stakeholder and public stress level there was a spike in serious juvenile crimes such as car jacking, armed robberies, and burglaries in 2018.

However, the overall climate in Juvenile Justice Court continues to be one of collaboration with an eye toward systems improvement that results in fewer kids in custody with a specific intention to reduce the negative impact of policy and practice on families and youth of color while balancing the primary goal of safe communities and victim restitution. The core of our work continues to be to seek equity for all youth, families and victims who appear in Juvenile Justice Court. The Race Equity in Justice Systems Collaborative continue to examine where we can reduce long-term harm to the youth who come into systems while at the same time offering rehabilitative interventions that also promote public safety³.

¹ Kids under 12 can no longer be prosecuted except for specified violent felonies such as murder.

² Youth ages 14 and 15 can no longer be transferred to adult court for prosecution.

³ The REJS Committee Summaries are on the last page of this report.

We are committed to upholding racial equity and combating racism in all its forms throughout the youth justice system.⁴

We are most proud of the following accomplishments this year:

1. The successful transition of the dual diagnosis PATH2Service Court which was grant funded to our new enhanced CITA Court which is funded by the stakeholders 100%.
2. The selection of Santa Clara County as a Vera Institute for Justice Technical Assistance Grant to be one of five sites in the nation to develop a plan for alternative to detention for young women and girls.
3. To be selected as the city and county to have the San Francisco's Young Women's Freedom Center set up a second location of the model program which reached girls, employs them straight out of Juvenile Hall and has a 79% success rate of getting young women and girls of color off the pipeline to prison.
4. In January we officially launched the three year pilot to identify and train an Educational Champion for every probation youth sponsored by the National Center for Youth Law Center (NCYL). NCYL located the funding for the entire pilot. 900 youth and their families will be eligible for this direct service. We hope to show that if a kid is in school than she is not in custody. We also hope to impact probation youth graduation rates in Santa Clara County and to show that training a family member in Educational Rights also impacts sibling success.

October 2017 to December 2018 Juvenile Justice Court Judges' Updates

I. Ongoing Projects and Updates from Judge Patrick Tondreau

Court Appointed Friends and Advocates:

Approaching its eighth year, the CAFA program, designed to provide minors with an advocate who is consistently in the youth's life and to support the youth while in the juvenile justice system, 100 youth were matched with a mentor during the latest annual cycle. This necessitated staffing changes, now supporting four case managers, each with 25 matches, and a CAFA Coordinator. Having already embraced the CAFA model for all FLY (Fresh Lifelines for Youth) mentors, the CAFA program has now also begun the expansion of its program into Alameda County, becoming a model for mentoring juvenile justice youth throughout California.

Juvenile Justice Beyond the Bench:

The Tenth Annual Juvenile Justice Beyond the Bench was celebrated on May 18th, 2018, with wonderful speakers including Adam J. Foss, Tia Martinez and Angela Alvarado, and the screenings of "Like Any Other

⁴ Race Equity in Justice Systems Values Statement developed in 2016.

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Kid”, largely filmed at our Ranch and produced by Victoria Mills, and “CAFA 2017” introduced by Cassidy Higgins of FLY and its producer and film maker Julie Tondreau. The Juvenile Justice Unsung Hero Award was presented to the family of the late Robert Campbell, and the Kurt Kumli Distinguished Service Award was given to Judge Margaret Johnson, each for their lifelong commitment to youth and families in our community.

Juvenile Competency:

In May, 2014 the Judicial Council created a Juvenile Competency Task Force, chaired by Judge Tondreau, and made up of members of the Collaborative Justice Courts Advisory Committee, the Family and Juvenile Advisory Committee, and the Mental Health Issues Implementation Committee. It included Judges Richard Loftus and Stephen Manley of Santa Clara County.

The Task Force was tasked with fleshing out Welfare and Institution Code Section 709 to create a comprehensive body of law as to substance and procedures concerning juvenile competency. The draft legislation was adopted by the Judicial Council and forward to the legislature in 2015. After three years at the sausage factory and one veto by the Governor, a bill as signed by the Governor on September 30th. While ultimate opposed by the Family and Juvenile Advisory Committee, the Judicial Council, and many juvenile court judges for its timelines, confusing language and encroachment on judicial authority, it does create a pathway that sets standards, timelines and responsibilities from the front end when doubt as to competency is raised until the minor is either found to have attained competency or the case is dismissed.

Duties of the Presiding Judge of the Juvenile Court Patrick Tondreau:

Foster Youth Services Oversight Committee: member
Foster Vision Database Executive Committee: member
Juvenile Justice Beyond the Bench Conference: chair
CAFA Program Steering Committee: chair
CSEC Oversight team: member
CAST: Cross Agency Systems Team: member
Juvenile Court Judges of California: executive and legislative committee member
Dually Involved Youth Executive and Administrative Committees: Co-Chair
Dually Involved Youth Legal Sub-committee: member
Juvenile Justice Commission Oversight and Training
Dependency Oversight, Systems and Permanency Committees: member
Santa Clara County Superior Court Executive and Nominating Committees: member
LACY’s Honor Committee: member
DJJ Alternatives Committee: member
Judicial Council Competency Working Group: Chair
Santa Clara County Human Trafficking Commission: Commissioner

Community Outreach:

CAFA Trainings: February 1, April 5, May 1, May 29, June 25 and June 27.
Monthly meetings of the Juvenile Justice Commission
January 19th: CAST Presentation to BOS re: Implementing Trauma Informed Practices;
February 16th: Host to Sacramento Juvenile Partners/Presentation of our DIY programs
March 18th: Tenth Annual Juvenile Justice Beyond the Bench Conference: Host

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May 10th: Tour of the Spark Center with Dr. Marlene Sturm.
May 30th: Family Reunification Day: attendee
June 20th: Annual CASA Event Dinner: Speaker
June 26th: Juvenile Law Institute: panel moderator on DIY protocols
July 10th: Juvenile Justice Commission: training presenter
July 31st: Oral Board for Deputy Chief of Probation: member
August 31st: LACY Honor's Breakfast: attendee
October 25th: Dependency Advocacy Counsel's Annual Dinner: attendee and presenter
November 9th: LACY Honor's Lunch: attendee

II. Ongoing Projects and Updates from Judge Lucero

PATH2Service turns into Court for the Individualized Treatment of Adolescents (CITA) Court:

Judge Lucero phased out the PATH2Services Court which was supported by the **\$1 million grant from SAMHSA to expand JTC to become an integrated dual-diagnosis court** to treat both the substance abuse and the mental health issues that youth present when they enter our justice system. San Jose State University completed the evaluation. We do have data outcomes that show the court is making a positive difference in the lives of these youth. As previously reported, youth are reporting to do better in school and they are telling us that they have accomplished at least one educational goal while in the specialized court and many of them are reporting having accomplished more than one goal. We went from an abstinence model to a harm reduction model. The court reviews are now called treatment reviews with a strength-based focus from the entire team. The grant from SAMHSA ended in March of 2018. However, Judge Lucero secured funding to continue the work of this specialized court through the stakeholder partners and the Board of Supervisors. The Educational Champion Coordinator position was funded indefinitely through the Department of Probation. Every youth in this court will continue to get deep end educational support as a rehabilitative strategy. San Jose State University will continue to provide evaluation.

Judge Lucero was also granted her request to the BOS to keep the Court Coordinator position and expand our off-site court to include record sealing for 18 to 24 year old and to meet with youth who are struggling with school attendance in a therapeutic environment where they can be immediately linked to services. Therefore this collaborative court position will continue with the funding from the BOS. We are in the process of hiring that person now. In the interim, seeing this as a priority the Grants Unit of the SCC Superior Court has continued to staff this court at reduced hours.

Opportunity Court Year 4 at ConXion to Community:

This is a community based court site that is available to Juvenile Justice Families on the Eastside of San Jose where a majority of our justice involved youth resides. At this monthly court date the judge hears cases of the youth currently on probation and simultaneously runs a Youth Services Fair and holds Youth Workshops in partnership with Conxion to Community to improve the youth's self-sufficiency skills. The court has partnered with at least 30 different community partners including Planned Parenthood, FIRST 5 of Santa Clara County, Pathways Drug and Alcohol, Grizzly Academy, Evergreen College, Mission College, the National Compadres Network, Work2Future and Second Harvest Food Bank. Included with the rich spectrum of services each family can receive job leads, resume skills building workshops and bags of groceries at this court date. Birthdays and graduations are celebrated. The youth and their siblings also receive new shoes and a \$50 gift

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card for back to school shopping each fall. As described above, the intent is to expand this court to include record clearance and meetings with youth who are at the highest end of school noncompliance. This court held in the community continues to thrive, add partners and has become a symbol of the SCC Superior Court going the extra mile to meet community needs.

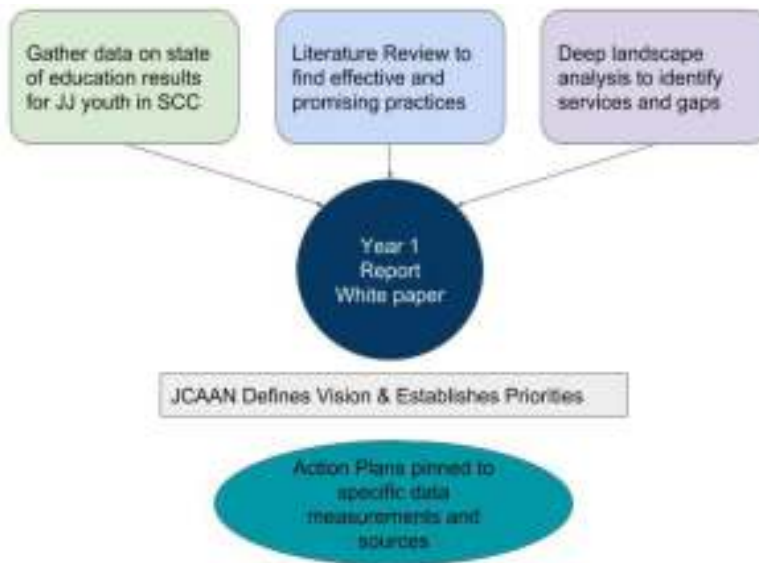
Juvenile Court Education Project becomes the Juvenile Court Action Aligned Network (JCAAN):

Judge Lucero continues to co-chair the *Juvenile Court Action Aligned Network (JCAAN)* along with Juvenile Probation Manager Alex Villa and National Youth Law Center staff Joy Hernandez. Kids In Common provides staff to develop agendas, take minutes and lead strategy. This committee had previously developed a seven point plan to shift the priorities of probation to include education as a key rehabilitative goal. This year there has been a series of meetings to determine which of the Seven Strategies we have accomplished and which ones still need work. We also selected an audacious goal to see that 80% of JPD complete High school. We created a founding document and a commitment document that each of the partners has been asked to sign. Below you will see the one year strategic plan to conduct a literature survey, data collection and a deep dive into the existing services available to these youth. This has been a big year for educational services to JPD youth through NYCL and JPD and we hope to continue to move towards our goal as set forth above.

JCAAN Plan

Effective collaboratives and systems change efforts are grounded in real, meaningful data. Through six months of work, it has become clear that Santa Clara County does not have meaningful or reliable data on the educational status and outcomes of justice-engaged youth. In order to remain true to our purpose and the collective impact methodology, it is important that we gather data to inform a plan that is meaningful for partners and which addresses the issues that matter most for young people. Additionally, many communities across the country are tackling these issues effectively, and there is existing literature that defines best practices and effective solutions. As we

The JCAAN Co-Chairs propose to conduct extensive research and data gathering through June 30th, 2019 that will culminate in a report with recommendations for action. The graphic below defines the three key buckets of work. Through July and August of 2019, JCAAN will use the report to firmly ground the work in the present opportunities and needs of our County, and then develop action plans tied to measureable data.



Gender Responsive Task Force (GRTF) - Year 4:

The GRTF has been meeting monthly for the last 3.5 years in order to develop a continuum of care for a JPD girl that is gender responsive.

The Task Force operates off of the following vision:

The vision of the Gender Responsive Task Force is to create a comprehensive case plan and treatment model for moderate and high risk girls on probation in Santa Clara County that decreases their risk of recidivism and victimization, while also increasing their quality of life outcomes.

The proposed case plan and treatment model will be evidence-informed, gender-responsive, trauma informed, and culturally relevant. It will also support strategic collaboration between all partner agencies, along with young women and their families that are served by this endeavor.

In December of 2017 we successfully hosted a national conference on women and girls in the criminal justice system complete with a youth track planned and led by formerly and currently incarcerated girls. 2018 has been deemed the year of data collection for this task force. In discussions with Probation and other youth justice stakeholders, the GRTF has secured data disaggregated by race, ethnicity and SOGIE data for girls on a quarterly basis. This data is currently utilized by the GRTF to inform policy, practice changes and the development of alternatives to detention and arrests for girls. (See NGI T.A. report sent on 4/23/18 for a list of accomplishments).

Due to our documented collaboration we were awarded a Vera Institute for Justice Technical Assistance grant to **End the Incarceration of Girls in Santa Clara County**. This is a two year grant. Vera will lead us to our intended goals with the establishment of a strategic work plan among other technical assistance. This task force is staffed by the Office of Women's Policy. The staff assigned to this position is the point of contact/liason between the Vera Institute and the committee for the work in SCC. We were one of

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five sites across the county to be selected. All of our Juvenile Justice Stakeholders are at the table on this project.

Victim Offender Mediation Program:

This is free service offered through the Office of Human Relations to our JJ youth and victims. I have seen many positive outcomes of these mediations. We have seen everything from job offers to the youth by the victims to the victims agreeing to forgive the restitution debt if they can attend the high school graduation of the youth. In 2017 we established a protocol to get youth to this restorative justice tool. We were so successful with referrals that the Board of Supervisors gave us a second mediator. In 2018 the second mediator began and he is bi-lingual and bi-cultural so we are hoping to see even more positive outcomes with our heavily Latinx and monolingual families. The following graph is from the VOMP staff and was included in a report to the Board of Supervisors.

**Table 1
Summary of CY2017 VOMP Data**

	CY2015	CY2016	CY2017	CY2018 AS OF 8/6/18 <small>(note: approx. 70 referrals are still open with more referrals to come, so figures will increase)</small>
Cases Referred	38	223 (587% increase from CY15)	410 (84% increase from CY16)	335
Unduplicated Offenders Referred*	23	163 (709% increase from CY15)	278 (71% increase from CY16)	219
Unduplicated Victims Referred*	38	202 (532% increase from CY15)	290 (44% increase from CY16)	261
Mediations (all VOMP subprograms)	5	19	23	6
Mediation Consultations Conducted (one sided case coaching)**	(not measured in CY15)	272	310*** <small>(note that the change in method from counting from CY16 deletes this figure when, in fact, more Amediation Consultation conversations took place than in CY16)</small>	247
Total Parties Served through Mediation or Mediation Consultation (including parents of juveniles and victims) *****	84	(not measured in CY16)	592	319

Court Systems Trainings for all JJ Stakeholders:

Judge Lucero provided leadership to plan and execute cross systems training for the court system including topics such as *Juvenile Justice Legal Updates*, *Juvenile Sex Offender Treatment and Outcomes*, *Trauma Informed Systems*, *Thinking Outside the Box: Solutions for Complex Cases*, and *Victim Witness Services and Victim Offender Mediation Program*. Attendance has been from 30 to 60 participants at each training. We offer MCLE and Probation Work Related Credits. Judge Lucero was also on the Beyond the Bench planning committee for 2018.

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Community Recognition:

2018 Gratitude Award Unity Care's 25th Anniversary

2017 The Power of One Award recognizes what one person with one idea or action has done to improve services to female offenders AJIFO Annual Conference December 2017

Community Outreach/ Speaking Engagements:

Hosted San Jose State Student Classes at the Courthouse September & October 2018

Attended Fresh Lifelines for Youth Breakfast

Meetings w/ BOS Cortese to discuss issues related to improving JJ Court December 2016/ various dates in 2018

National Compadres Network Rites of Passage Ceremony at the Hank Lopez Center

Meeting with Steven Eckart, Director of Alum Rock Counseling Center

Meeting with Marcia Rincon & Samantha Lopez, National Girls' Institute throughout 2018

Meeting with Sheriff's Department Community Outreach Deputy Omori on Youth Gun Safety

Meeting with Staff from the National Compadres Network

Panelist for hiring Foster Ed Liaison Coordinator for JPD

Meeting with Kate Swash, The Green Light Foundation

Various Law Student Interviews throughout the year on the subject of Juvenile Justice Law

Piedmont Hills High School student shadow day during Spring Break

Meeting presentations/swearing in ceremonies Fresh Lifelines for Youth Mentors throughout 2018

Attendance Juvenile Hall Assemblies and Events throughout 2018

Mentor-Evergreen College Enlace Program which includes 3 to 4 meetings over 2018 with students.

Commissioner- Joint Foster Youth Task Force for the Board of Supervisors

Meeting with Sarah Jolly at Power to Decide (National Reproductive Health Agency in Washington, DC)

Meetings with Jessica Nowlan, Director of the San Francisco Young Women's Freedom Center

Site Visit to the Young Women's Freedom Center in San Francisco with team from SCC

Meeting with Counsel for the Australian Government

BOS Presentation for the Office of Women's Policy

Meetings with Dr. Ed Cohen from SJSU regarding research projects for students throughout 2018

Meeting with James Beal, Director of the Burns Institute

Meeting with Judicial Council Juvenile Court Liaison Mary Michael Smrdeli on Title IVE Compliance

Supervised 5 Summer Interns who conducted in depth Research for CERES & Dr. Angela Irvine

Attended the Latinx Regional Meeting at the Office of Women's Policy

Attended screening of *Project If*- film hosted by the Sheriff's Department

Panelist for Ann E. Casey site visit on Juvenile Justice Reform

Attended Youth Live Gala for Unity Care

Attended Dependency Advocacy Counsel 10th Anniversary Celebration

Latino Judges Panel, La Raza Roundtable

Panelist Legislator's Day SCC Superior Court

Panelist Educator's Day SCC Superior Court

Legal Advocates for Children and Youth (LACY) Luncheon

Carry the Vision- one day conference hosted by the Center for Spiritual Awakening

Meeting with Adrian Schurr, Bay Area Giving Program Manager, Google.org

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Trainings Attended/Presented:

Juvenile Justice Legal Updates, SCC Superior Court Training January 2018
Juvenile Justice Fines and Fees Conference, Berkeley, California February 2018
Trauma, Drugs and Adolescent Brain Development, CITA Court Training March 2018
Juvenile Sex Offender Treatment Outcomes, SCC Superior Court Training March 2018
Judicial Transfer Hearing Cases, NCJFCJ Faculty San Diego, CA March 2018 Faculty
Ending Debtors Prison in the Juvenile Justice System, NCJFCJ Faculty San Diego, CA March 2018 Faculty
Freedom to Thrive: Invest/Divest Caucus, Equity Summit, Chicago April 2018
Girls and Women of Color; The Next Wave of Racial Equity, Equity Summit, Chicago April 2018
Reclaiming Justice-Transformational Approaches to Community Safety, Equity Summit, Chicago April 2018
Inclusive Gender Justice & the Movement for Racial Equity, Equity Summit, Chicago April 2018
Our Nation: Transformative Solidarity in a Divided Nation, Equity Summit, Chicago April 2018
Solidarity is an Action Word: Strategies to Unite the Equity Movement, Equity Summit, Chicago April 2018
Demanding an End to Mass Incarceration, Equity Summit, Chicago April 2018
Trauma Informed Systems and Vicarious Trauma, SCC Superior Court Training May 2018
Juvenile Justice Beyond the Bench, SCC Superior Court Training May 2018
Thinking Outside the Box Complex Juvenile Justice Cases, SCC Superior Court Training May 2018
Juvenile Justice Beyond the Bench, May 2018
Juvenile Justice Court Brown Bag for Summer Interns Training, Presenter July 2018
City of San Jose Mayor's Gang Task Force Summit, presenter October 2018
Opportunity Youth Forum, Aspen Colorado October 2018

National Council of Family and Juvenile Court Judges

Legislative Committee- NCJFCJ

Peer Review Editor- NCJFCJ Juvenile & Family Court Journal

Advisory Member: Resource Center on Domestic Violence: Child Protection and Custody NCJFCJ

California Judges Association

Juvenile Court Judges Executive Committee

Juvenile Court Judges Legislative Committee

Santa Clara County Court Committees

Superior Court Traffic Committee- member

Superior Court legislative Committee- member

Supervising Judges Committee

Strategic Planning Committee

Other Assigned Duties of Supervising Judge of the Juvenile Justice Court – Judge Lucero

Specialty Court Supervision- CITA Court

Handles W&I 827 Motions

Handles PC707(1)b Motions

Co-Chair- Juvenile Court Education Project (JCAAN)

Committee on the Education of Children in Juvenile Court-District Liaison Meeting

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Co-Chair- JPD Gender Responsive Task Force
Mayor's Gang Task Force –Interagency Collaborative member
Oversight of Juvenile Hall Inspections
Preparation of Annual Report to Presiding Judge of Juvenile Justice Activities (Model Court Report)
Chair Juvenile Justice Court Systems Business Meeting
Chair Juvenile Justice Court Systems Training
Chair Executive Advisory Committee to the Supervising Judge for Juvenile Justice
Chair Executive Committee of the Juvenile Justice Court
Co-Chair Probation Managers/Judges Meeting
Chair- Educational Oversight Committee to Address Chronic Absenteeism
Chair Juvenile Judges Meeting
Oversight of Local Rules and Standing Orders
Juvenile Justice Coordinating Council membership
Juvenile Justice Systems Collaborative membership
Co-Chair Juvenile Justice Race Equity in Justice Systems workgroup
Member Juvenile Justice Systems Collaborative Transfer Hearing Committee
Juvenile Justice Commission Oversight
Annual Data Report Oversight
Santa Clara County Cross Agency Systems Team (CAST) membership
Forensic Evaluators Oversight Committee-member
Santa Clara County Human Trafficking Commission- Alternate

III. Ongoing Projects and Updates from Judge Bondonno

CBO Trainings on Juvenile Justice Court:

In 2017, the Court, with the assistance of Deputy District Attorney LaRon Dennis, Deputy Public Defender Ashanti Mitchell, ADO Kevin Rudich, and Deputy Probation Officer Rodolfo Longoria conducted two training sessions for over 135 CBOs. The training focused on questions about communication with the Court, as well as a better understanding of the Juvenile Court processes.

The next training is scheduled for February 13, 2019 in the afternoon at the Sobrato Center. Once again, Patricia Gardner with the Sobrato Center is assisting the Court in setting up the training. The Court is exceptionally grateful for the opportunity to increase the knowledge base of the CBO community which provides valuable support for our youth.

Sex Offender Treatment Advisory Review Panel (TARP) – Co-Chair:

This committee was established in 2012 to review treatment provided to sex offender minors. While initially very active, the protocols have not changed between 2012 and the present day. The group now meets quarterly and reviews the providers and evaluators. As always, finding enough competent treatment providers is a challenge. However, the Committee is particularly glad that treatment can now be provided in Spanish. Judge Ryan co-chairs the Committee with Judge Bondonno.

The Competency Overview Committee – Chair:

This is an ongoing committee that reviews competency proceedings as well as the qualifications of those who provide competency reports. With the recent nearly total revision of Welfare and Institutions Code §§ 709 and 712 following the Governor’s signing of AB 1214, the Committee is actively revamping procedures to be in compliance with the new legislation. In addition, the Committee has asked Professor Karen Franklin to prepare training for our present evaluators during the latter part of January 2019. Professor Franklin teaches a competency class at Alliant International University.

Forensic Psychological Examiners:

The strenuous recruiting for additional psychological examiners performed by Dr. Suh-Wen Yang, Lauren Gavin and Judge Bondonno in 2016, as well as the doubling of the psychological professional fees, has resulted in the vast majority of psychological reports being done timely. There have been very few delays in those reports in 2017. The Court is grateful for that improvement.

Domestic Violence Court:

Department 82 handles the Juvenile Domestic Violence calendar. With the hands-on assistance of trained juvenile probation officers, the Court prescribes a 26-week program operated by the Piece It Together. The program focuses on the power and control issues relating to domestic violence and family violence and details specific training on how to handle various elements of conflict which arise in day-to day situations. As always, there is a need for more Spanish-speaking and Vietnamese-speaking professionals.

This year, with the help of Piece It Together, Probation and LaRon Dennis of the District Attorney’s Office, the Court was able to do a lateral study of ten Piece It Together graduates, following them to age 23. The Court was gratified to find that none of the successful graduates of the Piece It Together program had been charged with any new domestic violence or family violence actions. However, the sample, which involved only ten youth, is statistically insignificant. Nevertheless, the Court does believe that the program is of value. The project for the Juvenile Domestic Violence Committee for 2019 is to focus on developing data on the effectiveness of the present programs.

Other Assigned Duties for Judge Bondonno:

781 Record Sealing Hearings

Chair- Record Sealing Committee

Chair- Department of Revenue Committee

Chair-Juvenile Justice Court DV Committee

Member- Superior Court Judges DV Coordinating Committee

Member- Santa Clara County DV Council Court Systems Work Group

CSEC Workgroup

Co-Chair Forensic Oversight Panel

Attendance at meetings as requested by the Supervising Judge

Acting Supervising Juvenile Justice Court Judge

Education and Training:

Attendance at Court Systems Trainings where schedule allows
Kids In Common Children's Summit 2018

IV. Ongoing Projects and Updates from Judge Sylva

Dually Involved Youth:

In 2018, the Dually Involved Youth (DIY) program has become a part of court and community culture. This program operates to address the rehabilitative needs of minors who have an open or active case with the county's Department of Family and Children's Services. The requirement is that the family have an open referral, not that there be an open case for the minor in dependency court. This allows the team to address the needs of more minors as those who have a dependency referral where the family is receiving maintenance services have the chance to participate in the DIY program.

Fully staffed, the DIY unit has been addressing all requests for DIY evaluation and preparation of the 241.1 report for court review. The team also supervises minors who have DIY involvement. Consisting of specially trained social workers and probation officers who are co-located at a neutral site, the team has bonded and works together seamlessly for the best interest of the youth and the family.

This year the court, with assistance of DFCS and JPD, hired a DIY program manager, Christian Bijoux. Mr. Bijoux came highly recommended and relocated from Massachusetts in order to work with our DIY youth. He brings fresh insight, management and organizational skills and will help the unit review, revise and retain successful DIY practices so that this model can be replicated nationally. Already this program has received interest by the Robert F. Kennedy Center has examined the DIY best practices and is assisting the program to formalize policy and procedure to streamline the process.

The DIY Executive Committee, comprised of individuals from community organizations, county service providers, county agencies, the court, probation, DFCS, the prosecution, defense, and behavioral health, has created a flow chart that captures current practices, hot spots, highlights various strategic areas that should be reformed and reorganized. This strategic mapping project has taken more time than expected but provides great insight into the current DIY process, which has deviated through the years from the initial set up.

The DIY Executive Committee meets monthly (the first Wednesday of the month, from 3 – 4:30), and the DIY Administrative Group (court, chief probation officer, assistant director of DFCS, counsel for DFCS, and a community organization member) meets before the DIY Executive Committee meeting from 12 – 3. Also initiated this year, the DIY Admin Group meets quarterly with the DIY unit to discuss issues, implement changes and address topics as they arise. The team-building and morale boost that this meeting provides to the DIY workers cannot be overestimated.

With recent legislation signed by Governor Brown, the DIY Legal Subcommittee has been busy. It is the goal to have a written protocol by December 2018.

Under 14 Youth:

Judge Sylva agreed to handle cases of 14 year olds and under. Recent legislative changes mandate that the prosecutor not file for transfer to a court of criminal jurisdiction (adult court) if a minor is 14 or 15 years old, no matter the offense. Several prosecutors' offices throughout the state are challenging this legislation. Governor Brown signed into law another bill that prevents the district attorney from charging juveniles under 12 years old unless their charges fall into a narrow category of sex and homicide crimes. As such, the juvenile justice system must adopt a collaborative approach to cases involving such youthful offenders in a manner that at once protects the minor, provides services to address minor and family needs, and protects public safety.

Juvenile Hall Inspection:

Judge Sylva conducted the annual judicial juvenile hall inspection and drafted and distributed the 2018 inspection report.

Living Unchained:

Probation Manager Sean Rooney, who manages the Juvenile Hall facility, has set up a program called "Living Unchained." This program began in Santa Cruz County and allows minors who are staying in juvenile hall for a particularly long period of time to participate in a dog training program. Dogs that are not readily adoptable are placed into the program and the youth are trained, under strict supervision, to work with the dogs. The youth learn how to motivate the dogs and how to correct the dogs' behavior. At the end of the program, the youth and dogs demonstrate the dog's tricks and the youth are honored with a special party. Foster parents for the dogs and prospective adoptive parents for the dogs are invited to the dog celebration. Judge Sylva attends these demonstrations and is the judicial contact for the program.

Education:

Judge Sylva served as training staff for CJER's Primary Assignment Orientation for Juvenile Delinquency February 2018 in Sacramento, California.

Community Outreach:

Judge Sylva has spoken to the Los Gatos Morning Rotary Club about Juvenile Justice and evidenced based practices that have been adopted by Santa Clara County. She frequently speaks to Boy and Girl Scout groups about juvenile justice and constitutional rights. For the past several years she has conducted court tours for various community and student groups and has had high school and college students shadow her for the day to learn more about the justice system. Every year she hosts the West Valley Middle College program for an afternoon and arranges for the students to watch court hearings and speak to prosecutors, defense attorneys and law enforcement officers. She also volunteered to judge the High School Mock Trial competition and served as an evaluator for Stanford's Trial Advocacy program after work hours. This past summer she hosted two court interns: a college junior and a rising 3L law student.

Search Warrants:

Judge Sylva estimates that she has reviewed and signed over 100 hundred search warrants for adult and juvenile cases this year, including cases where the detective has met at her home after hours or on weekends.

Caseload:

This past year there was an increase in the filings against juvenile offenders and due to caseload assignments, Judge Sylva's department was very busy. There was a great caseload disparity for a significant period of the year, but once discovered, Judge Lucero has asked the clerk's office to remedy this imbalance. Due to the size of her caseload, Judge Sylva participated in as many juvenile court meetings and events as was possible.

Events:

Judge Sylva attended the Beyond the Bench conference, the Incarcerated Women and Girl's Conference (not included in the 2017 report due to timing), Kids In Common event, Juvenile Justice Commission's meetings and Systems Trainings throughout the year.

Other Assigned Duties of Juvenile Court Judge Julianne Sylva:

Specialty Court- Dually Involved Youth
Member, DIY Executive Steering Committee
Member, DIY Legal Committee
Acting Supervising Juvenile Justice Judge

V. All Juvenile Justice Court Judges

Meetings/Duties/Community Outreach for all Juvenile Justice Court Judges

Attendance at the monthly Santa Clara County Juvenile Justice Commission meetings
Alternative Education Graduation Speaker
Fly Graduation Attendance
Fly Annual Breakfast Attendance
LACY Annual Luncheon Attendance

Subcommittee work of the REJS Collaborative⁵

Discretionary Bench Warrants

The Probation Department, in partnership with the Juvenile Justice Court, defense attorneys, District Attorney's Office, launched the use of a Discretionary Bench Warrant in 2018 which allows for youth with a bench warrant to be released at Probation's discretion. These youth must meet an eligibility criterion and their warrant must be issued as discretionary by the Court. Youth with arrest warrants and/or new offenses are not eligible to have their bench warrant issued as discretionary. The goal is to decrease the unnecessary detention of youth who do not pose a risk to the community, but have a warrant issued. The subcommittee is focusing on the data collection efforts to determine the impact and use of the discretionary bench warrants. A comprehensive report will be available early 2019.

⁵ All the Juvenile Justice Judges participate in these innovations either in planning and development or execution with agreed policy changes.

2018 Juvenile Justice Judicial Report to Presiding Judge Patricia Lucas

Transfer Hearing (formerly Fitness)

The Transfer Hearing subcommittee goal is to reduce the number of youth of color transferred to adult court on non-life term cases and determine how cases are handled through the judicial transfer process to adult court. The committee is working on implementing data collection to report on a semi-annual basis to REJS.

Electronic Monitoring Program (EMP)

The Electronic Monitoring subcommittee goals are to promote best practice and ensure equity in use of EMP; to ensure the use of EMP aligns with its purpose; to identify eligibility criteria for EMP to ensure equity; determine EMP success for youth of color and develop policy recommendations to ensure youth of color are successful. The subcommittee will review a comprehensive data report from Research and Development and the outcome of the youth, parent, and victim focus group in December. The next meeting date is December 6, 2018, Department 86.

Term on Probation (TOP)

The goals of TOP are to investigate circumstances for long probation terms for youth of color and develop policy recommendations to ensure youth of color do not remain on probation unnecessarily. The Dismissal Assessment Worksheet (DAW) was implemented on August 6, 2018. The DAW is a tool which was developed through a collaborative process to assist the Deputy Probation Officer (DPO) in consistently assessing the appropriateness of a youth's dismissal from formal supervision. Through this process, the DPO will engage the youth/family and the Supervising Probation Officer (SPO) in intentional discussions regarding progress and planning toward successful dismissal of Probation. The DAW process includes consistent case supervision discussions between the SPO and the DPO related to a youth's progress toward dismissal of probation. The form will be integrated into the Probation case management system. The Probation department anticipates reporting on the outcomes in 2019 when data becomes available.⁶

⁶ These updates can be found at C:\Users\klucero\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\Q8Y7DRKQ\Receive report relating to the subcommittees of the Race Equity in Justice Systems (REJS) Workgroup_ - The County of Santa Clara California_.aspx.mht