COUNTY OF SANTA CLARA  
JUVENILE JUSTICE COMMISSION  
DRAFT Meeting Minutes-April 3, 2018  
DA Crime Lab Conference Room, 1st Floor  
250 W. Hedding St.  
San Jose, CA 95110

Commissioners Present:  
Penelope Blake  
Raymond Blockie  
Dana Bunnett  
Victoria BurtonBurke, Secretary  
Dante Duffel-Steen  
Gustavo Gonzalez  
Ron Hansen, Vice Chair  
Manasa Kumarappan  
Nora Manchester  
Carmen Montano (12:22 p.m.)  
Jean Pennypacker, Chair  
Carol Rhoads  
Vincent Tarpey  
Lissa Thiele

Commissioners Absent:  
Courtney Macavinta

Also Present:  
Honorable Katherine Lucero, Superior Court  
Honorable Julianne Sylva, Superior Court  
Honorable Pat Tondreau, Superior Court  
Marcelo Quinones, County Counsel’s Office  
Kevin Rudich, Alternate Defender, Office of the Alternate Defender  
Steve Eckert, CEO, Alum Rock Counseling Center  
Debbie Pell, CPO, Bill Wilson Center  
LaRon Dennis, Supervising Deputy District Attorney  
Cindy Hendrickson, Assistant District Attorney, Office of the District Attorney  
Vianni Garcia, Law Program Site Manager, FLY  
Desiree Victor, CAFA Case Manager, FLY  
Soutodeh Ahmadieh, Attorney, Independent Defender's Office  
Aaron Zisser, Independent Police Auditor, Independent Police Auditor's Office  
Andrew Cain, Directing Attorney  
Eleanor Yick, League of Women Voters Southwest Santa Clara Valley  
Vone Kegarice, Probation Manager, Juvenile Probation Department  
Dolores Morales, Program Manager, Juvenile Probation Department  
Ashanti Hayes, Probation  
Kathy Martinez, Deputy Chief Probation Officer, Probation  
Sean Rooney, Probation Manager, Probation  
Carl Tademaru, Program Manager, Probation  
Jill Ugalde, Program Manager, Probation  
Alex Villa, Probation Manager, Probation
Call to Order and Introductions: Chair Pennypacker called the meeting to order at 12:15 p.m. All who were in attendance stated their names and organizations.

Agenda Approval:

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

Public Comments/Oral Petitions: None.

Approval of Minutes:

Moved by Commissioner Blockie and seconded by Commissioner Blake to approve the March 6, 2018 minutes was approved unanimously.

Oath of Office: Judge Tondreau re-administered the swearing in of Commissioner Gustavo Gonzalez.

REPORTS

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

The Juvenile Hall Inspection Report is complete and on the agenda for the Executive Session. Commissioner Macavinta led the inspection and spent a large amount of time on the perspective of detained youth by using a questionnaire of the youth in Juvenile Hall (JH). The youth enjoy education. Once the report is approved, it will be posted on the JJC website. Time will be spent in May reviewing the recommendations.

The Ranch inspection has started. The organizational meeting has occurred and appointments are being set with staff. Even though JJC Commissioner vacancies have been filled, the Commission is always recruiting. Share this recommendation with interested parties. Applications are on the JJC website.

JJC is still involved in an ad hoc group (which includes the Child Abuse Prevention Council, Social Service Advisory Commission, LACY, and DFCS) that is ensuring the stakeholders’ voices are heard regarding the RAIC relocation. The RAIC should be moving by the end of the year.
A walkthrough of the SPARK building occurred.
JJC sent letters to the school districts to encourage participation by some districts in Foster Vision.

JJC has been asked to support active legislation in Sacramento:

- **AB 2010** – would prohibit an officer or employee of a juvenile facility from possessing any chemical agent in a juvenile facility. The bill would allow pepper spray to be used in a juvenile facility as a last resort when necessary to suppress a riot when authorized by a juvenile facility administrator or designee. The bill would require that all use of pepper spray be documented, as provided (Legislative Counsel’s Digest, February 1, 2018). JJC has drafted letters in support.

- **AB 2043** – Creation for 24/7 hotline for youth and caregivers to talk to someone during a crisis.

- **AB 2605** – Limits foster care facilities contact with police. Only instances that suggest real and imminent threat will require mandated reporting. Simple behavior issues will not be reported. JJC has not decided if and how they will support this bill.

Actively monitoring the implementation of the Continuum of Care Reform (CCR). There are concerns about several issues, but a big focus is on what happens to the youth after group homes close.

**Group Home Inspection Report:**
Commissioner Rhoads reported on the following:

JJC completed the report February 2018, and it was posted on the JJC webpage.

Rather than one full inspection, JJC conducted multiple visits that were less formal to homes representing a broader retrospective of the types of homes children are placed in.

Visits occurred at: STAR Transitional Housing Placement Program, Gateway House, The Nest, Better Living Home (for children with developmental disability), and Unity Care Group Home Numbering.

Staff is committed and the homes take the responsibility seriously and comply with requirements. Intense full inspections were not necessary.

To closely monitor CCR implementation and the move of children from group homes as they are assessed and transitioned, JJC will continue to conduct inspections throughout the year.

Top recommendations and concerns:

- Strongly urge flexibility in the transition schedule for those in group homes who will qualify for STRTPs. There is shared acknowledgment there are not enough well supported family placements. Youth may be prematurely transitioned into THPP when they may not be ready which may result in failure. There may be default placements in RAIC which may cause more homelessness among youth.

- JJC hopes there will be significant flexibility for the six (6) month stay in an STRTP. Youth must have a serious mental health disorder to qualify for an STRTP, and that qualification is hard to address in that timeframe.

- With respect to STRTPs, there is concern that the Behavioral Health contract constraints should not impede the placement of youth in the county as these placements promote educational continuity and family support.
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Presiding Judge’s Report:
Judge Tondreau reported on the following:

Dependency attorneys [Dependency Advocacy Center (DAC) and LACY] are still facing a financial crisis. In 2013, their budget was $4.7 million, and this year it is $3.1 million. The loss of $1.6 million impacts the number of attorneys and resources they can bring. The County is being asked to help defray the cuts with $950,000. The money has not been secured.

There are thirty (30) tickets left for Beyond the Bench May 18, 2018. Attorney organizations are encouraged to purchase tickets and attend.

The judges would like to stay in the loop or on the informal committee mentioned in the Chair’s Report regarding the location of the RAIC.

Juvenile Justice Court:
Judge Lucero reported on the following:

In partnership with the District Attorney’s Office and County Office of Education, Attendance Intervention Court will launch in August 16, 2018 at ConXion. Dr. David Putney and Judge Lucero have discovered schools are beginning to dis-enroll youth instead of counting them as chronic absentee or truant due to the lack of checks and balance. The youth may be left behind because no one knows they have been dropped. Judge Lucero has completed and sent the first rough draft of the Policies and Procedures manual to others to add their thoughts and information. The program is a one (1) year pilot program. At the end of the one (1) year pilot, analysis will occur for the youth still unable to enroll. There will be automatic enrollment at ConXion.

The City of San José is willing to locate a building for the Young Women Empowerment Center. Hoping to model the program after San Francisco who hire the young women to outreach to other young women. Site visits will occur followed by a budget. Data is being collected.

Juvenile Court Action Alliance Network is taking over the Continuum of Care planning for Foster Ed and other educational development.

Commissioner Blake requested a copy of the Policies and Procedures manual when it is complete.

Commissioner Gonzalez asked if all of the schools are dis-enrolling students. Dr. Putney said based on Cal-Peds data from Fall 2017, 1,995 students were dropped and/or dis-enrolled in grades 7-12. If the students reenrolled in a California school within 90 days, they would be pulled off of the data. If the student enrolls in an out-of-state school, the data remains unchanged unless the out-of-state school requests transcripts signaling the student has moved. SCCOE is trying to introduce a “soft landing” for students dis-enrolled to reenter the safe school environment without the overwhelming feeling of being behind, then transitioning back into school at an appropriate break period. All of the districts are impacted.

Dependency Court: No report.

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

With the Chronic Absentee Report, SCCOE is trying to “build-out” an Independent Learning Model which will add features over time. All of the community schools will be consolidated to the Sunol location. It is a physical school environment. The seventh and eighth grade programs will be separate from the ninth and twelfth grade programs. SCCOE is partnering with Silicon Valley Arts Creates to build a music studio for students to express themselves through written language. There will be a blended learning model added for Independent Learning. Possibly trying to find South County and Central locations for Independent Study to decrease students transferring and moving around. Projected to have 80 students enrolled for the Community School, and generated enough funds to start with a full staff. Volunteer help will be accepted.

Probation Department – Juvenile Program:
Kathy Martinez reported on the following:

One hundred (100) probation officers attended a Probation sponsored resource fair. Thirty-four (34) providers talked about services they offered for youth and families. Prevention/Early Intervention request for proposals was closed and evaluators are reviewing the proposals. The plan is to have a contract by July 1. Finalizing the Independent Living Services for all probation youth with hopes of having a contract in place next month (May 2018) for those services to begin. Hoping to implement a review of Probation Dismissal by mid-April which would create a practice of reviewing a youth’s probation every six (6) months. SB 1391 limits the age of youth eligible for transfer hearings. 14-15 year old at the time of the offense would not be eligible for a transfer hearing. The State and the state-level Attorneys are in opposition to the bill because of the occasional outlier case. If this bill passes, 14-15 year olds would always remain in juvenile court. Ms. Martinez announced her retirement effective May 14. She will be at the May meeting. The Commission shared praise and appreciation for the work she has done over the years.

Sean Rooney reported on the following:

The Board of State and Community Corrections (BSCC) will conduct the state inspection in JH in May. In March, Chief Garcia and most of his command staff from SJPD toured JH and talked to some of the youth in one of the security units as well as a young male in the B-5 general population unit. A sergeant with the Sheriff’s Department did a Youth Gun Violence Education Presentation for the B-5 males (younger males). There will be talks to have the presentation for other populations.
Santa Clara County was one of five counties involved with SB 10004 – 18-20 year old adults who have committed low level offenses on the adult-side are placed in JH for 30 to 60 days and given life, educational, and job skills. Once out of JH, participants are monitored by probation officers for approximately one (1) year. The program resembles DEJ; if a participant remains out of trouble during the probation period and engages in the program, the charge will disappear. The program aims to compare the recidivism rate to jail-time and regular probation.

Chair Pennypacker asked if there have been setbacks. Mr. Rooney stated it depends where the participant is on the spectrum. Ms. Hendrickson praised the program for helping participants overcome obstacles. Commissioner Montano asked how the education factor was decided. Mr. Rooney stated each person is assessed individually.

Department of Family and Children’s Service/Children’s Receiving Center (DFCS):
Francesca LeRue reported on the following:

The Board of Supervisors proclaimed April as National Child Abuse Prevention Month. The new Child Abuse and Neglect Protection Hotline number is 1-833-SCC-KIDS. The three previous numbers will exist for at least one (1) year.
Ms. LeRue echoes the JJC’s concerns regarding the children in group homes. As of April 2, eighty-two (82) youth were in group homes; fifty-four (54) are in nine (9) different group homes in-county; the remaining twenty-eight (28) are out-of-county. Nineteen (19) children are in STRTPs; eight (8) of those children are out-of-county.
Effective May 1, children will no longer be placed in group homes. By May 31, children will be exited from group homes not receiving extensions further than the June 30. Some group homes may receive an extensions.

Ms. LeRue gave clarification by stating a variety of group homes with extenuating circumstances will receive extensions to December 31. Youth new to the system not entering group homes will start with child and family meetings (bringing everyone possible to the table). Social workers are now completing emergency placements in relative homes even if it is out-of-county. There are some dependents that pose different challenges and have been in the system longer. Family Finding is moving forward, but contractors were not named. There are fifteen (15) social worker vacancies for the department and approximately 20 people lined up for the new academy.

Behavioral Health – Mental Health Services: No report.

Behavioral Health – Alcohol and Drug Services:
Patricia Dolan reported on the following:
The agency is working on expanding services to high schools in the county.

Law Enforcement Agencies:
Lt. Ta reported on the following:

Juvenile citations and arrest from the beginning of this year to the end of March are as follows:
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- 126 citations or juvenile arrests; 17% are narcotics; 10% are stolen vehicles; 8% or ten (10) incidents are armed robbery and carjacking (being tracked closely); and 10% are burglary.

- Burglary breakdown: 7 residential; 4 vehicle; 1 school; and 1 position of burglary tools.

Lt. Ta did not have the data from previous years. Chair Pennypacker requested SJPD to bring the data from last year to the next meeting for comparison. Lt. Ta stated current data for carjacking shows juvenile numbers are the same as adult numbers. Commissioner Tarpey wanted to know if other cities in the county are experiencing the same trends. Lt. Ta did not have that information but would provide it in a future meeting. Judge Lucero asked if the crimes were misdemeanors and/or felonies. Lt. Ta said the information was not broken down. Burglary is another concern for SJPD. Judge Sylva mentioned residential burglaries are not considered a juvenile strike, therefore cite and release is encouraged.

The Commission encourages a common language between agencies to have a better understanding of the status of juveniles.

District Attorney’s Office – Juvenile Justice:
LaRon Dennis reported on the following:

Countywide more petitions have been filed for the same period this year than 2017 showing an upward trend.

Ms. Dennis announced her retirement effective in the beginning of June. The Commission shared praise and appreciation for the work she has done over the years.

Cindy Hendrickson reported on the following:

Ms. Hendrickson stated 193 petitions were filed for the same period last year and 262 have been filed this year. There were 45 Violations of Probation last year and this year there are 54. The total number of petitions went from 238 last year up to 316 for the first two months of this year.

Public Defender’s Office: No report.

Alternate Defender’s Office: No report.

Independent Defender’s Office: No report.

Legal Advocates for Children and Youth (LACY):
Andrew Cain reported on the following:

LACY appreciates the support for the Commission and partners in their financial struggles.

Medical Services:
Young Kim reported on the following:
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One full-time RN position is vacant.

Victim Services Unit: No report.

YWCA Support Services: No report.

Announcements/Correspondence:

Old Business: None.

New Business: None.

Adjourn to Executive Session: Chair Pennypacker adjourned the meeting to the Executive Session at 1:29 p.m.

Next Meeting: May 1, 2018, DA Crime Lab Conference Room, 250 W. Hedding Street, San Jose, California.

Respectfully submitted,

Janice Jones