



## COUNTY OF SAN MATEO

### Juvenile Justice and Delinquency Prevention Commission

222 Paul Scannell Drive • San Mateo, CA 94402 • (650) 363-4641

#### Minutes of the Regular Juvenile Justice & Delinquency Prevention Commission Meeting Tuesday, March 25, 5:15 p.m. 455 County Center, Room 402, Redwood City

##### Commissioners Present:

Susan Swope – Chair	Marianna Klebanov
Rebecca Ross – Vice Chair	Margot Rawlins
Bonnie Miller	Irv Rollins
Braulio Gonzalez	Al Serrato
Gurjeet Chahal	Mieke Barrows

**Commissioners Excused:** Richard Boitano (Emeritus), Moneisa Carson, Sandra Gomez, Milton Reynolds (Emeritus)

**Commissioners Absent:** Michael Stark

**Staff Present:** Larry Silver, Deputy Chief of Institution Services, Christine Villanis, Deputy Chief of Juvenile Services) Judge Elizabeth Lee (Juvenile Court)

##### Additional Attendees:

Richard Halpern - PDP	Judge Lee – Juvenile Court
Jose Mendez - UUSM	James Wade – DA's Office
Paul Sorbo - BHRS	Sue Burrell – Youth Law Center
Loriann Villanis- SMCOE	

#### I. Administrative Business:

- Call to Order: The meeting was called to order at 5:15 p.m.
- Roll Call and Establish Quorum: A quorum was established.
- Agenda Review: Agenda was approved as distributed.
- Approval of Minutes: Sandra Gomez and Mieke Barrows should be listed as excused. M:/Klebanov S:/Gonzalez to approve the Minutes from the February 25, 2014 JJDPC meeting as corrected. The Minutes were **APPROVED AS CORRECTED**, with Mieke Barrows abstaining

#### II. Oral Communications

There were no oral communications.

- #### III. Presentation:
- Vice Chair Rebecca Ross gave an overview of Juvenile Competency. A minor is incompetent to proceed if he/she lacks the sufficient present ability to consult with counsel and assist in preparing his/her defense with a reasonable degree of rational understanding, or lacks a rational, as well as factual, understanding of the nature of the charges or proceedings against him/her.

She then introduced Sue Burrell, a Staff Attorney with the Youth Law Center since 1987, who works primarily in the area of Juvenile Justice. Ms. Burrell is considered a leader in the field of Juvenile Competency.

Ms. Burrell noted that adult competency, Section 1368 of the Welfare and Institutions Code, is a well-developed procedure, but the same is not true of juvenile competency. Adults who are found to be incompetent, can be committed to a state hospital, but in the case of juveniles, there isn't anywhere for them to go. In 2009 or 2010, Section 709 of the Welfare and Institutions Code was amended to address juvenile competence. San Diego was the first California County to develop a juvenile protocol—a one-size-fits-all approach to help minors attain competence. (Copies of all the 5 or 6 county protocols that have been developed are on the Judicial Counsel website.)

Ms. Burrell has developed a protocol as well, which includes the following: 1) Resolve cases of juvenile incompetence informally whenever possible. These are generally kids who have fallen through the cracks with their school, mental health, etc. These youth generally deteriorate in custody. There is no defined way to resolve their competence. 2) Cases go down different paths. Youth may be incompetent because of immaturity, because of mental illness, or because of disability. Different approaches are needed for each of these. One size does not fit all. 3) It should be determined whether a particular child is likely to attain competence in the "near future," i.e., a matter of months. The state of Virginia found that if a child hasn't attained competence in six months, he or she is unlikely to become competent.

There is very little research on juvenile competence. A huge number of children under age 14 are not competent. Ms. Burrell recommended looking at the materials on the MacArthur Foundation's Competence Adjudicative Network as well as "Developing Statutes for Competence to Stand Trial in Juvenile Delinquency Proceedings," by Thomas Grisso of the University of Massachusetts. She noted that she has serious problems with Santa Clara's protocol because a fair amount of it was lifted verbatim from the adult protocol, which is not directly applicable to juveniles.

Christine Villanis commented that we have had very few competency cases in San Mateo County in the last 5 years. We are not taking the one-size-fits-all approach, despite having no formal protocol in place.

Judge Etezadi said that when we have someone who is dangerous and has been deemed incompetent that often the youth's counsel will recommend that CPS file a petition so that the minor can be placed in a group home. This is one way we have addressed it on occasion. These are not one-agency cases; they are difficult cases and need to be dealt with by multi-disciplinary teams.

#### **IV. Probation Remarks**

Chair Swope drew the Commissioners' attention to Deputy Chief Silver's response to the Juvenile Hall inspection report. Commissioner Ross said as one of the people who did the inspection she was really impressed with Deputy Chief Silver's response to each and every issue. She suggested that the full Commission defer discussion of Deputy Chief Silver's memo until next month, after the Inspection Team meets with him. The Commissioners agreed that that made sense.

Commissioner Swope voiced concerns about not having school on the unit due to the slippery floor at the school. Deputy Chief Silver said that whatever floor covering they install in the future would be non-slip, but any change is going to cost a lot of money. Commissioner Swope said she thought that the commissioners would be glad to advocate to the Board for budget items that benefit the youth.

In response to the inspection, staff is developing an Excel spread sheet that will serve as an Unusual Incident Log to record anything that happens out of the normal on a daily basis, such as the system shutting down, or issues with cameras, school on the units, etc. They also have Youth Logs that track youth activities on an individual basis.

Commissioner Klebanov asked about the teaching staff issue at Glenwood. Deputy Chief Silver stated that one of the teachers left and a new one was brought in. The concern now is that student numbers are getting too low to support two teachers. They may go to a teacher and a para educator.

Concerning administration of OTC medications, Deputy Chief Silver has found that hall staff can dispense OTCs. The Correctional Health Staff is putting together a protocol. The idea of having an on-call, after-hours nurse is still being discussed; at this point they will continue to be in communication with San Mateo General Emergency Room.

Deputy Chief Villanis has been working on the competency project. She found Sue Burrell's presentation very helpful. Many of the things she said need to be considered, we actually do consider, which not to say that there can't be improvements or that we don't need to put something in writing. Actually a group met at the Judges' request, which included Behavioral Health, the DA, the Private Defender and the Clerk's Office to start talking about competency. When they heard that Sue was going to speak on this issue, they decided to hear what she had to say and see if they can build off that to see where they are going to go from here. They will schedule another meeting soon.

## V. Court Remarks

Judge Etezadi introduced Judge Lee to the Commission and thanked her for coming. She reported that Michael Stark and Margot Rollins visited her court to observe. Judge Etezadi encouraged and welcomed the other Commissioners to visit and observe.

Commissioner Rollins asked the Judge whether in the event it comes to the Judge's attention that a parent hasn't, or is unable, to assume their role in decision making for a minor, does the court have the authority to appoint someone to make those decisions. Judge Etezadi said that sometimes we have a CASA worker who can step in, but if the parents object, there has to be a hearing on that.

## VI. Standing Committee Reports

### a. Inspection Committee (Barrows)

Our Common Ground has notified Probation that they will be closing their youth facility. **M/Barrows S/Ross**, to indefinitely postpone consideration of the OCG Inspection Report. **PASSED.**

We still need someone to take over as Inspection Chair. Commissioner Carlson and Commissioner Gonzalez would be willing to co-chair, with advisory support from Commissioner Barrows.

### b. Educational Advocacy Committee (Rollins)

The committee did not meet this month; they will meet in April and will discuss the Allocation of Funds. The committee will also meet to discuss programs for incarcerated youth.

Ann Campbell has been invited to come to next month's meeting to do a presentation on the Big Lift.

### c. The YSC Liaison Committee (Ross)

The committee will meet with Deputy Chief Silver this month.

### d. Legislative Committee (Klebanov)

Pat Bresee, who was co-chairing this committee with Marianna Klebanov, has resigned.

Commissioner Swope asked for a volunteer to take Commissioner Breese's place.

**e. Regional JJDPC Meeting Committee (Swope)**

No report

**VII. Commissioner Representative Reports - None**

**VIII. Commissioner Comments/Announcements**

JJDPC commissioners do not need to fill out the 700 form. They do need to fill out a conflict of interest form if they have not already done so.

**IX. Adjournment: 6:45 p.m.**

Next JJDPC Meeting:

Tuesday April 29, 2014 at 5:15 p.m.

Location: 555 County Center, Room 402, Redwood City CA