

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



PROGRAM COMMITTEE VIRTUAL MEETING
Meeting Minutes
Tuesday, November 15, 2022, 4:00-5:00pm

Meeting held by teleconference pursuant to the Governor's Executive Order N-29-20 and the Twelfth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency.

Commissioners

Johanna Lacoë, Chair
Linda Martley-Jordan
James Spingola

Meeting Minutes

1. Roll Call

Chair Johanna Lacoë called the meeting to order at 4:00pm.

Present: Commissioners Johanna Lacoë, Linda Martley-Jordan, and James Spingola

Others Present: Katherine Miller, Chief Probation Officer, JPD Staff, staff from Community-based Organizations (CBOs) – see list at end.

2. Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e) (ACTION ITEM)

Motion to approve by Commissioner Martley-Jordan, second by Commissioner Lacoë.

No public comment.

AYES: (2) Lacoë, Martley-Jordan - Motion passes.

3. Public Comment – None.

4. Approval of October 18, 2022, Program Committee Minutes.

Commissioner James Spingola moves to approve, Johanna Lacoë seconds.

No public comment.

AYES: (3) Lacoë, Martley-Jordan, Spingola - Motion passes

5. Discuss draft recommendations for policy or action on:

- **Warrants** (carry over from October 18, 2022, meeting)
- **Community Assessment and Referral Center (CARC) eligibility criteria.**

Chair Lacoë states she would like to leave this discussion more unstructured; they did not talk about warrants at last meeting so would like to start there. Also mentions giving more opportunity for comments about CARC referrals continued from last meeting. Any updates about what they talked about last meeting also welcome.

Update on Warrants from SFJPD: Chief Miller wants to share 2 main updates regarding warrants. One, which they have shared in the past, one change we made when she first got to JPD, when a PO goes to court for an arrest warrant, they need to go to the Assistant Chief or Chief for an approval first before making a request for a warrant. Additionally, Chief Miller mentions that it is their expectation that before

a PO comes to the management team, that they have already been working with the young person, the family, any defense attorney, and any CBOs who has been working with the youth *even before* the warrant issue comes up. Classic example is a young person who has not been home for a few days, or perhaps has taken off an electronic monitor. This is one change we made a couple yrs. ago which has resulted in fewer warrants being requested. Anecdotally, last week the Chief was reviewing some case note and could see the PO notes about talking to family, etc. This is the initial change we've made on our own around warrants.

In the course of the conversation in the CJHWG, in other work groups and in the final CJHWG Report recommendations was the discussion of "tiered warrants."

Under a tiered warrant model, at time the court issues a warrant, they can give probation some discretion as to whether to book into custody or to not book them if they come up with an alternative resolution. So ideally, they may have asked for a warrant when they did not know where the young person was, and now we do, so they can ask to put the matter back on calendar – perhaps the young person just stay at home – not bring them in.

Over summer, to follow up on this recommendation from the court and attorneys, we held mtg w court, defense attorney and DA to walk through this idea as provided by the Youth Law Center and from examples from other counties. At end of summer, they asked JPD to provide some suggested language which would go on the order and on the affidavits that we submit to the court; essentially providing "checkboxes" for when probation asks for discretion – when we can have discretion to not detain a young person. This was submitted to court last October. Court is finalizing their edits. Judge Wiley gave permission to share today that they are committed to adopting tiered warrant language and are now finalizing their language. "Breaking news in the Program Committee Meeting!" States that the language JPD submitted to them was gleaned from the best of what some other jurisdictions are currently using.

Now JPD needs to develop the conditions for when they will ask for tiered warrant. We need to work on these conditions; will reach out to partners for their thoughts and input. Then, we will finalize a policy and procedure for our staff. Would love to hear thoughts from folks at this meeting. Waiting for Court's final language then we will finish our internal language and train staff with new normal of tier-warrants.

Commissioner Lacoë – Thanks Chief Miller and states that she thinks this is great for people to weigh in and ask questions.

Denise Coleman – Asks at what point in process would one of the CBO be contacted about kid? Can you even look at past records to see if they are they already connected to CBO and then reach out to get support?

Chief Miller – 2 kinds of warrants: **bench and arrest** (kind we ask for). We don't ask for a warrant until we have already talked to the people who are currently working with that young person, by that formula, the CBOs will already know. We will have already tried collectively to avert it in the first place.

Bench warrants are different; issued by the judges in court. We may be able to mitigate by asking for a tiered warrant, but it is the judge making that decision. It will be incumbent on the PO to let the other agencies know what is happening; that a warrant has been issued. We are still working on the policy too.

Gabe Calvillo states that in cases where the warrant is initiated by the Probation Officer, in the past year and a half, we have had dozens of warrants that we have recalled – we've done our due-diligence with the CBO, etc. We have already made several efforts to reach the youth and family. We do a warrant recall when we ask the kids to come in – there are several things we do to reduce the number of youth coming in for warrants.

Denise Colemans asks about "backdoor" warrants. Chief Miller states that JPD has no control over Ramey

and backdoor warrants; the Police make those calls, and these are for new offenses. Gabe Calvillo reiterates that JPD has no say in this situation; we are presented with information by the police. Also states that the Ramey warrants are “more slippery” because they bypass everyone and go straight to the judge.

Mollie Brown – Commends Department on working hard on this, mentions Gary Levene working to clear old warrants. What is challenging for her is that even though they receive all kinds of monthly data, they do not see the number or types of warrants. Mentions having a CBO point person/care manager/care manager to make sure there is one person who follows the young person.

Maria McKee – JPD understands that warrants data point is on the Commission wish list, and highlights that on the past few Executive Summaries presented to the Commission, we’ve mentioned warrants “coming soon.” States the plan is to have this in the December report; we are checking the data now, however, might not be until January.

Chief Miller – Addressing Mollie Brown’s second point re a CBO care manager, the Chief states that all young people will be connected to CARC, so all will already have a lead CBO assigned - so all kids will already have this CBO “care manager” Ms. Brown is talking about. Looking back at some cases, Chief Miller does see that CBOs are being connected that no matter *how* they were being connected, and the POs are talking to them. Whether they got the information from Probation, Public Defender’s Office, or another way, they are being connected.

21:16

Linda Martley-Jordan - Does this also include court appointed advocates or is this prior to that? Then, she asks about transition specialists on the back end once they are coming out of the process. Asks about more clarity on these 2 individuals.

Chief mentions that a number of kids do have Court Appointed Spacial Advocates (CASA) if they are already connected, we do talk to them. 15 probation youth and another 10-12 AB 12 youth have CASA now. So, they are someone in the mix we do talk to.

Commissioner Jordan mentions transitional advocates maybe connecting solely via the school district.

Gabe says if there was a transition specialist, the PO would talk to them as well.

24:00

Commissioner Lacoé – Calls for any thoughts on criteria for JPD checklist about when or how they should request discretion?

Mollie Brown if kids are AWOL, mentions having a place to sleep - not the hall - as being on the check list. Lacoé mentions in San Bernadino County they have a identified a safe place to go where they are not considered AWOL and especially if they don’t feel safe at home.

James Spingola asks Mollie Brown does she mean a “safe house?” Mollie Brown – kind of - states that if a youth is already in a STRTP or foster home we can’t place in Huckleberry House, but mentions that for some young people another relative would be willing to offer a place to sleep, but some do not have a place to go. Thinks having a safe place to go might be an enticement.

James Spingola states he gets that, and states that for a 15-year who doesn’t feel safe at home anymore, there are few places that are legally allowed to take a youth – for legal reasons. Says he talks about this all the time, and a shame you have to be in a system.

Mollie Brown sates that you do not have to be in the “system” to go to Huckleberry House, licensed by the state, up to age 17, and they will help figure out a plan. Most exiting are going to a family member. The only other option SF has is calling child welfare, and not even sure there are any beds in the City anymore.

Commissioner Spingola states they do not have beds and that some kids just don’t want to go to

Huckleberry. Says kids say they don't want to go over there. He says this is something he is working on now – a mental health space.

Mollie Brown also mentions Diamond Shelter. 2nd place kids could go and it has less structure than Huckleberry.

Commissioner Lacoé asks if anyone knows how common a problem this is for AWOL youth – are they AWOL because they just don't have a place to go?

Chief mentions that when we had a lot of placements at STRTPS we saw a lot more kids go AWOL. As we see numbers of those STRTP placements is down, and as we see fewer kids ordered to out of home placements, we see AWOLs and warrants go down. We often see young person not coming home for a few days, then they do. The question is in that window, what is happening - we just don't know what is happening. Other warrants we see are unaccompanied minors – they get arrested, released to Huckleberry or w citation, or they go to court and get released, then they are very often “in the wind” - they may have challenges about where they can go. That is when the court may issue a bench warrant. Gabe states that the judges usually setting up a couple hearings/court dates before issuing a warrant while we work to try to get the kid in.

Margaret Brodtkin – Asks how frequently this happens? How often is Huckleberry used? Is this something Alternative Family Services can be used for? Resonates with idea of a safe house. Looking forward to James developing a safe house. Why can't one of the alternative family service homes be used for this purpose?

Chief Miller states that these homes can be used; there are ways we can trigger this to happen. We have already triggered an AFS referral to avoid detention. The larger issue is that there are kids we know where they are and we can trouble shoot, but other kids where we just do not know where they are. For them, it is harder to do that planning. Again, reiterates that numbers have gone down – but we can't really do that kind of planning in their absence.

Margaret Brodtkin – Whole idea is to avoid juvenile hall, so we'd like to avoid a big, long process to get them away from juvenile hall and into these alternative homes. If this is on our list, then if we need an additional dedicated bed, then we acknowledge that. Another point, why we want a community connection from day one. Likely that a community agency in a child's neighborhood might know where a kid is when the department won't.

Asks Chief Miller directly – Should we be cultivating a new dedicated bed.

Chief's answer: No, there is not one dedicated bed that is right for all kids. For example, we know that a large group of these kids are unaccompanied minors, many Spanish speaking only, or perhaps a young trans-person. Bringing on “a bed” is not the answer, but making sure we have culturally *responsive* places in our array is important. Also states that we haven't designed an elaborate process, but that the AFS process is necessary. Number of kids now who are AWOL is low now. It is the bed and also the support which is important – that is the conversation with CARC and Instituto – we've been meeting with them Instituto will be bringing in another case manager to actually connect with unaccompanied minors.

Mollie Brown – Back when she was working with SENECA to write proposal for child welfare committee response, there was some probation support. Asks Chief if this has come up with conversations with H S A. Ms. Brown continues, when they closed the child welfare emergency home was run out of Edgewood, dismal failure, they closed it and opened an RFP to hire a group of 24-7 agencies/homes to provide emergency child crisis response. Seneca won the contract/Edgewood/Unity Care. Seneca now the mobile response team for SF, which in some cases may be relevant to some of these young people we are talking about – especially female youth. Might be worth exploring.

Chief Miller states that SENECA does have some beds, but what they do have is the mobile response team – which is not a place to stay – but they can serve probation kids. Chief mentions when she came

onboard, they did have some funding to expand Seneca's mobile response team services to probation-involved young people, but that the City gave the funding back to the state due to local concerns about that project.

Discussion of the mobile response, intensive foster homes. Chief Miller states Mollie may be thinking about "the Hub" that Seneca operates. However, any placements all require government mandated processes – they are not instant. Mentions that during the CJHWG process the work group learned about another state in which they had converted a facility where a kid could just come in for the night. She thought that was an interesting model. Circling back to Margaret's question, only 1 young person in placement who AWOL is now. We need to know we have the right thing for each kid.

Commissioner Lacoë asks for any other comments about warrants. No other comments.

Asks entire group for any comments from last month's meeting about CARC, mobile unit, progress JPD had made, etc. So many of you are working with kids on a day-to-day basis. Could information sharing be better?

Dinky Enty, CJCJ – re: Supports the 24/7 mobile CARC, and sees the discussion and planning happening around the Care Team Pilot, and knows that there are plans for CARC being reformed to serve weekend and afterhours kids. Good stuff. In advance of the 24/7 mobile CARC, we request that a young person is connected w CARC when a youth is detained in the hall.

Hillary Buren – Huckleberry, mentions that they are working on this and will be having first retreat in December, to discuss what does it mean for CARC to expand, but reminds all this is a process and they are not ready for 24/7 yet.

Chief Miller notes that we know CARC is figuring all that out and we are working simultaneously with City Attorney and Court/Judge Wiley about sharing some information about a kid before the CARC mobile unit is up and running to make sure we get kids the services they need.

Dinky asks when this will happen. Chief Miller states that they need to wait until Huckleberry has their December retreat and for the Judge being comfortable with the language to allow, and to have discussions with partners. Will keep you all posted as we go through this. Dinky thanks Chief, but mentions that the retreat is for the 24/7 but they are ready to receive the information now.

Hillary Buren mentions they are ready to connect kids to CBOs, not provide expanded services.

Denise Coleman – States that since caseloads will increase, it will take thought and consideration about capacity.

Mollie Brown – CARC has their own case managers, then beyond, the CBOs who have their own capacity. It would be helpful that there are young people expected to be served by CARC due to nature of their offense, then there are other young people. She was under the impression that we are looking to CARC as sort of more a referral service – not intake - and this could be done relatively quickly.

Denise Coleman – These are young people who would probably come to CARC if it was not the weekend or if CARC was closed.

Chief Miller states is a shame that the Probation Commission meeting was cancelled last week since this was their presentation; what they were mapping out on slides. There are 2 sets of young people. For young people coming through that we are reaching out to CARC to connect to CBOs, then those names would be brought to the Weds. mtgs to discuss. What is new, is that we are now telling CARC about all the other young people who were cited outside CARC hours of operation – which will almost double their cases. We need to give CARC the space to develop plan. States this is not the best place for this discussion now, other than to say there are different groups of kids and we want to be ready for all of

them.

Chair Lacoë recognizes Margaret Brodtkin, then states they should wrap up.

Margaret Brodtkin confused, thought ultimately that we were talking about CARC getting the day list for everyone to make early connection, as well as intake for everyone. Points out that in Sept report 53 referrals to probation and 8 to CARC, even though there were 20 misdemeanors and only 9 707bs. To her, the data shows they have a long way to go. Glad we'll talk about it at the next commission meeting, and states that if she is confused, then others must be too. Thanks Commissioner Lacoë for doing the meeting.

James Spingola thanks President Brodtkin. Asks about number of kids again. States his frustration about these little kids, mentions a murder over by his office in front of the African American Cultural Center – which had been a relatively safe zone. He has 20+ kids in his program, he thinks could have been one of them. These are babies....at the end of the day, he gets frustrated, because there is a lot of stuff going on. This wasn't even on this news that this little boy was killed. These communities are traumatized; a lot going on. States that he was in a home where they said they felt like they were living in a nightmare, about being arrested because he was hysterical after seeing his brother dying on the ground, arrested him, and then told him to walk home. Instead of comforting the boy, they told him to walk home, and he told them it wasn't safe to walk home. Living a nightmare. His mama hysterical. At the end of the day, who do we really use to do this work and to say this is enough – kids are dying.

Mentions the realities of kids dying then other kids coming in to do a Thanksgiving interview with him.

Chair Lacoë thanks him and says this is why we are doing this work.

Commissioner Martley-Jordan – Mentions the trauma our Community and shows what they are going through. We must start somewhere – no one has a magic wand; she ran out of pixie dust two years ago. Just speaks to what our young people are walking through on a daily basis... and the adults in their lives who are ultimately connected to this trauma. How we are going to do warrants for young people is a start – could become the model for something else, and wants us to be vigilant.

Lacoë thanks everyone for spending their time with them. Concludes the meeting at 5:02pm.

Others present virtually:

Katherine Miller
Margaret Brodtkin
Maria McKee
Mollie Brown
Steve Arcelona
Veronica Martinez
Hillary Buren
Denise Coleman
Dinky Enty
Adrian Garcia
Emily Fox
Gabe Calvillo
Celina Cuevas