

CITY AND COUNTY OF SAN FRANCISCO  
JUVENILE PROBATION COMMISSION



LONDON N. BREED, MAYOR  
JUVENILE PROBATION COMMISSION

FULL COMMISSION REGULAR MEETING MINUTES  
March 8, 2023, 5:30pm

**Commissioners:**

Margaret Brodtkin, President  
Linda Martley-Jordan  
Allison Magee  
Johanna Lacoce  
Toye Moses  
James Spingola

**Proceedings:**

**1. Roll Call:** Meeting called to order 5:35pm.

Commissioners Brodtkin, Magee, Martley-Jordan, Moses and Spingola present.  
Instructions on making remote public comments read by Commission Secretary.

**2. Public comment on items not on agenda.** No public comment

Commissioner Brodtkin takes Item 4 out of order.

**4. Chief's report** – Chief Katherine Miller

**Workforce Update** – No new hires.

Promotions:

- Juvenile Hall Counselors promoted to Counselor II:  
Cindy Aquilar, Christian Anderson, Warren Johnson, and Marcus Mackey.
- Social Worker promoted to Social Worker Supervisor Melissa Chan Tong; this unit supports AB12 youth.

Retirements from JPD:

- DPO Linda Lane retired after 10 years.
- Counselors Karen Broadus and Catherine McArthur retired both over 20-years with JPD.
- Tim Diestel, Assistant Director Log Cabin Ranch, retiring after 35 yrs. with JPD; reads part of his retirement letter.

**COVID Protocol Changes** – Goes over new masking protocols.

Detained young people are not required to mask after they are cleared for COVID. Staff and others working in the hall must still mask; no weekly testing for anyone entering the hall. Court still requires masks.

**Juvenile Justice Transformation Updates:**

CARE TEAM – new model in shared partnership and leadership with partners. hooking young people with CBOs & care givers. Launched on 2/7/23. 12-young people referred to that model. Continue to work with justice partners, court, defense attorneys, and on-going oversight team (probation staff & CBO staff).

DCYF Services Allocation Plan going over the process for RFP for next 5-yrs of funding to be released next summer; just completed series of justice partners mtgs. about where people see gaps in services; only part of process. States many themes that arose are same as discussed in JPC meetings.

Detention Decision Making Tool launched 3/1/23; old DRI detention risk instrument has been retired.  
*Chief's Report paused here.*

### **Item 3 – Brooke Jenkins, District Attorney of San Francisco**

President Brodtkin welcomes and thanks DA; states that Program Committee sent some items to discuss.

#### **District Attorney Jenkins:**

Thanks Commission for opportunity to speak about her vision for juvenile justice in San Francisco. States when she came into role of District Attorney, she had to think about what accountability looks like for different populations: Adult, TAY, and Juveniles. States along with obligation to prosecute crime, her office also has obligation to help prevent crime - keeping people safe at all times - and hopefully preventing a pipeline of cases coming through their door.

Believes they have been too absent in the community; states they can't leave that work only to CBOs and probation departments - they need role in community that uplifts our children; wants SF children to have opportunities to ascend beyond their circumstances. States they need to provide the youth with opportunity and tools to do so (ascend)– states this is a priority of hers. Asks what does our footprint look like in community “to give our children access to hope?”

Talks about who would be chief of the juvenile division; Tiffany Sutton is now Chief of Juvenile who has longstanding history of community-based work (DA and Police Dept). Wants to reach kids before the point where they come in with a case. Her goal is to prevent this. On other side of table is prosecution; mentions whether or not to prosecute juveniles as adults. Held meetings to discuss about what community thoughts and concerns were – what her beliefs were – went to faith-based, juvenile justice, and deep into communities of color groups to arrive at their new policy. She states they heard the concerns mentioned, and believes after multiple meetings and communications, they have arrived at a policy that achieves public safety. Doesn't believe in “blanket policies” - states that each case is unique; unique history, criminal history, circumstance, set of case facts – so can't foresee the future about future crime or treat everyone the same; believes in “case by case” basis. Wants to be thoughtful about what is “accountability.”

States she is a mother; all her children are very different. She looks at cases the same – each case is different. What trauma have you gone through, what is your situation at home, is this the first or eighth time, what type of crime? States this is what the youth deserves – not to be treated like just another case file. This is what they have been working on and how they can expand certain programming.

Mentions **Young Adult Court** for TAY population has been very successful. Mentions she used to work this when she first started. This model should spread across the country, but it is limited in the number of cases, thinks this should be expanded. The big goal is to work with justice partners to increase the number of cases that can go to YAC. Mentions unaccompanied minors; another big concern of hers.

**CARC** – Mentions her visit; do we have enough resources? We can't treat them the same as other kids. They are here on their own, exploited by adults, they need support to achieve the American dream. Can't just put back out on street without tools to be successful as they reach adulthood.

Mentions UCAP diversion program; they made 17 referrals year to date. Her goal is to make sure they continue to push diversion programs responsibly but maintain public safety. During her term, she has expanded the eligibility to go to UCAP; including cases that have been charged too.

Prior to July 2022, there were 9 cases to UCAP, and 4 cases since she took over. Repeats they have opened up the different categories of who can go, however, they do not know why referrals have decreased. Decrease not as result of any decision on her part. Narcotics related cases, and other felony type cases, or where they believe the minor is unaccompanied. The only limitations are the cases with over 50 grams of Fentanyl not being referred.

Make it Right Program (MIR) – She states they did an analysis of referrals in 2022, she took over in July, but there were total of 10 cases in first 6 months (DA Boudin), and 8 in her first 6-month term; very little difference. Again, she reiterates there have been no orders from her to change the types of cases or place any new limitations. Goes over the list of crimes, whether or not victims are on-board – states they must be amenable because this is a restorative justice type program. They are making calls to seek their (victims’) participation. Based on numbers, not much difference in first and last 6-months of 2022.

DA’s office goal is to keep youth out of the system. So much more we can do with SFUSD, and other CBOs, to help prevent them entering the system.

JPC President Margaret Brodtkin – Thanks DA Jenkins and asks about MIR; states this report is counter to what they have been hearing, mentions she has heard there were *no referrals*. What accounts for this?

DA Jenkins offers a breakdown of referrals by month 2022: July=1, August=6, September=1, October-December=0. Reiterates that this is not due to any changes from DA’s office in policy, her understanding from her management team is that there are issues with victims not being amenable, not wanting to participate; states her office continues to keep trying to reach out to victims and states her office is 100% committed to the program. The MOU does not impact their criteria for referral.

Commissioner Dr. Moses – Thanks DA for what she has done in a very short time; he admires what she has said today. Likes that her goal is to keep the people out of the system. States most of kids in JGC are African American. He states his concern for the grandparents who really care, but are now taking care of kids. Asks what we can do to help them. Asks DA to think about that and how her office can work with them. Mentions limited financial ability being on social security. Ask DA to think about how to help.

DA states that Father came from El Salvador, he left right after she was born (Visa expired) but she was raised by mother but mostly her grandmother. Mentions that she is aware that in foster care, they caretaker receives a check but not so for grandparents. Agrees with Commissioner Moses; she is invested in discussing without tying kids up in the system. She recognizes this issue. States that her grandmother is now raising 2 youngest grandchildren because the mother passed. “It takes a village...” and we’ve lost that, and we need to be more supportive.

Commissioner Linda Martley-Jordan – States 2 things that stood out for her were her statements regarding prevention and being absent from community. Already talked about MIR, and enrollments. Also covered UCAP and eligibility. DA Jenkins states that 13 cases in 2022, year to date, referred 17 cases in 2023.

Commissioner Magee – Has there been a drop in numbers in terms of numbers of those eligible to UCAP? DA has not been apprised that somehow now there are fewer people eligible unless it relates to amount of fentanyl (but capped at 50 grams which is pretty high). Not clear what the difference is, 4 in 2022 in 2<sup>nd</sup> 6-moths vs. 9 in last 6-months, and 4 in 2023 to date. Has asked her team to look at these numbers, while numbers fluctuate, but this is not some drastic difference.

Commissioner Martley-Jordan – Asks about the AFTER Program, is it being used? Are the eligibility criteria different and what are the policies on undocumented youth. DA responds that the AFTER is still being used. Year to date, 22 cases have been referred to AFTER, they have paid out \$15,000 to victims and still have some cases in progress for payment. She reiterates she has NOT changed any AFTER policy; she states she supports this program.

39:10

Referrals programming for TAY, to Young Adult Court 15 cases in 2022, she has personally referred cases as a prosecutor. Mentions that in past it has been full, but capacity has opened. She fundamentally believes this should be model across the country in the way the go about doing the work; if someone is 18-25 years old they are eligible, depending on type of crime (ex. Murder, sexual assault not eligible). Over past years, the types of cases have expanded. She thinks it is good thing this is expanded. Now sees it accepts some types of gun cases; we need to be thoughtful on a case-by-case basis. So, types of cases increased. More cases are vandalism, thefts, robberies, and some exceptions for

some gun cases approved by the Judge himself. Even if a case is not eligible on its face, they have made exceptions, with the approval of the judge.

Commissioner Martley-Jordan asks about the outcomes from referrals. Are they completing the diversion programs? DA explains Young Adult Court. Every participant has a different case plan based on their needs, ex: drug treatment, life-skills, getting their GED, learning a trade. Takes about a year to complete a very specific youth case plan including education, jobs, etc. setting a youth up with what they need to succeed (Social Security card, etc.). This program has been very successful by virtue that this is a very individual case plan.

42:17

Commissioner Martley-Jordan – Asks about college classes and asks if this is being expanded. DA is not aware of what program she is talking about, sounds great, but very interested in learning more.

Commissioner Martley-Jordan – Asks about DA’s policy approach to juvenile detention and policy on charging position on filing strikes?

Margaret Brodtkin – Stops answer and asks if DA can go on more on undocumented youth. Asks about *Immigration Say Please* Program; allows kids to receive cards.

DA states ***Immigration Say Please*** is not just for youth; they use for adults too. Mechanism to give people the opportunity to maintain their status in this country. We don’t want people to make decisions that come with collateral consequences unless necessary. Most commonly we see cases involving narcotics. Rather than requiring someone to plea to the charge of selling (she mentions that drug offenses are deportable category) they will offer Penal Code Section 32, which is an immigration safe charge. Historically they offer felonies and put them on probation. States the issue here is that the former DA put many of these into misdemeanor “32s.” States that she doesn’t want to preclude young unaccompanied minors from becoming legal residents here. They will continue to look at each case individually.

Commissioner Brodtkin asks if she wants to discuss Detention or strikes?

Re Detention - DA answers that they have public safety responsibility and what is best for the minor. Is this a first time, 3<sup>rd</sup> or 4th? What rehabilitation services are available? Mentions considerations. 25 juveniles being detained. Demonstrates they are not abusing asking for children to be detained but they do need to make responsible decisions for both the public and in some cases, preventing the youth from ending up in a worse situation. Talks about hypothetical gun case; doesn’t want to see same kid back because they shot someone. Takes seriously with the kids.

Margaret Brodtkin mentions steady increase in detentions; we have a commitment to reform, but the numbers are going up. Mentions joint mtg. with SFPD to talk about police diversions and their role.

DA re: Police Diversion – She is supportive, doesn’t take these decisions lightly, she doesn’t gain anything by locking our kids up and separating them from families. She does have responsibility to keep kids and public safe. Hard task; complex task. Mentions balancing love and compassion and keeping kids safe. Same analysis. How does she make sure a kid doesn’t end up dead or a murder charge? How do we capture them when it is less dangerous?

Reiterates she is not the prior DA, and not going to apologize for these thoughtful decisions and not taken lightly.

Re Strikes – They charge based on the law this is across the board in the DA’s office. In past, overcharging has been abused. Her standard is that charging is the law, then they take a step back, then they look at the facts, circumstances, youth history, all the mitigation your attorney or family brings to bare, then they figure out a fair, appropriate resolution. Resolutions are where we are mindful of what is fair and appropriate in that case.

Commissioner Martley-Jordan: How does DA’s office determine how a judge can hear juvenile cases? What is criteria for a judge being unsuitable? Commissioner Brodtkin states how is it determined if the judge is prejudiced?

DA – No different than analysis of adult case. Internal conversation whether they believe there is an issue. Won’t publicly discuss how these decisions are made out of respect for the judges. She will only make decisions necessary for public safety.

Margaret Brodtkin – Asks about style or process of communication. To what is it seen as collaborative process? Are CBOs included for good outcome? 56:07

DA Jenkins - The one policy they did change, she *did* invite CBOs and others to the table. States this is the first time she is hearing about this issue; she is open to discussion if there are issues with folks not feeling their voices are being heard.

Commissioner James Spingola – Looks forward to people’s opinions on how they work with young people. Thanks her. He’s old-school. Everything is case by case; he agrees. Will never agree about young people being charged as adults. Mentions his work saving lives, that he doesn’t want to see kids locked up, and sometimes they must make decisions. What he has heard is what he wants to hear from a District Attorney.

DA – raised by black family, with cousin whose Dad died young, next thing she knows he is out-of-state in boys camp. This is her life – didn’t have to read it or learn it. Takes this very seriously, these are her people and knows the challenges of raising Black kids in America and knows what she wants for all these kids. Other half of her family still lives in South America. She is uniquely positioned to understand all aspects; yes she does talk about accountability, but that doesn’t mean we lock everyone up. For some kids it is go to school, for some it is to finish a program. Sometimes we get it wrong, but that is a part of it – we won’t always agree, but the point is for you to know where her heart is – and talks about being committed to having fewer black boys and girls in system. Mentions she is an example, that no matter your circumstances, you can ascend.

Margaret Brodtkin appreciates that the DA has come, and answered their questions. 1:00:02

Public Comment:

Emily Goldman, Public Defender’s Office, Juvenile Division - Heartened to hear that DA’s heart is with the youth of our community and working on diversion pathway. Unfortunately, the vision is not translating in what they are seeing daily. Experiencing significant increase – perhaps double - children 12-years old being charged. Seeing some youth going to UCAP, less than prior years, MIR referrals have dried up. Hard to accept that is only due to lack of participation of victims. Also, seeing increase in undocumented youth who are formally charged. Gives her hope to hear DA tonight. Very open to talking more with DA and seems like we are on the same page. Talks about kids being away from family, in mental health crises, home and not offered community-based supports, we want to make this a reality.

Julie Traun, BASF – Echoes Ms. Goldman’s comments and concerns; welcomes a meeting with DA. Percentages have changed but they are seeing kids who are not being referred. They are asking why this kid is not referred to UCAP or MIR - perhaps just a conversation to share stories. What is DA’s office doing re mental health problems. Mentions suicide attempts. Had kids suffering from serious trauma; wants to talk to DA about this trauma, ...and seeing the after effect of COVID. Director of the Court Program at Bar Association; oversees our conflicts in criminal delinquency and dependency. Can’t tolerate the pipeline she is seeing from dependency to delinquency to the criminal courts. Welcomes any opportunity to talk; let’s have this conversation. States trauma and mental health issues have changed dramatically in the last couple of years.

Dawn Stueckle, Sunset Youth Services & Co-Chair of Juvenile Justice Providers’ Association (JJPA) – If MIR referrals could be happening maybe we can figure out together what the problem is because she has been on committee to look at referrals and how to support kids – they have been meeting for a year and no referrals have been made. She asks to work together to figure out the hold-up and how to unclog the system.

Kisai Henriquez, Director of Justice Programs of Huckleberry Youth Programs, and oversees CARC - With diversion programs and MIR in particular, wants to uplift that we are not getting all the referrals they could be getting. Would like to know the number of youths that could be referred but are not. Thinks they should talk. States that public thinks that DA is going to be more punitive, so victims want to go through the traditional court process; she thinks there should be more education on how restorative justice works. Would like to see a campaign on several levels to educate people about what restorative justice is – if they don’t, then we need to fix this (perception). Re: Unaccompanied youth who say they are young people but actually adults – they handle through CARC, but their hands are tied. These young people are booked but not getting the services they need. Working at community level to organize around this issue. Uplifts

that they are not getting all the referrals for their alternative programs and wants to see more work on prevention services.

Christina Powers, Managing Social Worker, Public Defender's Office, Juvenile Division – Number of youths on Electronica monitoring has doubled and time has gotten longer, thinks practice increases isolation of youth and increases surveillance in communities of color and states there are no rehabilitative effects from electronic monitoring. Curious about DA's position is – and asks how we bring in what we know about adolescent brain development and how that doesn't really square with electronic monitoring.

Dinky Enty, CJCJ, Co-Chair JJPA – She wants to share that she too does not see the vision that the DA is describing, and crushes her that the youth in community are not receiving this new just vision; wants to formally invite the DA to meet to figure out the bottle neck to receiving services, and how best to support the youth and families using a true holistic and trauma-informed approach.

Meredith Desautels, Staff Attorney, Youth Law Center – Concerned that the DA's powerful vision does not align with reality. Wants to urge the DA's office to increase efforts to divert, including to MIR, to Immigration Say Please Program, and to move youth out of detention as soon as possible as law requires by expediting hearings, to respond to mental health trauma with appropriate treatment to show true loving care for these young people. Talks about extensive research re harm from incarceration and states this actually makes the public less safe. Urges DA to be a leader.

Margaret Brodtkin – Closes hearing and enormously grateful to the District Attorney; mentions she hopes DA is open to more communication. DA Jenkins says she has heard the comments, and will go back to her team to see how they can follow-up. ... "We all want what is best for these kids" and will go back to the table and will sort through some of the issues discussed and "continue to try to move the ball in the right direction." President Brodtkin thanks DA again.

#### **Returned to Chief's Report (See attached slides) – Chief Miller**

Maria McKee starts back at the DDT slide; mentions prior report given by Celina Cuevas, Oct. 2022, that the old DRI was not effective, arbitrary; founding revealed that different people could come up with different results. Now, DDT new tool is very standardized & streamlined – goes over listing the things in state law. See slide page 4 of Chief's report. Last factors are circumstances where young person has no alternative, no shelter, home – we cannot find a placement, and cannot release to the street so we detain, same as when we cannot find parent or caregiver willing to pick them up upon release, but these cases are rare.

See Slide page 5 – DDT "Detain with supervisor approval." Might be some circumstance, then PO can seek approval from supervisor; more data reporting will be presented after the tool has been in service.

Chief Miller mentions there were a lot of different paths on outcome for the old detention tool; thanks the Department staff for their work on the new DDT tool – this has been a lot of work. "Bias lives in the opportunities for discretion and subjectivity." Thanks staff for absorbing this into their daily routine. Mentions good work by JPD IT to update AutoMon case management system. Restates this is now automated which reduces error.

Allison Magee – Congratulations to Department.

Linda Martley-Jordan – This is a heavy lift for the Department. Kudos, this has the opportunity to change the outcomes for young people.

Discussion follows regarding why this is different. What is the impact and what difference this will make.

The Chief says that together in real time, we will see what the changes are in who gets booked and who doesn't; we'll see. Puts us under the microscope in a new way. Believes this will result in reduction in detentions.

President Margaret Brodtkin – Congratulations. Not expecting this.

Maria McKee and Celina Cuevas are very proud of this work; Chief Miller wants to highlight/acknowledge the process, the analysis and then the good work to change.

Commissioner Allison Magee – Doesn't anticipate a dramatic change at first because the work has been ongoing.

Chief Miller states that there will be times when they ask for someone to be detained, want to be clear about that. Also, met with justice partners, shared the analysis, met with lawyers and judges to go over the new DDT report to make sure they could understand and ask questions. They now receive the DDT Report not a DRI Report.

Public Comment on DDT:

Dan Macallair, CJCJ – Applauds Department in latest attempt at a risk assessment instrument under a different name, recalls a similar effort in 1987, hopes it works this time.

Meredith Desautels, Youth Law Center – Congratulates JPD on the overhaul of the detention tool and for this very needed change.

**Probation Mapping Process – Chief Miller continues:**

Working to map out the tasks for probation division to inform a new overall organizational change in how someone spends their day. To make sure POs are working with families and youth; held 5 meetings with Controller’s office and staff. Thanks Controller’s office for doing a great job. Friday is the last mtg., then Chief will offer information to other folks to add or make notes. Then other stake holders, youth, families look at this and then will come up with a new design. Goal is to come out with big and small changes that add up to how someone spends their day – to make sure our probation officers are doing the work we want them to be doing which is engaging with youth and families.

Margaret Brodtkin asks that other stakeholders provide input. Chief agrees.

Discussion of this process ensues. Maria McKee states the process mapping project is underway, but there won’t be a report, however states that there will be a public presentation at a Commission Meeting.

**Monthly Data Report** (See attached slides)

1:41:00

Celina Cuevas – States that the Executive summary slide exists and for January offers a great summary.

Slide 4 – Juvenile Hall Snapshot 3-6-23, 20% girls, mentions higher percentage of girls recently, all young people of color. Goes over slide population stats. 1:44:50

Slide 16 – Admissions by primary reason; goes over offenses; mentions firearm offenses. 81% mandatory admissions.

Slide 20 – Mentions typo, 68 referrals in January 10 CARC and 0 MIR referrals.

Slide 22 – Probation Active Caseload.

Slide 24 – Active Caseload by Unit; talks about CARC cases; states that cases are not down, just JPD tracking better data.

Slide 44 - PS Chart 8 – Petition Dispositions.

Chief Miller – re Page 24, Chart 2.2 Active Case Load by Unit; mentions the number of case loads going up for POs. Talks about the Vertical PO caseloads, still high at 29-cases per probation officer, and this is one of the reasons we are doing the mapping project. Also, mentions how long it is taking for cases to resolve. Cases staying long time in pre-adjudication stage not being resolved. For staff, that meant they were working with young people in limbo, becomes “report heavy” and staff having less time with youth and families. Judge Roger Chan, primary judge in juvenile, has flagged this long time to have cases resolved as problem to solve. Judge Chan and other partners will be checking this slide in particular.

Commissioner Allison Magee – Asks about 47% of out of county youth, has this increased? Chief Miller states “yes” that migration of families from SF is part of this issue. Slide 27. Commissioner would like this to be a future agenda item, and notices that AB12 is not part of the probation caseload? Chief Miller states AB12 is included with the social workers and their caseloads have gone up (on social worker on leave has increased the number of cases per social worker). ion passes.

Commissioner Magee continues re Slide 3 – Active caseload in Programs. Clarification that the kids here are currently in programs other than just electronic monitoring – without differentiating between kids in hall or on probation.

Margaret Brodtkin mentions that out-of-county youth is a discussion with CARC taking on more responsibility with out-of-county youth too. Chief Miller mentions that they already have reached out to other counties for lists of service providers, and this had been shared with CBOs, etc. Mentions “Child Welfare Fund and if could be used for out-pf-county youth, mentions the different funding streams and “anchor CBOs” with other counties, just to make sure there are effective bridges.

Discussion continues re out-of-county youth and if they are also involved in these other counties’ systems; yes, we are aware of youth involved in multiple counties, Celina Cuevas states we don’t track but do know about anecdotally.

Commissioner Moses – Asks about increase in number of girls; Chief gives context, Mon. = 5 in juvenile hall, Tues. = 4, feels high because the number has been so low for so long, that even 1 or 2 girls coming in seem high. The decision was made to open a girls’ unit, for the first time in a long time. Mentions the very strong, different opinions and sentiments about whether or not to have separate or co-ed units.

Public Comment – None

**President’s Report – Commissioner Margaret Brodkin**

1:59:40

**No vice president; asks for volunteer.** Asks Jana Clark for clarification. As long as one way communication, commissioners can send their interest to Commission Secretary.

**SFPD joint mtg** proposed for April – very excited about this. Would like to hear from LA program and an Alameda program model to hear from; will be working with Commissioner Linda Martley-Jordan to finalize; not full mtg, just first part of meeting to learn what is going on elsewhere. Discussion follows; Police Commission does not have remote public comment.

No Public Comment

**Item 6 – Future Agenda Items**

Police diversion, Log Cabin, AB12, mental health, out-of-county; Chief mentions that April is also DCYF & AIR report.

No Public Comment.

**Item 7 – Review and Approval of JPC Minutes from February 8, 2023**

Commissioner Spingola made motion to approve; Commissioner Moses made second.

No public comment

Vote: AYES: Brodkin, Magee, Martley-Jordan, Moses, Spingola – Motion passes.

**Item 8 - Adjournment** – Meeting ends 7:46pm