

BY DISTRICT CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



FULL COMMISSION REGULAR MEETING
Wednesday, December 13, 2023, 5:30pm

Meeting held in-person at:
City Hall, #1 Dr. Carlton B. Goodlett Place, Hearing Room 408
San Francisco, CA 94102

Full Commission:

Margaret Brodtkin, President
Johanna Laco
Allison Magee
Linda Martley-Jordan
Toye Moses
Manuel Rodriguez
James Spingola

Meeting Minutes

In person meeting only. Comments would have to be from public sitting in audience.

1. Roll Call:

- A. Meeting called to order at 5:31pm.
- B. Members Absent: Allison Magee (justified absence due to illness).

2. Public Comment on items not on the agenda:

- A. No public comment.
- B. Motion: None

3. Proposed Updates to the Department's Annual Performance Metrics:

- A. Maria McKee and Sappho Q presented the Department's proposal to update current Performance Measures (PM). This was previously previewed and discussed during the last Program Committee meeting of 11/27/23. Maria McKee provided a brief background of what a Performance Measure (PM) is. Sappho Q presented each proposed measure and cited which commission/department goal the measure is attached to, provided sample data, and provided context as to why the measure is important. [Presentation Link](#).
- B. Commissioner discussion and question:
 - i. President Brodtkin questions the difference between target, projection, and goal.
 - 1. Sappho Q responds: The language of targets, projection and goal is from the Controller's office. All Performance Measures have a target and that can either be a projection or a goal. Projections are used when the department has limited influence over the results. Goal is when department can provide for what is aimed for.

2. President Brodtkin disagrees with the notion that department does not have control and influence over the population in Juvenile Hall. Would like to have a clarification between when it is a projection and when it is a goal. Should not base target on what happened last year, and goals should be aspirational.
3. Chief Miller comments that we have limited ability, and not absolute ability over some of the goals of the Performance Measure, like Average Daily Population. We do not have absolute control over the decisions similarly to when deciding on commitment terms for youths, we can make recommendations, but ultimately it is the judge's decision.
- ii. President Brodtkin questions why only misdemeanor diversion is being measured since our goal is to absolutely move into felony diversion. President Brodtkin also mentions that there are a lot of things that could be diverted that fall under felony especially given that, of the 707(b) arrests, only a third are sustained so there is room here for diversion with felonies.
 1. Chief Miller responds, "Under California law a young person who's 14 and over arrested on a felony is a mandatory referral to the District Attorney for them to decide whether to file a case or not. If they are 13 and under and it's their first felony arrest, we do hold the power to decide whether to divert and if it's a misdemeanor we hold the power but if they are 14 and over and they are arrested on a felony, probation does not have the legal authority to decide whether to divert."
 2. President Brodtkin comments, "Maybe we should have a different measure because what we want to measure is the extent to which the Probation Department exercises judgment about how a felony is treated so maybe we ought to consider a different kind of measurement."
- iii. President Brodtkin comments on youth connection to programs. Appreciates the definition of DCYF being included (enriching, rehabilitative). It is important to have this distinction because we are trying to measure something that is wholesome and positive and rehabilitative.
 1. Chief Miller comments regarding future DCYF funding and mentions that a goal of this Commission is for JPD to connect to an organization and community that then really supports that young person to get to all those good things and that is what the structure of the new funding will do.
 2. Commission Laco comments that 100% might be too high because we should account for youths who do not want to participate in the organizations. We do not want to make this seem like a mandate by Probation.
- iv. Commissioner Rodriguez asks for clarity of page 3 of the presentation which shows current Program Measures. So the update now is adding new JPD goals and is there a plan to integrate new goals into the Controller's report?
 1. Maria McKee mentions that a total overhaul will be done and explains the process.
- v. Commissioner Laco comments on recidivism and stresses that this is an undercount of what the true recidivism rate is going to be. There are many data limitations and there was a previous discussion about making it a goal to set up a data system to track young people into the adult system ultimately.
 1. Maria McKee responds that Adult Probation would have that data. It would be a matter of asking for it and matching it. Very time and labor-intensive work, appropriate for a research study and not to do in house. In addition to age limitation there's geographic limitation because many cases are out of county.
 2. Recommends focusing on age for those in San Francisco.
- vi. Commissioner Spingola provides reflection on the state of Probation and young people.
- vii. President Brodtkin comments that caseload Performance Measure should be discussed because not all cases are the same. Suggested for a public discussion and community input and does not feel ready to approve changes without discussion first.
 1. Chief Miller comments on the need for balanced caseloads (intense supervision vs. light supervision and support.)
 2. Laco asks, "Is there variation in caseload size on purpose?"
 3. Chief Miller responds, "There is" and provides example of what a Probation Officer in

Placement's responsibility is.

C. Public Comment:

- i. Dan Macallair, CJC: asks: Are all different kinds of probation included in the count? (i.e., informal probation, formal probation).
 1. Department/Chief Miller responds: It takes a long time to get to adjudication and that is a period of a lot of work for DPOs. Court often assigns informal probation with a lot of conditions and reporting requirements, which makes the work of the DPO in the cases more intensive than intended for informal probation.
 2. President Brodtkin comments: Probation is the main influence at least when it comes to recommendations. I won't vote to approve these changes until we discuss this further and discuss it with the community.
- ii. Dinky Enty, CJC JPA: I do recall a time when Commissioner Magee was with JPD when they tracked youth into adulthood. My main comment is to question why the department would remove the PM related to Over Time and youth grievances.
- iii. Molly Brown, JPA: The Program Committee meeting was great fun and I learned that one reason to update these PM is to match them with Commission goals from the retreats. I would encourage you to include information about definitions and to include a goal for out of county youth.
- iv. Dawn Stueckle, Sunset Youth Services: I support the notion of having a meeting to discuss this matter.
- v. Sandra, YWFC: I agree with others that I wouldn't pass this today. More work is needed on this.
- vi. President Brodtkin: I would like to table this item and continue the debate. I would like to ask the department to convene a meeting to discuss things like Average Daily Population and caseload sizes.
 1. Chief Miller: We're open to ongoing input, but the timeline presents a challenge because there's not a lot of time.

D. Item and conversation tabled for future meeting. No action taken.

4. Presentation regarding AB 702: The PROMYSE Promoting Youth Success and Empowerment Act by Nancy Jaurez, Center on Juvenile and Criminal Justice:

- A. Nancy Jaurez, Policy Analyst with Center on Juvenile Criminal Justice, presents on AB 702, a bill to reform the juvenile justice crime prevention act which is a significant state grant that holds potential to make a positive impact on youth within the county and across the state. [Presentation link.](#)
- B. Public Comments: None

5. Racial Equity Action Plan Update:

- A. Naomi Wright, DEI Manager for JPD, presents on the Racial Equity Action Plan which was approved in 2020. Provided background of what the Action Plan is, timeline, phases, goals, discussed how the plan came to be and the ways in which the Commission impacts the plan.
- B. Commission Question and Comment:
 - i. President Brodtkin asks: "What you think has made the most difference in terms of what goes on within the department and what you think is the most important thing the Commission needs to do?"
 1. Naomi responds:
 - What has made the most differences – "One is having leadership because leadership really determines the direction of a lot of these items as well as the implementation of them and ensuring that there's capacity to really see implementation through and so I think that the Chief and Assistant Chief have been really great collaborators in that respect. Another thing too is our Director of Human Resources, has been a really great partner and so a lot of these items if you notice hiring, recruitment, retention, and promotion, those are very Human Resources oriented and so Preston and I, we collaborate, we oftentimes go to the DHR meetings on diversity recruitment just making sure that we're not just thinking about the diversity piece but also equity, belonging, and

accessibility and so I think that that partnership and applying best practices has been really transformative.”

- What do you think is the most important thing for the Commission to do to be part of this effort? – “I think the important thing is that it really would be helpful if the Commission really apply the racial equity index to some of your decision making even just with what we discussed. I think that that could be a useful tool and not only identifying how policy was intended to be applied, but also what are the unintended consequences, how are those consequences dispersed across community, who bears the most impact of these policies, those are all questions that the racial equity index poses and I think that having those toolkits in front of you as you’re having these hard conversations really will lend itself to more as you said nuanced conversation.”
- ii. President Brodtkin asks if Naomi can be a resource to the Commission or should Naomi come to the Commission meetings in which Naomi responds with it is her goal to for the new year to have a more consistent presence at the meetings.
- iii. Chief Miller comments that there is currently Race, Equity, and Inclusion training for Managers across the City. She poses question to Naomi on how to make resources and training accessible to the Commission.
 - 1. Naomi states that the DEI team have been working on making the trainings asynchronous (do training on-demand and on own time).
- iv. Commissioner Rodriguez thanks Naomi for the presentation and reflects on the results from the AIR JJC survey where Latinx youth felt particularly discriminated against by staff. Commissioner Rodriguez asks if Naomi has seen the results of some of these staff trainings and how Naomi is seeing that as manifesting now?
 - 1. Naomi responds: “There is still a little bit of learning to do. Department recently had a Latinx heritage month event which unlocked a lot of trauma but also a lot of things that staff have not considered before.” In short, yes there have been conversations and Naomi hopes that as DEI expands the training capacity, that they can continue those conversations.
- v. President Brodtkin comments: “Because the young people and the surveys they had mixed reviews. In many ways they were positive but there were some serious comments about racism and the staff of particularly with Latinx young people feeling not understood so I presume that some of what you’re working on trying to deal with?”
 - 1. Naomi responds: “Yes and I think even though this is called the racial equity action plan I like to think of it as the intersectionality action plan because part of this work is also getting staff to think about the ways in which they may hold privilege and also marginalized identity and how they use their privileges for the betterment of the people that we serve and their families. It is a nuanced conversation and I’m happy to say I think our staff are encouraged to engage.”
- vi. Commissioner Martley-Jordan comments: “Thank you (Naomi) for presenting this and working with our Commission and others because it’s definitely needed and the perspective and the way that you’re looking through things through the lens that you’re working through will definitely help us to put some things in line and the perspective that will benefit all so I just want to thank you and look forward to working with you.”

C. Public Comment: None

6. Chief’s Report:

A. Monthly Data Report Highlights:

- i. Celina Cuevas, present monthly data highlights from the provided memo:
 - 1. Slide 22 – Probation Referrals, CARC Intake and Make it Right Referrals
 - 2. Slide 18 – JH Chart 4 Admissions by Primary Detention Reason
 - 3. Slide 7 – JH Chart 1.2 Average and Peak Population
 - 4. Slide 15 – JH Chart 3.2 Length of Stay for Young People Released

5. Slide 39 – PS Chart 5.1 Warrants by Type

- ii. Maria McKee notes that the Program Committee identified that the charts are not color blind accessible, so Sappho and Celina researched and updated the charts to be accessible to color blindness. Feedback is welcome on this topic.
- iii. Commission Question and Comment:
 1. Commissioner Martley-Jordan asked for clarification of Slide 18 Chart 4 regarding no non-secure option available.
 - Chief Miller mentions “ I made a policy decision starting at the end of the summer for young people who were arrested on drug sales for whom we had no identifiable parent or guardian that we were detaining while we looked for an appropriate relative to release to, and so there was a real spike in those numbers in August and September, and then you see it drop way off in October. One thing that happened in August and September was that when we started booking all young people arrested on drug sales, a lot of young people who identified as a juvenile to the police at the time of arrest turned out to be adults. BI also think that with the change in policy, there are just fewer young people, fewer minors now doing that behavior and getting arrested because we weren't detaining previously I think it was more attractive for folks to have young people involved in the behavior than once we started detaining - we saw a huge drop off from September to October.”
 2. Commissioner Laco comments: “Curious to see when we get November data will we see increases in APEC activity?”
 - Chief Miller does not think so, and Celina Cuevas has not looked at the data from November yet.
 3. President Brodtkin comments on huge amount of Out of County youth and how it affects the workload. Points out number of petitions and 707(b)s and mentions that there is room to find alternatives approaches.
 - Celina Cuevas responds: Currently doing a deep dive for Out of County youth which will be discussed next month.
 - Chief Miller responds, “Detention decision is made at the time of arrest based on that charge and not based on what the DA then may decide to file on, which may not be 707(b) offense – which is often a good thing that we support, but that is where part of that disparity lies.”
 4. Commissioner Martley-Jordan asks, “Make it Right seemed to be consistent in April and May and it started to decrease slightly in June, and it decreased again in July, and I don't see it again until October, what attributed to this?”
 - Chief Miller responds, “That is the DA's decision, so I think it's a great question for when you invite the District Attorney to come back to the Commission to talk to you about their work. That call is made by the managing attorney of the district attorney's unit at juvenile, and great question for them. We watch those numbers carefully as well. One thing I'll note is that it has been limited in its ability to serve out of county youth.”
- iv. Public Comment:
 1. Hilary Buren, CARC, states, “For Make it Right specifically we too very much track it and have had concerns with lack of referrals from the DA's office but also the out of county piece is one expanding to serve out of county youth but it's also unique in that Community Works West is actually the agency to hold make it right and they subcontract with CARC for the case management and agreements monitoring aspect and Make it Right actually operates in more than one county, so if the youth are eligible like in Oakland they could be transferred out of Alameda to be referred to Make it Right. They just don't get to utilize CARC services because they are not San Francisco residents so there's that real distinction and I doubt all the numbers are showing all the out of county youth that are actually being referred to Make it Right.”

- Commissioner Brodtkin comments “While you're here and we're talking about the next meeting which is on Out of County youth, I would really expect CARC to have a lot to say about that.”

B. Workforce Update:

- i. Chief Miller reports:
 1. Becky Van, Sr. Payroll Clerk, and Victor Yan, Utility Worker, joined the team.
 2. There are four new on-call counselors. This is very helpful because it helps us to not rely so heavily on overtime for Juvenile Hall.

C. Transformation Update:

- i. Celina Cuevas launched the department’s interactive Data Dashboard. A press release was sent out and the media reached out to interview Celina. Everyone congratulated Celina. Seeing that the media is interested in understanding the nuances of the department’s data, this is a great example of what true transparency can look like.

D. Budget Update:

- i. Chief Miller provides update on Budget:
 1. Mayor has released budget instructions today and the City Departments got a preview of part of it last week. Chief Miller to share with the Commissioners the PowerPoint that the Mayor's Budget Office presented, which contains a lot of information as to why San Francisco is where it is financially and more details about the budget and the instructions.
 2. Mayor identified budget priority for next budget cycle which is similar to last year: improving public safety and street conditions, economic vitality, addressing homelessness and mental health services, accountability and equity.
 3. Mayor’s office is projecting a \$250 million deficit for fiscal year 2024-2025, \$700 million the following year. State is projecting \$68 billion deficit.
 4. City departments have been instructed to reduce general funds expenditures by 10% in both fiscal years. This will be further discussed. General fund is part of JPD’s budget and then JPD also has other funding sources, so this applies to the general fund part of JPD’s budget - and for JPD it's \$2.5 million. In addition, the departments have been instructed to identify contingency expenditure so if things get worse than projected, departments are expected to identify another 5% in general fund reductions, which is another \$1.3 million.
- ii. Commission Question and Comment:
 1. Commissioner Rodriguez asks: How does that relate to the Performance Measure? How time sensitive is that sort of project?
 - Chief Miller responds, “Ideally at around the same time as the budget goes in, be able to give the updated performance measures because they go into that budget book and I know that it feels like there's still more work to do on it, but we know for sure that the current set of Performance Measures in the budget book are off the mark of what we want to have there.”
 - Rodriguez states, “If that agenda item does not move forward with these new updated ones the budget book will include the former Performance Measures.”
 - Miller: Correct so we will do our best to keep it moving forward.

E. Public Comment:

- i. Dinky Enty, Center on Juvenile and Criminal Justice, asks, “I thought maybe it would be discussed under workforce update but I know the units within probation have transitioned or transformed previously years ago there was Intake and Placement and all of these different units, then it became Vertical units and there was a long discussion and a healthy kind of learning about what that would look like and I think I've understood that some of that's going backwards this week and so I was just curious if anything was going to be presented about how, when, how quickly, what units, who, what, where?”
 1. Chief Miller provides an overview of the past Vertical model versus the new JPD Reorganization model. The previous Vertical model proved operationally impossible for officers to manage (e.g., managing detention for new cases which involves significant

amount of work, while at the same time managing cases in the field supervision – in these cases short-term crisis often derails the continuity and support). With the new reorg, two units are still Vertical but the functions within the units are more specialized for the officers. The adjustment addresses the need of youths to have adult continuity in their lives as they go through probation and the challenges for probation officers where they need to see cases from beginning to end. The goal of the new reorganization is to balance the continuity for a young person within a set of adults in Probation with those adults having workloads that are more able for them to actually do the work Probation Services Units have been undergoing the reorg this week and an updated org chart and other information will be shared with the commission.

2. President Brodtkin comments that it is important to keep everyone updated and to see the new reorganization chart. Keep adjusting as needed to get it right.
- ii. Dawn Stueckle, Sunset Youth Services, comments, “I don't want the Make it Right to get lost in this, so I just want to make another plug from the JPA to invite the DA to come in and talk specifically about why there is such a vast drop off of Make it Right referrals. I think there's a lot of opinions floating around in the community about why that's happening, but I would love to hear if they know it's happening.”

7. Finance & Governance Committee Report:

- A. Commissioner Magee is not present but provided President Brodtkin with the minutes from the Finance & Governance Committee meeting. President Brodtkin provided a review of items discussed in the meeting:
 - i. Commissioner Magee would like to do a Charge of the Committee so that we know what the Committee charge is.
 - ii. Upcoming budget and the cuts that had to be made and it had to be approved quickly.
 - iii. Juvenile Hall design update. KMD Presentation: Architects came up with an idea to make modifications. There is a follow up meeting and the issue presented is, should it be included at the Commission Meeting?
 - iv. Proposed items for upcoming Calendar Year:
 1. January = Out of County Youth
 2. February = Budget
 3. March = Juvenile Hall. Discuss going back to the concept of Juvenile Hall.
 4. April = Conversation about Community Agencies
 5. May = Follow up report about Juvenile Hall survey report
 6. Need to add CARC, inviting DA, Commissioner Laco commented: follow up with Police Department, right sizing the department (which is really part of the budget process)
- B. Public Comment: None

8. Program Committee Report

- A. Commissioner Laco extends invitation to the public to come to the Program Committee meeting if anyone wants to discuss things like the Performance Measures before they come to the full Commission. The Program Committee spends time taking a deeper dive into the data to make sure that the Committee is understanding everything that is going on and talk about trends and kinds of reasons for changes that are being seen in the data.
- B. Public Comment: None

9. President's Report:

- A. President Brodtkin mentions that the staff sent the Commission's resolution to the police department and followed up with an additional copy and with calling the staff to make sure they get at least one version of the resolution. Chief Miller also mentions that she told the Chief before she sent it that they would be receiving it as well.
- B. There is a process in place for hiring a Commission Secretary. President Brodtkin mentions that she suggested to move forward with the Committee that was used before to do the interviews. Department will send all applications and they will divide them into three categories (very best, meets MQ and doesn't

meet MQ). Goal is to have interviews by the end of January 2024 and a new Commission Secretary will start by March 2024 meeting.

C. Public Comment: None

10. Future Agenda Items:

A. Commission Question and Comment:

- i. President Brodkin mentions that this was just discussed earlier during the Finance and Governance Committee discussion. President Brodkin would like to add the Log Cabin Ranch to be discussed as a future agenda item.
- ii. Commissioner Rodriguez would like to incorporate the Racial Equity Index.
- iii. Commissioner Martley-Jordan would like to have Naomi's presence more consistent at Commission Meetings.

B. Invite DA and Police Department to come back to follow up on previous items.

C. Public Comment: None

11. Review and Approval of the Program Committee Meeting Minutes for October 11, 2023, October 20, 2023, and November 8, 2023:

A. President Brodkin comments, regarding November 8, 2023 meeting minutes, they are legal but do not provide enough information and therefore is not helpful. Although notes did not contain much detail to the extent that President Brodkin would like, President Brodkin is not asking for the November 8, 2023 minutes to be revised. However, for future Meeting Minutes, President Brodkin would like for notes to be more robust which will allow for the Commission to use and refer to in the future. As there will be a new Commission Secretary being onboarded in the near future, the Commission can re-discuss what is expected in these minutes, whether it be sparse notes, a regurgitation of the entire meeting, or somewhere in the middle ground, but the minutes should definitely be a useful tool that the Commission can use as reference.

B. Public Comment: None.

C. Motion to approve Meeting Minutes for October 11, 2023, October 20, 2023, and November 8, 2023:

- i. Lacoé – First
- ii. Martley-Jordan - Second
- iii. Votes: Yes: Brodkin, Lacoé, Martley-Jordan, Rodriguez, Spingola, (Not present: Magee, Moses).
- iv. Motion passes. October 11, 2023, October 20, 2023, and November 8, 2023 Minutes are approved.

12. Adjournment:

A. Meeting adjourned at 7:56pm