

CITY AND COUNTY OF SAN FRANCISCO
JUVENILE PROBATION COMMISSION



LONDON N. BREED, MAYOR

JUVENILE PROBATION COMMISSION

FULL COMMISSION REGULAR MEETING MINUTES

Wednesday, May 11, 2022
5 p.m.

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.

Full Commission

Margaret Brodkin, President
Joseph Arellano
Julia Cervantes
Linda Martley-Jordan
Johanna Lacoë
Toye Moses
James Spingola

Meeting Minutes

Proceedings:

1. Roll Call:
President Brodkin called the meeting to order at 5:04 p.m.
Present: Margaret Brodkin; Julia Cervantes; Linda Martley-Jordan; Johanna Lacoë; Toye Moses; and James Spingola. Commissioner Arellano was excused.

Others Present: Katherine Miller, Chief Probation Officer, and Department staff.
2. Preview Agenda and Introduction of Commissioners.
President Brodkin said agenda items three through five were a continuation from the conversations from the 04-25-22 JPC Retreat which discussed goals; progress on goals; and what will be done in the next several meetings relating to those decisions.
Each Commissioner introduced themselves.
No public comment.
3. Preliminary Juvenile Probation Department Goals for 2022-2023 (DISCUSSION & POSSIBLE ACTION ITEM to approve Preliminary Juvenile Probation Department Goals for 2022-2023)
Nancy Rubin, Facilitator, continued the work discussed at the 04-25-22 JPC Retreat: preliminary goals; proposed goals, how to dive into details in the upcoming months; purpose of goals and hearings; and time to determine in coming months. She said after these hearings happen and they will go before the Program Committee, the actions that come out of the Program Committee will be brought back before the Full Commission to be voted on. She said they will approve preliminary goals tonight; figure out how hearing processes work;

discuss how it goes at the Program Committee to report back to the Full Commission; have a rolling agenda and adopt preliminary goals. She discussed two agenda items tonight: how to make it work and diversion. In addition, she discussed criteria used to hold these hearings; and participatory and group decision making (See supporting document at:

<https://sfgov.org/juvprobation/sites/default/files/JPD%20Commission%20Draft%20Preliminary%20Goals%20from%20Retreat.docx%20REV1.pdf>.

Ms. Rubin advised the Commissioners to discuss preliminary goals to launch hearings, which can be modified, and what can be done to dive into these hearings.

Commissioner Jordan said they need to include community feedback because there are a number of CBO's that are involved in these services and the Commission needs to find the gaps where they are happening and not happening; and find out who needs the support and how they can support.

Commissioner Lacoé discussed how to measure progress and asked what is measurable. She said words like "appropriate," who decides what is appropriate, and how they might quantify whether appropriate services were provided at a given point. She said that is a hard thing to measure unless they put some bounds on what that is. She said these are big picture goals, but if the purpose is to hold the Commission to achieving them, they need to get specific, and perhaps the Program Committee might be able to measure. She said some of these things will be tough to measure unless they get into what the data collection looks like and its interviews; and talking to people and getting their experiences. In addition, she asked if supervision was missing in one of the steps in the process; and if the experience of being on probation supervision be one of the things they focus on too unless it is part of case planning. Commissioner Cervantes expressed some of the same concerns with terms, such as "as quickly as possible," "necessary," "when appropriate," and said soft terms can mean radically different things to different people. She said she agrees with the goals as they are written but has questions what success is as well as how they are going to measure it. In addition, she said she is concerned about prioritization of the goals and what is urgent to us as a City, as a facility, and ability to change in a short period of time.

Commissioner Moses agrees with his fellow Commissioners. He said his concern is that they need to prioritize or they will have too many goals to measure and his main concern is grandparents who care, since they are taking care of the grandkids. He said he would like to see this specifically mentioned here and not bypassed or omitted.

Commissioner Spingola said he sees the goals presented but said they were brainstorming at the Retreat. He said they did not agree on all the pieces coming into play and expressed that he was confused regarding what this body does because that was discussed at the Retreat: what this body does; what's their authority; and how to make the body better when it comes to youths in Juvenile Hall. He said the goals written down describes CBO codes. He said Commissioners are volunteers, and they cannot do this type of work in two hours. He said he works in community and knows what it takes to get a little bit of that done. He said when he sees these goals presented, he asked if they should go to the Program Committee to meet with community, instead of community coming to meet with Full Commission first. He said this can be confusing on what this body does and thought this was discussed at the Retreat. He said the Chief Probation Officer is the person they have any authority over, everything they do must go through the Chief, who runs the organization, and he wants to know what they do as a body. He said he is confused because all the goals posted are not going to be done in a few hours and would like to hear President Brodkin's vision.

President Brodkin agreed that it is confusing; what is the role of the commission, what's the authority, how do you take the global aspirations, such as grandparents that care under placement, because it is a perfect example. She said she implores him to have patience, the next part of the agenda covers these aspirations expeditiously, not within a certain time frame. She said they need to decide what does "sufficient" mean and how to measure it, not just the data. She said they would like to get started to have a general framework and add supervision. She said the next step will address what is their role and how are they going to structure doing this. She said with the addition of supervision and grandparents who care, to serve as an introductory framework with the job everyone is anxious to get to, like incorporating the community agencies who are doing the work, how they have a say in this and all discussed becomes part of the how to, the big picture, on where they are going. She

would like to recommend that they amend these goals by adding supervision and grandparents who care in placement.

Chief Miller said these goals offer the framework to delve into. She said each of them are important topics set over the course of the year to understand the information: what is the data, how do we do now, what do we wish we did differently, then modify goals to adopt with confidence on how you modify them addressing concerns raised. She said how do they reframe these issues so that they are measurable; how to make sure they respond to the things they care about. She said about the words "preliminary goals," which is an offering for different topics, general ways to think about these topics, and in each meeting where you explore a topic, you come out of it with agreement on the Commission's goal.

President Brodkin said they are not just topics, they are aspirational sentences, hence leaving in the words "preliminary goals," with emphasis on framework and supports what the Chief is saying.

Commissioner Spingola asked about goals, specifically arrests and charges, and how does the body interact with officers and charges.

Ms. Rubin said the Commission will have an entire meeting on that topic. She said the Commission will plan, decide who will be in the room, what data is needed, what CBO's you want to hear from, hold a hearing on it, and then go to Program Committee to discuss complex conversations over the next several months and then back to the Full Commission to take action. She said the next step in the agenda is to figure out the different variables on how you are going to roll into these complex conversations that need research.

Public Comments:

Lucero, Lead Organizer, Young Women's Freedom Center, said she does not see family reunification listed and asked if something was missing. President Brodkin agreed and said it should be incorporated into the preamble.

No further public comments.

Motion to approve preliminary goals to serve as a framework for ongoing discussions with amendments for family reunification in the preamble; ensuring youths under supervision of JPD receive appropriate strategies that are evidence-based in terms of their intensity and duration; meets positive youth development; and connects with CBO's and grandparents who care under placements by Commissioner Cervantes, second by Commissioner Moses. (6) Ayes: Brodkin; Cervantes; Jordan; Lacoë; Moses and Spingola. Motion approved.

4. Commission Methodology for Assessing the Juvenile Probation Department's Progress on Meeting Preliminary Juvenile Probation Department Goals for 2022-2023 (DISCUSSION & POSSIBLE ACTION ITEM)

Ms. Rubin said the Full Commission will hear on diversion at the June meeting and then it will be referred to the Program Committee for a more in-depth conversation and analysis, which might take two to three months.

President Brodkin said the idea was to develop a format for these hearings. She said they would plan the meeting in advance to hear from the Department on their progress on specific issues, data developed, future plans on issues; CBO input; and experts to be prepared to look at each one of these items.

Chief Miller said some of the conversation would happen at Program Committee to look at topics covered over time and discourse; and brainstorm about experts.

President Brodkin said the Full Commission could decide what topics to discuss and hear from CBO's first, as well as the Department's data plans, and then it goes to Program Committee to explore issues in-depth and back to the Full Commission.

Commissioner Lacoë added that at the Program Committee, make Department recommendations and prioritize the most urgent goals within the Department's purview.

Ms. Rubin memorialized the experimental process: start at the Full Commission with CBO's and Department's data, then to the Program Committee to make recommendations on goals, and then back to the Full Commission to vote on matters. She added that at the end of this meeting, President Brodkin would address the topic of diversion with the Department for the next meeting and said it is an unusual process which might have three to four steps. President Brodkin said the Department has been preparing a presentation on diversion for the next meeting and it is a priority for the CJHWG plan.

Chief Miller confirmed they will hear on diversion in June and suggested picking the next three topics for upcoming meetings because it takes time to do the analysis and data. President Brodkin said this trial process was the best way they came up with to approach this and with the idea to be flexible.

Ms. Rubin asked for comments from the Commission regarding the process to start hearings. Commission Lacoé said it is worth trying but seems like a lot of items for the Program Committee at any one time and they will have to see how they manage it. In addition, she added that sounds like part of the Program Committee's job is to reconcile the Blue Ribbon Panel's recommendations; CJHWG's recommendations; what the Department is saying they are actually doing and what is feasible; and where the gaps are between all these things. She said she would also like to hear from people experiencing these systems and what is and is not working for them.

Commissioner Cervantes said she would like it to start at the Full Commission, then go to the Program Committee for a more in-depth discussion. She added that she would like to see in the early stages, Juvenile Hall address creating a non-institutional home-like place. She said she feels this is urgent.

Commissioner Moses said in theory this sounds good, but in practice, he is a bit skeptical. He said he doesn't know if it will really work but they can give it a try.

Commissioner Spingola expressed concern about how long it will take to make a change and an impact. He said these items will go before Program Committee and will take months to work through.

Chief Miller said Program Committee will primarily deal with follow-up questions, recap specific topics, and track items over a series of months. She added the Department will also track topics and will come back and report on those items.

Commissioner Spingola addressed the urgency of what is happening in Juvenile Hall and asked if they should spend time working on goals that will not be part of the transition. He said he doesn't want to waste a lot of time that will not have an impact because they did not do the Blue Ribbon Panel and CJHWG if something is not going to come of it.

President Brodkin acknowledged his concerns and said it was the Department's job to do it with a budget of \$40M. She said it is their job to make the recommendations.

Commissioner Jordan said she liked the process discussed that ends with recommendations to the Department. She added that they need to hear the recommendations, prioritize, and analyze them to see what's happening, not happening, and pick up the gaps. She said she sees the gaps as part of their recommendations. She recommends bringing in organizations and individuals to address topics. She said diversion is the first topic to be heard and that is a big topic. She wants all voices present, including former incarcerated youths, parents, and grandparents.

No public comments.

Motion to approve the methodology to examine, discuss and finalize preliminary goals through regular Commission hearings on each goal, discuss at Program Committee, with referrals from Program Committee to the Full Commission for recommendations with the calendar developed in collaboration between the Chief Probation Officer and Commission President with discussion to include reports from the Department, reports from CBO's, reports from experts as desired, and input from parents, young people and caregivers impacted by the system by Commissioner Cervantes, second by Commissioner Spingola.

(6) AYES: Brodkin; Cervantes; Jordan; Lacoé; Moses and Spingola. Motion approved.

5. Tentative Plan for Schedule and Agenda for Three Upcoming Commission Meetings
(DISCUSSION ONLY)

President Brodkin said the Commission can recommend who they would like to hear from and issues they would like to prioritize. Regarding diversion, she said she would like to hear from Attention Diversion Advocacy Project.

Chief Miller said the following will present in June regarding diversion: CARC, official City intake; and the District Attorney will present on the DA Diversion.

President Brodkin asked who to prioritize and who to hear from regarding diversion.

Commissioner Spingola said to bring in youths and caregivers who have been impacted by the system.

Commissioner Cervantes said she would like to hear from Make It Right and how JPD is supervising diversion. For priorities for Juvenile Hall, she said the disparate impact is urgent and inter-departmental collaboration goal is how to make an impact.

Commissioner Lacoé said she would like to hear on time to disposition from the Department, understanding how long the youth is involved in the process when they are diverted. In addition, she feels that they need to address the Juvenile Hall issue if they are going to focus on it, and existing resources that many groups in the City have weighed in on over the years after diversion. She said she heard from Make It Right prior and would share their material.

Commissioner Jordan said she would like to hear from youths, caregivers, grandparents, court appointed advocates, social workers, and individuals who build out educational diversion opportunities. She said she would like to increase academic performance which increases ones sub-worth and making changes. She said she will provide the name of the agency that assists youths obtain ethnic studies credits at CCSF. Chief Miller said one youth in the Hall is obtaining their ethnic studies credits at CCSF and they will talk further offline.

President Brodkin said they should not rely only on the Department to bring in requested agencies to hear from and asked Commissioner Moses and Spingola to assist with outreach to be sure they hear the voices of the people impacted.

Chief Miller reminded everyone that this is a confidential system without putting youths in the public eye.

President Brodkin asked whose job will it be to get the court appointed advocates and educational agencies. She asked Commissioner Spingola if the kids he works with would be willing to come in. The Commission Secretary said she will work directly with Commissioners. Commissioner Jordan said in protection of youth who might have a narrative to share with Commission but might not be appropriate for them to be present, perhaps it can be submitted in written form and read for their protection and comfort.

Commissioner Spingola agrees and recommended they present virtually, as an alternative. President Brodkin also recommended the annual report as another issue. She is interested in hearing about Juvenile Hall and prioritizing the issue around CBO's.

Chief Miller suggested the annual report for the July meeting. Regarding Juvenile Hall, she asked what the Commission would like to hear about, eg., how does Juvenile Hall operate right now; and what is happening with the City in terms of all the planning around the Hall. She said it would be good to know what the Commission wants to be informed about and to think about the topic.

President Brodkin said the next meeting topic will be on diversion. She said they will not meet in August and requested the July meeting be on Juvenile Hall. She said the annual report could be heard in September.

Commissioner Lacoé said there is a lot to review on Juvenile Hall. She said she would like to hear about alternative models and what legal constraints they are under. She said it might take some planning.

President Brodkin brought up CBO's as a priority. She said Chief Miller brought up arrests and potential to meet with SFPD, connection between SFPD and Probation to increase diversion at point of arrest. She asked if this was a priority for the Commission.

Commissioner Lacoé said arrest would be lower on the priority from purview of Probation and asked if they should focus on system-wide issues first: diversion; Juvenile Hall; and inter-departmental collaboration.

Commissioner Jordan also recommended looking at case planning because of the number of disparate individuals including families. In regard to diversion, she asked what are they going to do to support these young individuals.

President Brodkin said she will work with Chief Miller on items mentioned: the order; who can we get to come in; and at the end of the June meeting, discuss the people they want in attendance.

Chief Miller suggested working three months out so the Department can be sufficiently prepared with topic and have time to bring the requested people in. She said it might be hard to bring people in with one month notice and do a good job on data analysis.

Commissioner Jordan said the case planning does not have to be in July.

President Brodkin suggested giving the Department the latitude to take issues identified to

calendar.

No public comments.

7. Evaluation of JPD's Electronic Monitoring Program Presentation by Scarlett Saunders, UC Berkeley Public Policy, Masters Student (DISCUSSION ONLY)

Scarlett Saunders discussed:

- o how the program works;
- o evaluated how it affected youth well-being and public safety, and compared outcomes;
- o data sources: literature reviews, interviews, JPD data;
- o evaluation findings: program use (07-18 through 12-21);
- o benefits to youths and families: better than detention, return youth to their communities, reinforces parental authority, and protects youth;
- o main harms to youth and families:
 - o deprivation of liberty (psychological toll; high reincarceration; residency disparity; and longer than needed);
 - o stigma of device (harm to mental well-being; relationships; access to services);
 - o difficult given age (mental development of youth);
 - o racial and ethnic disparities;
- o recidivism rates: compared to detention and released without electronic monitoring;
- o violation responses in program: slow, inconsistent and frustrating;
- o recommendations: changes to electronic monitoring (minimize harm) and changes to other programs (other alternatives available).

See supporting document at: <https://sfgov.org/juvprobation/meeting/full-commission-may-11-2022-supporting-documents>.

President Brodin asked how many youths she spoke with in electronic monitors. Ms. Saunders said she spoke with one former participant.

President Brodin asked if it was difficult to talk to participants. Ms. Saunders said part of it was her school program, she had one semester to complete, and she didn't want to burden those in program, so she spoke with service providers and CBO's for their insight. Chief Miller highlighted the following: no statistical differences in recidivism between young people on electronic monitoring and those released without it; findings about age are important; and program is defined by the judge without standardization on what that means. She said they need to look at why and when, and court needs to be part of the conversation because they are making the decision to release young persons.

Commissioner Cervantes asked about the point of out-of-county getting it and if it is the only alternative presented. If so, she said they are not giving equal justice to people appearing in SF juvenile courts. She also asked if the difference in recidivism in electronic monitoring or not, was controlled for offense or age. She said she thought electronic monitoring was more for 707b offenses and asked if the comparison was for those offenses. She also asked if racial and ethnic disparity statistic is less likely to get more restrictive for a controlled offense.

Ms. Saunders said yes and recidivism rates involves assessed risk level, per YLS assessment summary code of the offense, as well as the offense and a few demographics. Per the racial disparity, she said the factors that go into detention decision alternatives, include the above, plus residency. She said it was not statistically different.

Commissioner Lacoé said recidivism measures and comparing kids at release is a more equal comparison. In addition, she said kids released with electronic monitoring and without could be systematically different and should be taken with a "grain of salt." Commissioner Cervantes agreed and said the risk assessment tool itself is systematically problematic. She said categories, such as association, can costs youth of color in a disparate way.

Commissioner Lacoé said if out-of-county youths were omitted from recidivism measures, they should not be in that number. Ms. Saunders agreed and said she did not remove out-of-county youths for recidivism rates and did not include residency. She said the youths in some of these electronically monitored programs are very small which is another factor affecting whether it was statistically significant or not.

Commissioner Moses asked about stigma. Ms. Saunders said with ankle monitors, people

know your status immediately. She said there are now wrist watches available.
No public comments.

6. General Public Comment on Issues Not on the Agenda

Michelle Alvarez-Campos, Instituto Familiar de la Raza, said it was interesting to hear the stigma on electronic monitors. She said other counties have used cell phones as a device. She mentioned that there is a delay in holding youths accountable and a response when youths violate electronic monitors. She asked how they hold youths accountable with a first violation. She said she is also concerned about young men in long term detention and attending their college classes.

Johanna Hernandez, Parents Understanding the System, discussed the recent lockdown at Juvenile Hall. She said Sheriffs were brought in and treated children like "lifers" in prison. She said a counselor recently returned and was treating youths unfairly. She said these kids need to be rehabilitated and treated fairly. She said their education is being taken away.

Ron Stueckle raised the same concern regarding the lockdown at Juvenile Hall. He expressed deep concern for youths and their education. He said he would like the Commission to find out what happened and what will be done.

Indiana, Director, Research Justice Collaborative, said families have been reaching out and reiterating what Johanna said, they are really scared in dealing with their child in the system. She said these youths are children and need to be in a space that is more rehabilitative to help them grow in a healthy and positive manner. She said there needs to be action items that will help these young men and families.

President Brodkin heard about the incident in Juvenile Hall Unit 7 and spoke with the Chief. She said some unfortunate things happened that were referenced in public comment. She would like to acknowledge that they had a crisis and would like the Chief to meet with the parents and people in the community and come back to the Commission with what the Department is going to do to respond to the crisis.

Chief Miler said she has had one meeting with a member of the community regarding the incident that happened in a unit that involved young men 18 years and up. She wanted to clarify that the Sheriff's Department was not called. She agrees that the best way to address this would be at an upcoming meeting with more information.

Commissioner Lacoë asked if they could learn about what support is available for parents for currently incarcerated youths at next meeting.

8. Reports to the Commission (DISCUSSION & POSSIBLE ACTION ITEM)

a. Chief's Report. Chief Miller discussed:

- New Executive Report;
- Program Referrals and Warrants;
- 2021 Annual Report
- Workforce Update: Retirement and Promotions.
 - New Juvenile Hall Assistant Director;
 - Four Counselors promoted to Senior Counselors;
 - Three retirements: Tamara Radcliffe; John Chan & John Zerbe.
- Juvenile Justice System Transformation Updates:
 - BOS will hold the next CJHWG meeting on 05-19-22 @ 3 p.m.;
 - DJJ Realignment local plan and identifying service gaps: the need for credible messengers; services and strategies to support families, young people & grandparents; flexible funding; and a request for proposal (RFP) will be submitted to identify CBO's to do online programming on 06-01-22;
 - Third Sector has concluded their report; Chief Miller will share report. The next steps: working with CBO's, multi-function service agencies, and CARC to start developing a pilot for care teams this summer. They will also look at intake assessment;
- Potential Action on Catholic Charities Funding
 - Request \$720,281 state funds approval to keep Catholic Charities open until next year. Commissioner Moses asked is any other group home could use the money. Chief Miller said Catholic Charities is the only group home in SF.
 - Commissioner Lacoë asked about capacity; Chief Miller said it is an eight-bed facility.

President Brodkin said although they are not going to go over monthly report, she said there are a huge percentage of out-of-county kids and young men over the age of 18 and it changes the nature of their job.

Commissioner Spingola asked how many youths were in the facility today. Chief Miller said she does not know the current number, but they recently had two young people. Commissioner Spingola said they rarely reach capacity and people do not use group homes anymore. He asked where the \$720K would go if it does not go to Catholic Charities.

Commissioner Lacoé said it seems like they need to think about a longer-term plan since they cannot count on yearly gift monies from the State. Chief Miller said they can discuss in their budget ongoing.

Motion to approve \$720,281 funds to keep Catholic Charities open until next year by Commissioner Jordan; second by Commissioner Moses.

No public comments.

President Brodkin asked to continue to make plans to improve situation, so they serve more than two kids next year. Chief Miller said they have been working with them on program enhancements and can come back to discuss. She said they also take kids from other counties.

(6) AYES: Brodkin; Cervantes; Jordan; Lacoé; Moses and Spingola. Motion approved.
No public comments.

9. President's Report (DISCUSSION AND POSSIBLE ACTION ITEM)

- President Brodkin appointed Commissioner Lacoé as Chair of Program Committee; appointed Commissioner Jordan to Program Committee; and said Commissioner Spingola has stepped down from Program Committee. The Program Committee now consist of Commissioners Lacoé (Chair), Jordan, and Moses.

No public comments.

10. Review and Approval of the Full Commission Meeting Minutes of March 9, 2022 (ACTION ITEM)

Motion to approve Full Commission meeting minutes of March 9, 2022 by Commissioner Cervantes; second by Commissioner Moses.

(6) AYES: Brodkin; Cervantes; Jordan; Lacoé; Moses and Spingola. Motion approved.

11. Suggestions for Future Agenda Items in addition to those discussed under Item #5

- President Brodkin recommended the serious issue that was raised at Juvenile Hall to be discussed when Juvenile Hall is put on July agenda to discuss challenges both the Department and young people are experiencing;
- President Moses recommended putting election of Vice President on the June agenda;
- Commissioner Lacoé recommended starting Program Committee at 4 p.m.
- President Brokin recommended having Program Committee meeting after the June Full Commission discussion on diversion.
- No announcements.

12. Adjournment (ACTION ITEM)

- President Brodkin adjourned the meeting at 7:58 p.m.

For more information, contact the Commission Secretary at 415-753-7870 or visit:
<http://sfgov.org/juvprobation/juvenile-probation-commission-meeting-information>
<http://sfgov.org/juvprobation/juvenile-probation-commission-audio-archive>