



ALAMEDA COUNTY

Juvenile Justice and Delinquency Prevention Commission

MEETING MINUTES
Wednesday, August 16, 2023 | 12:00 PM – 2:00 PM
2500 Fairmont Drive, San Leandro, CA 94578
Room C-1002
[ZOOM Teleconference](#)

Commissioners Present:

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Palagummi, Vamsey (Chair) | <input checked="" type="checkbox"/> Anderson, Louise | <input type="checkbox"/> Noma, Sally | <input type="checkbox"/> Peralta, Gina |
| <input checked="" type="checkbox"/> Metz, Elana (Vice Chair) | <input checked="" type="checkbox"/> Ervin, Kareem | <input type="checkbox"/> Nunley, Patricia | |

Youth Commissioner: Larios, Xochtil

Member Emeritus: Nair, Kamal

Collaborative Partners Present:

- | | | |
|---|--|---|
| <input type="checkbox"/> Badiey, Naseem, ACPD | <input checked="" type="checkbox"/> Garcia, Lupe ACSC | <input type="checkbox"/> Mitchell, Alicia, ACPD |
| <input type="checkbox"/> Barton, Crystal, ACPD | <input checked="" type="checkbox"/> Gipson, Tiffany, DA | <input checked="" type="checkbox"/> Pappas, Carissa, ACPD |
| <input checked="" type="checkbox"/> Burke-Taylor, Yasmin, ACPD | <input type="checkbox"/> Golde, Matthew, DA | <input checked="" type="checkbox"/> Ross, Javay, ACPH |
| <input checked="" type="checkbox"/> Buckner-Preston, Mia, SSA-CWS | <input checked="" type="checkbox"/> Gerchow, Christine, ACBH | <input checked="" type="checkbox"/> Tate, Hattie, OUSD |
| <input checked="" type="checkbox"/> Conner, Shauna, ACPD | <input type="checkbox"/> Gratz-Lazarus, Zach, CAAP | <input type="checkbox"/> Vaughan, Monica, ACOE |
| <input type="checkbox"/> Crawford Jr., Earl, ACOE | <input checked="" type="checkbox"/> Long, Ian, ACPD | <input checked="" type="checkbox"/> Walton, Robert, ACPD |
| <input type="checkbox"/> Donovan, Allyson, DA | <input checked="" type="checkbox"/> Jackson, Scott, ACSC | <input checked="" type="checkbox"/> Wegley, Rebecca, ACPD |
| <input checked="" type="checkbox"/> Dawal, Marcus, Chief ACPD | <input checked="" type="checkbox"/> Konover, Kimberly, ACBH | <input type="checkbox"/> Williams, Shahidah, BOS |
| <input type="checkbox"/> Ebrahimi, John, ACPD | <input checked="" type="checkbox"/> Maemori, William, ACPD | <input checked="" type="checkbox"/> Wilson, Jacq, DA |
| <input checked="" type="checkbox"/> Emmons, Craig, ACPD | <input checked="" type="checkbox"/> Mance, Al, Public Defender | <input type="checkbox"/> Zambrana, Andrea, CAAP |
| <input checked="" type="checkbox"/> Ford, Brian, Assist. Chief ACPD | | |

Recorder: Shavers, Andrea, ACPD

I. Administrative Business

1. **Call to Order:** Chair Palagummi called the meeting to order at **12:10** pm.
2. **Roll Call**
3. **Action to Approve Minutes.**
 Vice Chair Metz invited a motion to adopt the July 2023 minutes as circulated with the agenda.

MOTION by: Louise Anderson **Second by:** Kareem Ervin
AYES (Voice Vote): All Present
NOES: None
ABSTAIN: None
MOTION PASSED.

II. 2023 Commission Inspection Report Part I

Recap

- In part I of the report, the Commission declared that Juvenile Facilities is in a staffing crisis that is impacting programing and visitation.
 - The Commission believes some contributing factors are as follows.
 - Labor practices over deference to labor issues
 - Shift bidding

- The newest and most inexperienced staff assigned to work the swing shift, 3 pm to 11 pm, when the young people are out of school.
- Not having an effective mandatory overtime policy.
- With Judge Scott Jackson’s help, the Commission submitted a comprehensive data request to ACPD asking for the following and more.
 - Over the last six (6) months, how many Juvenile Institutional Officers (JIOs) were assigned to each unit?
 - Of those assigned, how many made it?
 - How many floaters were available during each shift?
- Over a month has lapsed since the request was submitted. We will release a draft of this report. Hopefully, we will be able to include the requested data in a second version of the report.
- In reviewing the requested data, the Commission hopes to identify how often youth are missing programming and how often youth are in room confinement because of staffing issues.

Questions / Statements & Responses

1. **Probation’s Recap Response:** We acknowledge that we have had and continue to have staffing issues. However, there may be two or three weeks that we do not experience challenges with staffing, thus the youth are programming and out of their rooms. On the other hand, there may be a few days or a week of challenges and struggles. We also acknowledge there are a host of labor issues, systemic barriers, and policy related matters that impact our plans and ideas. There are processes that we must follow.

The data request seems simple on the surface, but there is a process we put data request through. When we have the appropriate response, we will provide it.

2. **Question:** Please provide further context to the statement, “There is a lot of outside community influence on the work that has an impact on whether people want to work here.”, made last month.
Probation’s Response: This was one example of why we are struggling to maintain JIOs. We have hired a lot as the data shows. However, we are also losing a lot of JIOs. We have found that some have worked for a single day or shift, sometimes a week or two, then decide they no longer want to do the work.

This is a general statement about the state of probation and working in a juvenile institution. The state realigned the division of juvenile justice to local facilities. We are not the only agency in the State of California struggling with staffing issues. We find the new hires are ages 21- 23, the same age as some of the youth in the facility, which is a challenge for some. A lot of things that have impacted policy decisions at the state level are a result of advocacy, community work and more.

III. 2023 Commission Inspection Report Presentation Part II

Living Conditions in the Units

- Although \$31,000,000 was spent to build the facility, the environment is not designed for youth rehabilitation or long-term incarceration. With the state’s realignment, we are finding that young people are staying in Juvenile Hall for longer periods of time.
- Welfare and Institutions Code section 851 (WIC §851) mandates that juvenile hall provide youth with a “safe and supportive homelike environment”.
 - ACPD has implemented many changes.
 - Added chalkboard paint inside the cell.
 - Given the youth access to tablets for games, movies, and educational materials.
 - Added moveable safe furniture and thicker mattresses.
 - Provide eye masks for young people.

- The commission recommends the following.
 - Add carpets in all units.
 - Place sound panels in the cells and on the walls to dampen loud noises.
 - Retrofit at least one cell in each unit to be used for a “Zen room”.
 - Give the youth a pillow rather than have them sleep in the mattress hump.
 - Add dimmable lighting so youth do not have sleep with fluorescent lights.

Living Conditions Recommendations

- Add carpets in all units.
- Place sound panels in the cells and on the walls to dampen loud noises.
- Retrofit at least one cell in each unit to be used for a “Zen room”.
- Give the youth a pillow rather than have them sleep in the mattress hump.
- Add dimmable lighting so youth do not have sleep with fluorescent lights.

Food in the Units

- The Commission advocated for six years for a new food vendor. Over 60% of grievances were related to food issues. With the newly contracted vendor there is a vast improvement.
- Six years is an excessive amount of time to rectify the food issues, especially when there is unanimous consensus on the state of the food as well as the visual of youth throwing their food in the trash. They would rather eat nothing than the food provided.
- With the recent change in food vendor the youth appear to be happy with the improvement in food.

Programming in the Units

- Programming is not occurring consistently due to staffing issues.
- Listed are some of the providers under contract to provide programming.
 - Kelvin Potts, Rites of Passage (ROP) and Student Extended Education Program SEEP
 - Family Spring, substance abuse
 - La Familia, substance abuse
 - Deputy Sheriffs Activities League (DSAL)
 - Gang intervention
 - Restorative Justice of Oakland Youth (RJOY)
 - Credible Messengers

Programming Recommendations

- More alignment with similar providers such as Family Spring and La Familia
- More consistent programming.

Contraband – Drugs in the Units

- Drugs have been a major issue at JJC over the past 3-years.
 - Youth have smuggled contraband through visitation.
 - During the pandemic with visiting lockdown, a youth overdosed.
 - A JIO provided fentanyl.
- Currently, youth smoke paper laced with PCP, Marijuana, pills, etc.
- There have been successful contraband counter measures.
 - The Medication-Assisted Treatment (MAT) Program
 - Health-related withdrawal policies

- Drug sniffing dogs

Contraband Recommendations

- Offer more programming and job opportunities around the unit.
- Offer family substance abuse counseling and family therapy sessions.
- Give youth more outdoor time as it helps with depression.

Questions / Statements & Responses

1. **Question:** Who is responsible for the oversight of contraband entering the JJC?

Probation's Response: We take a two-pronged approach. First, we address contraband clinically and educationally. Second, we address contraband from a safety standpoint. There are a number of things we have done, continue to do and plans for additional countermeasures.

How are drugs entering the facility? A variety of ways.

- Some drugs were mailed in labeled under a youth's attorney's name and address, so the content is confidential or privileged.
- Drones
- Parents
- Providers
- Baby's diapers
- Facility Staff

What countermeasures have we used?

- Purchased mail screening devices.
- Used safety dogs.
- Referred identified individuals to the District Attorney.
- Put staff on leave.
- Terminated staff.
- We are in the process of purchasing body scanners.
- We are in the process of installing tech on the roof of the building to detect drones.

2. **Question:** Were any charges filed against any adults bringing in drugs?

Probation's Response: Yes, it has happened.

3. **Question:** Were the staff put on leave out on paid leave?

Probation's Response: It depends. Peace Officers are protected under the Police Officers Bill of Rights (POBR). Also, allegations do not mean factual. However, well there are allegations, there is a possibility staff may be put on paid leave.

Behavior Management in the Units

- Beginning in January 2000, all staff were trained in the new behavioral management system, which includes policies against using room confinement as punishment.
- ACPD uses a rewards and sanctions policy, which is aligned with positive youth development principles.
- The Commission finds that inconsistent enforcement of policies creates confusion for the youth.
- The Commission is concerned about media usage, specifically games Grand Theft Auto and Call of Duty, and watching films like Dahmer.

Behavior Management Recommendations

- Retrain staff on policies and provide consistent enforcement.
- Direct Institutional Supervisors II to provide onsite, in-the-moment coaching, and mentoring particularly during the 3 pm to 11 pm swing shift.
- Increase communication between leadership, management, and line staff.

OC Spray in the Units

- Oleoresin Capsicum Spray (OC Spray) better known as Pepper Spray is so dangerous that it is regulated under state law as a form of tear gas.
 - Currently 35 states do not allow the use of OC Spray in Juvenile Detention Facilities.
 - Several Bay Area counties, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Solano counties do not allow the use of OC Spray.
 - Potentially, the use of OC Spray can cause long-term psychological, emotional impacts and racial/health disparities.
- ACPD has discussed removing OC Spray for over a decade, yet we are no closer to removing or banding usage.
- Usage of OC Spray has increased from 2017 to 2022. In 2017, there were 1519 intakes and 72 use of force incidents. Of the 72 incidents, 31 involved OC Spray. Based on the Commission's calculations that was 2% of all use of force incidents.
- In 2022, there were 400 intakes and 104 use of force incidents that involved OC Spray. Based on the Commission's calculations that was 26% of all use of force incidents.
 - Reliance on OC Spray is a sign that staff are under-trained and ineffective as it pertains to relationship building and crisis response.
- In a report authored by Dr. Kelly Diedel, ACPD acknowledged that several goals needed to be achieved before removing OC Spray completely.
 - Goal 6: To increase overall staffing level so that sufficient numbers of staff are present on all housing units to properly and safely execute physical interventions.
 - Goal 7: To the extent possible, consistently assign individual staff to the same unit day-to-day to promote relationship development among staff and youth. Encourage staff to plan and deliver structured activities with youth, rather than passively supervising free time.
 - Based on the current rate of hire, +3 per year, Alameda County will not meet their staffing goal of 90% until 2036, thus OC Spray will not be removed for 13 years.

OC Spray Recommendations

- Remove OC Spray immediately.
- Conduct a full audit on OC Spray use. The current data collection method is not informative, rather the data should track when and how often OC Spray is used. Present finds on usage and frequency of usage to the Commission and public. Other data to be included is listed.
 - Youth ages 12 – 15
 - Youth diagnosed with learning difference, Individual Education Plans (IEPs), developmental delays, Regional Center Client, mental health diagnosis, and/or serious medical conditions including respiratory issues.
 - How often the same youth are being sprayed.
 - How many times each staff member is using OC Spray and on which youth.
 - Are some staff using OC Spray more frequently?
 - Are some staff using it on the same youth repeatedly?
 - Which days and times is the OC Spray being used? Is there a trend or pattern?

Questions / Statements & Responses

1. **Probation's Response:** We have made clear publicly that our goal is to reduce the reliance on OC Spray. Most people do not know and/or understand when it comes to the elimination of OC Spray, it is codified in one of our policies.

Anytime our department must change a policy, we must meet and confer with the labor unions. We have been in the meet and confer process working on a revised policy for over a year. We are still in that process. We do not have a time frame for that process, it must run its course.

As it pertains to the OC Spray usage stats, the incidents have decreased over the years. In 2017, we had kids arrested for stealing a car or from Target, now we have kids, 80% - 90%, arrested for 707(b) offenses, which are serious and violent offenses like murder, attempted-murder, carjacking, and strong-arm robbery.

Additionally, some of the violence is perpetuated towards each other on the streets and some of that violence shows up in the facility. We are seeing some of the same kids continue the same violence in the facility. It is a small concentration of kids coupled with ACPD's staffing issues, which is exacerbated by violence leading to resignations. This is not the environment some former employees would like to work in.

SB 823 Net-Widening

- Historically, 7.8% of youth in Alameda County with sustained or 707(b) offenses were committed to the Department of Juvenile Justice (DJJ).
- The number has more than doubled in the past two years. 2022's data shows that the number of 707(b) cases have decreased from 106 in 2019 to 52 in 2022, the number of cases that result in a DJJ or Secure Track placement has increased to 19%.
- ACPD utilizes Juvenile Hall for Secure Youth Treatment Facility (SYTF) between two units. The JJC was never intended to be used for long-term incarceration.

SYTF Recommendations

- Immediately build a gate around Camp Sweeney and move Secure Track. Two years is far too long.
- Explore how to move SYTF without compromising the integrity of the current camp model.

IV. Courts

Court, Judge Lupe Garcia

1. I am continuously concerned about the Commission's efforts to inspect the Short-Term Residential Treatment Program (STRTP).
2. I find it unacceptable the Commission has not produced any reports to inform this court of the status of those STRTPs. We continue to receive recommendations to send the kids there. The kids are going there. Yet, we still have kids that go and complete "successfully" these programs and yet they reoffend.
3. This begs the listed questions.
 - a. What is happening there?
 - b. Why are they or are they not effective?
 - c. If they are effective and the issue is back in the community

4. What is the Commission doing? Prevention is a part of the name. I would like to understand what the Commission is doing to address prevention in the community for the kids that are there that have not offended as well as the kids that are returning who have.
5. We are seeing a pattern of repeat offense. It is not that you are bringing in a whole bunch of new young people, it is a lot of people that have gone through some form of programming, and they still reoffend.
6. We need to get to the root cause.

Action: At our next meeting on September 20, 2023, I would like and update on what the Commission's efforts are.

Questions / Statements & Responses

2. **Commission's Response:** The STRTP issue is very complicated. The STRTPs in Alameda County, which are within our purview to inspect do not accept our youth nor are we sending our youth there very often. There is one in county STRTP we have utilized.

However, when most of our youth are sent out-of-county, it becomes trickier around inspections in other counties. Figuring out how to prioritize inspections all over the state is something we have thought about and discussed.

We are a small commission, short staffed. We are a volunteer commission. We get \$25 per meeting. We do not have the budget.

There is a STRTP for example that we have written huge reports on, identifying how awful and egregious it is. The impact of the report seems to have gone nowhere. Young people are still placed there because as we were told there are no other options. That STRTP is the only place that will take the youth.

We have identified 10 STRTPs we would like to visit and assess. Several STRTPs are in Los Angeles, Stockton, and Fresno. Broadly speaking, the STRTP model simply does not work for our young people. Keeping seven (7) kids with similar issues in one home and paying \$30,000 per month does not work. We can send you the data on which STRTPs we believe are effective. Unfortunately, there are not many in this county we can point to.

District Attorney, Tiffany Gipson

1. Prior to COVID, there were a lot of iPhones snatching at BART. Crime has changed. There has been an alarming increase in armed carjacking, attempted carjacking, armed robberies by groups of 3-7 young people and the Notorious Nine all ages 12 to 16.
2. What can we do?
3. There are a lot of old crimes on the books that are now being resolved. I wonder if these cases are impacting the numbers you have seen in the net-widening.

V. Behavioral Health & Medical

Contraband Enclosure, Dr. Christine Gerchow

2. Enclosure 1: January 2023 letter concerning substance abuse in our community and the JJC Health Team's response to contraband.
3. Enclosure 2: July 24, 2023, Town Hall on Substance Use
 - a. Agenda and logistics
 - b. Youth questions
 - c. Youth survey
4. Enclosure 3: August 22, 2023, ACPD Supervisors' Training about Substance Use
 - a. Agenda

- b. Presenter biographies
5. Substance abuse is serious. It is widespread; we see it everywhere. It is affecting our county, our county, and the youth at the JJC.
6. The town hall was collaborative efforts between Health Services and Probation to address contraband. We want to involve the youth through education and conversation. This is destigmatizing and compassionate. We want to provide opportunities to train and empower the staff who are the first responders.
 - a. The agenda was co-designed with youth in Unit 5. One of the youths helped to facilitate the event.
 - b. There were rounds of small groups so the young people could directly engage with the providers (listed) that are facilitating treatment.
 - Monish Ullal, MD, Bridge Clinic, Highland Hospital Oakland
 - William Burrough, MD, MPH, Asst. Clinical Professor UCSF Benioff Children's Hospital, Oakland
 - Javay Ross, MD, Medical Director JJC & Physician UCSF Benioff Children's Hospital, Oakland
 - Christine Aganon, Nurse Managers JJC & Physician UCSF Benioff Children's Hospital, Oakland
 - Sam Himmelstein, PhD, Family Spring
 - Christine Gerchow, PhD, Director Health Services ACBH
7. JJC Supervisor's training covered the listed topics.
 - a. Signs and symptoms of Substance Use Disorder (SUD)
 - b. The Role of Therapy/Counseling in SUD Treatment
 - c. When to call a Medical Code – Emergency
 - d. When to refer to Medical – Non-Emergency Consult
 - e. Crisis and Mental Health Observation at JJC
8. Alignment: ACBH will have a substance use huddle with the Guidance Clinic, Family Spring, La Familia, and Bridge Clinic. Research indicates that MAT with the absence of therapy does not work. The goal is for all partners to be on the same page.

Questions / Statements & Responses

1. **Question:** If a young person self discloses to medical or Behavioral Health and would like to access MAT, acknowledging they have addiction issues, how does this affect their legal case or sentence?

Behavioral Health's Response: From a Behavioral Health standpoint, I have not heard of youth concern about how it will affect them legally.

Public Defender's Response: I have not seen it harm a case where a child in custody has disclosed. I have seen it with out-of-custody kids disclose, but it has not resulted in a charge. It might result in additional conditions. The kid may be referred for treatment, typically on an outpatient basis. Nothing would be done in a punitive fashion.

2. **Judge Garcia's Statement:** There are well documented studies that find children with Attention-Deficit/Hyperactivity Disorder (ADHD) benefit from exercise daily. It helps to reduce the symptoms of ADHD, which includes impulsivity and hyperactivity, which can also result in behavioral issues.

Many of the kids that appear before me have been diagnosed with ADHD and appear symptomatic. If we can get to the root cause, especially for a child with ADHD while they are in Juvenile Hall, they need treatment to reduce the symptoms to allow them to engage in programs. This one additional element to reduce the symptoms allowing youth with ADHD them to engage in programming. If for example they are experiencing symptoms and if they have a parent that does not agree to medication, the only way to address the symptoms is through therapeutic means such as Cognitive Behavioral Therapy (CBT) and exercise.

Probation's Response: It is Probation's goal to have the youth outdoors exercising daily. We have contracted providers like DSAL for programming that is best conducted outside. However, our staffing issues presents challenges we are working on.

VI. Commission Updates

None.

VII. Public Comment

None

Next Meeting is scheduled for Wednesday, September 20, 2023.

Location: Hybrid meeting format.

In-person: Juvenile Justice Center, 2500 Fairmont Drive, San Leandro, CA, Conference Room C1022

Virtual: via Zoom.

Meeting adjourned at 2:00 pm.