



# ALAMEDA COUNTY

## Juvenile Justice and Delinquency Prevention Commission

**MEETING MINUTES**  
**Wednesday, September 20, 2023 | 12:00 PM – 2:00 PM**  
**2500 Fairmont Drive, San Leandro, CA 94578**  
**Room C-1002**  
**ZOOM Teleconference**

### **Commissioners Present:**

Palagummi, Vamsey (Chair)       Anderson, Louise       Noma, Sally       Peralta, Gina  
 Metz, Elana (Vice Chair)       Ervin, Kareem       Nunley, Patricia

**Youth Commissioner:**  Larios, Xochtil      **Member Emeritus:**  Nair, Kamal

### **Collaborative Partners Present:**

<input checked="" type="checkbox"/> Badiey, Naseem, ACPD	<input type="checkbox"/> Garcia, Lupe ACSC	<input checked="" 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 type="checkbox"/> Conner, Shauna, ACPD	<input checked="" type="checkbox"/> Gratz-Lazarus, Zach, CAAP	<input type="checkbox"/> Vaughan, Monica, ACOE
<input checked="" type="checkbox"/> Crawford Jr., Earl, ACOE	<input 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 type="checkbox"/> Wegley, Rebecca, ACPD
<input type="checkbox"/> Dawal, Marcus, Chief ACPD	<input type="checkbox"/> Konover, Kimberly, ACBH	<input type="checkbox"/> Williams, Shahidah, BOS
<input checked="" type="checkbox"/> Ebrahimi, John, ACPD	<input type="checkbox"/> Maemori, William, ACPD	<input type="checkbox"/> Wilson, Jacq, DA
<input checked="" type="checkbox"/> Emmons, Craig, ACPD	<input checked="" type="checkbox"/> Mance, Al, Public Defender	<input checked="" type="checkbox"/> Zambrana, Andrea, CAAP
<input checked="" type="checkbox"/> Ford, Brian, Assist. Chief ACPD		

**Recorder:** Shavers, Andrea, ACPD       Irvine, Angela, Ceres Policy Research

## **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 August 2023 minutes as circulated with the agenda.

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

## **II. Presentation:**

### **Rethinking Responses to Felony Assault and Robbery Charges in Alameda County,** Angela Irvine, Ph.D., Ceres Policy Research

- Ceres Policy Research (Ceres) was asked to partner with Alameda County Probation Department (ACPD) to explore racial and ethnic disparities in felony assault and robbery charges.
- The protocol used by Ceres looked at the following.
  - Disparities in arrest, filed and sustained charges.
  - Serious harm and injury; and,

- Trauma history.
- Researchers questioned the following.
  - Are there racial and ethnic disparities in arrest, filed, and sustained robbery and assault charges?
  - Did the event surrounding the arrest lead to a serious injury and therefore justify a violent charge?
  - Were there histories of trauma that lie underneath these violent charges?
- Research Sample
  - There were 288 youth in total sample from arrests in 2021.
  - Of the 288, youth varied from ages 13 to 21 years old with the majority age 17 or 18 years old.
  - Of the 288, 20.5% of the youth were identified by the database as female and 76.5 as male.
  - The top three cities in the county were Oakland, Hayward, and San Leandro.
    - Oakland, n=102
    - Hayward, n=19
    - San Leandro, n=20
  - Race/Ethnicity of the youth in the sample consists of the following.

Asian /Pacific Islander	Black	Latino/a/e/x	White	Other
5.7%	56.6%	24.6%	6.7%	3.0%

**Are there racial and ethnic disparities in arrest, filed, and sustained robbery and assault charges?**

- The methodology used by Ceres was a scale developed in Santa Clara County to assign every penal code a numerical value of 1 to 14. Ceres extend the scale value from 1 to 16.
  - The total of the penal code values in the arrest, filed and sustained charges were computed to calculate an arrest, filed and sustained score.
  - The average charge value at arrest, filing and disposition for youth from underrepresented race/ethnic groups (White and Asian), Latino/a, and Black youths were calculated.
- Patterns of arrest in Alameda County.
  - The average scores for arrest in Alameda County are between 32 and 42; the score pops up to between 50 and 73 for charges filed by the DA; the score then decreases to exactly what the police initially charged when the court sustained.
  - In Alameda County, there was not much significant statistical difference at the beginning, charges by the police, and the end, charges sustained by the court. However, at the point the DA filled, Black youth were being charged at a statistically higher level than the other youth. This is what we expected to see, however that was not what we found.
  - In Alameda County, we had a downward spiral or line. The police at the point of arrest were charging higher rates; the DA were filing at a lower level and the courts were sustaining at a much lower level than the DA. The court was sustaining on average one charge.
- Not considering dropouts, the values assigned to arrest charges are enormous.
  - 84 youth had an arrest charge value above 50.
  - 14 youth had an arrest charge value above 150.
  - The five (5) highest values were 228, 240, 288, 318 and 339.
  - The highest value given to any single charge is 16, thus the last youth with the value of 339 had at least 21 charges.
- 288 youth were charged with felony robbery or assault at the beginning of the study. Of those arrests, only 171 youths had charges filed by the District Attorney (DA) O'Malley, and 99 of those youths had charges sustained by the courts.

- A youth's involvement in the justice system increased their chance of dropping out of high school, poor health, sexual abuse, and suicidality. If 2/3<sup>rd</sup>s of the youth arrested are being dropped by the DA and the courts, many youths are at risk of negative outcomes due to initial police overcharging.

### Questions / Statements & Responses

1. **Question:** What was the reason you were unable to determine the number of young people that identify as transgender or nonconforming in this study?

**Dr. Irvine's Response:** The department does not collect that data.

2. **Judge Jackson's Statement:** A robbery happens. It comes to the police officer. The officer brings it to the Probation Office. The Probation Office will refer it to the DA's Office, and they will make a decision based on the evidence to charge how they see fit.

The DA's Office did not want our youth to take strikes at a young age. The court is also concerned with that as well. Even if you have a righteous robbery, the DA's office will try to plead it down to grand theft or attempted robbery for example. This is why you see this declination along the way. I want everyone to understand the context of those numbers and what it is like in real life.

**Dr. Irvine's Response:** When I talk about the 90 youth that dropped out of the database, they had no charges. So, it was not just a decrease in value, it was no charge.

3. **Question:** Are those new charges? Did you also see them in Probation? Were they completely dropped out of the criminal justice system? Were the youth not handled on a probation violation?

**Dr. Irvine's Response:** Yes, they completely dropped out entirely, there were not any filed charges at all.

4. **DA Gipson's Statement:** When you say, "dropped out", I am trying to understand what that means and looks like.

**Dr. Irvine's Response:** I knew exactly what the charges a young person received at a certain arrest, what charges the young person received by the DA and what charges were sustained by the court. What that means is the DA dropped the case entirely and did not file any charges for those 90 youth that dropped out and they left the system.

The 99 youths, 2/3<sup>rd</sup>s the difference between the 171 and 99 youth at the end was another 72 youth that did not receive any disposition at all. They did not receive any community supervision. They also left the system at the point of going to court. The court decided not to sustain any charges.

**DA Gipson's Question:** Did that mean they did not do any informal probation, that would indicate there were no charges?

**Dr. Irvine's Response:** For informal probation, there would have been a charge in the database.

**DA Gipson's Question:** But, if you said they went to court, that means there was a charge.

**Dr. Irvine's Response:** There were 171 youths that went to court, but 72 youth did not receive a charge.

**DA Gipson's Question:** I think your vernacular is different. Maybe I should explain it to you. When a case is charged, it is charged by the District Attorney. That means there are charges. So, a Police Officer makes

an arrest, it is taken to the Probation Department, the District Attorney reviews it and makes a charging decision. If the case is charged, it does go to court and there are various outcomes that can happen after the case is charged and taken to court including informal probation with dismissal. There are two different codes that could occur including successful completion of probation and a dismissal with sealing of the record or an admission to an unsealable offense that remains on their record.

**Dr. Irvine's Response:** I understand all of that, but if any of those other things happen.

**DA Gipson's Question:** The police do not charge a case.

**Dr. Irvine's Response:** I apologize for my misuse of the word charge. In my database, it is an arrest charge, a filed charge, and a sustained charge. Please, we can talk about this at the end of my presentation. What I am saying, if there was an informal probation or any decision at all by the courts to recognize the DA's charge and to keep the youth in the justice system, I would have had something in the field called sustained charges. These are youth that had not one single charge in the sustained charge, which means that the charge from the DA was not sustained.

5. **Commissioner Dr. Nunley's Question:** At the end of the presentation, DA Gipson can you expound on those categories. I am interested in the categories. I am learning today.

**DA Gipson's Response:** Absolutely. The reason I am stopping you is because I am trying to understand when you say that there were no charges at the end or nothing was sustained, it is confusing to me to understand what that means.

**Dr. Irvine's Response:** So, Judge when you do not sustain a charge from the DA what is that called?

**Judge Jackson's Response:** I think the confusion is anecdotally we can say in court we do not see those types of numbers. Now, are you including maybe cases that have three or four charges on it then some of the charges were not sustained because they plea bargained the case?

**Dr. Irvine's Response:** Look, I did not come up with the data, the Probation Department's research department put together a file of 288 youth.

**Judge Jackson's Response:** We asked you already what is that 99...

**Probation's Response:** I am trying to follow as well and having a side discussion to understand. Are you trying to understand if a case is charged by the DA, it goes to court and there is not a finding.

**Dr. Irvine's Response:** Yes. What I am saying is, in my database the research I received from your department says null meaning there was nothing there after it went to court. I had a list of charges from the DA and nothing by the court.

6. **Chair Palagummi's Question:** Even when a case is adjudicated, there is pre-adjudicated diversion, post adjudicated diversion, process. Are there ever instances where a case is adjudicated, charges are filed, and it is completely dropped? There is no evidence, no finding, so it is dropped.

**Judge Jackson's Response:** We are not saying that does not happen, just not at that rate.

**Dr. Irvine’s Response:** That is what the data is saying.

**Judge Jackson’s Response:** That is what is raising the flag.

**Dr. Irvine’s Response:** I did not put this together. The Probation Department put it together.

7. **DA Gipson’s Question:** I would like an understanding of what the terms null or not sustained means. That needs further exploration.

**Chair Palagummi’s Response:** Quite frankly, this is the issue with this county. Right, we have systems that do not talk to each other, that have different definitions of sustained, null, this and that. So, we can never look at the data and actually have conversations. So regardless, if you want to attack Dr. Irvine. Sorry, be adversarial, we need to have the data and people who really understand it. We need common definitions. That is the problem with this county.

One quick reminder. This is the R.E.D. committee that is made up of system partners, Probation, we used to have the District Attorney’s presence. The entire R.E.D. committee saw this data, and no one flagged this. Part of the problem is we do not have common definitions and different systems do not talk to each other. We have multiple databases, the DA tracks something, and Probation something. We really need to come together to review this and have these kinds of robust conversations.

**Did the event surrounding the arrest lead to a serious injury and therefore justify a violent charge?**

In the second portion of the presentation, I want you all to know I am approaching this from a youth advocate researcher’s perspective who wants everyone to take your system hats off and be open. For a long time there has been a conflict between the system and the advocates thinking about public safety.

Within the abolitionist conversation, what tends to happen is everybody is lumped together. Over the past five years, I have done more work where there are these secret conversations, which the abolitionist will say, “Yes, if my daughter is raped, I will have a really hard time letting that person go on the street”. Within our advocacy community there have been times when it is unsafe for Community-Based Organization (CBO) in terms of retaliatory violence. There are situations when we need to begin to think of what the line is. Under what circumstances are we going to think about residential placement for young people for the safety of youth, community, and advocates?

- Ceres reviewed the data to see if there was evidence of a serious injury associated with the charge.
  - If there was not a serious injury, we wanted to see whether or not a firearm was involved.
  - If neither an injury or firearm were present, we wanted to see if there was grand theft tied to the incident.
  - Lastly, in which cases were none of the conditions present?
- The sample size for serious injury was 65. If a larger sample were used, this might shift the proportions.

Serious Injury, N=5		
White/Asian Youth, N=0	Latinx Youth, N=0	Black Youth, N=5
0%	0%	100%

No Serious Injury. Firearm, N=23		
White/Asian/Other Youth, N=2	Latinx Youth, N=4	Black Youth, N=17
9%	17%	74%

No Serious Injury or Firearm. Grand Theft, N=17		
White/Asian Youth, N=2	Latinx Youth, N=3	Black Youth, N=12
12%	18%	70%

No Serious Injury, Firearm or Grand Theft, N=20		
White/Asian Youth, N=4	Latinx Youth, N=5	Black Youth, N=11
20%	25%	45%

- Serious injury includes any of the listed.
  - If a firearm was involved
  - If grand theft was tied to the incident
  - Stabbing
  - Being shot or pistol whipped
  - Sustaining a concussion
  - Requires hospitalization.
  - Needing stitches
  - Being strangled
  - Being attacked by multiple assailants
- The number and percentage of underrepresented Latinx and Black youth fell within each category.
- Comparing analysis of harm of Alameda County versus another county.

	Alameda County	Other County
Serious Injury	8%	13%
Gun Possession <b>without</b> Injury	35%	17%
Grand Theft <b>without</b> Gun or Injury	26%	27%
All other Youth	31%	43%

- I would love our field to have the conversation where we think about charging violent crimes when there is violence. We can have a longer conversation about whether or not there is harm and violence, and how we define it.
- I believe there is evidence there is some overcharging. The category of gun possession with injury is an area where we have a lot of discomfort in the field, particularly post COVID.
- We are seeing increases in gun violence. Daily we are seeing a large-scale gun attack in public venues.
- For decades as long as I have been in this field, we have brown and black kids carrying weapons through the streets because they do not feel safe. There is a difference between kids who are at risk of going into a school and shooting people than kids carrying guns because they are afraid for themselves.
- Ceres has a national initiative called the Whole Youth Project. We collect data from 24 counties across the country.
  - What we see is brown and black boys and gender nonconforming black girls, i.e., masculine black girls, are 2 to 3 times more likely to pick up weapons charges without injuring someone else.
  - We also know nationally this is a driver of ethnic disparities.

**Were there histories of trauma that lie underneath these violent charges?**

- The methodology used by Ceres was to calculate the most common sources of trauma for 50 youth.
- We went into the database to look to see if there was evidence of any trauma. The Probation Department is still using Youth Level of Service/Case Management Inventory (YLSCMI). The YLSCMI has some related trauma questions, but this was broader.
  - Currently, we do not have very strong trauma assessments. The Adverse Childhood Experience (ACE) assessment that is used by some departments was developed for mostly white people in San

Diego. The ACE is missing neighborhood violence, systemic structural racism, which is considered a form of trauma. In the report the work of the RYSE Center in Richmond is highlighted. They have pushed the field about the racing of trauma. Meaning, how can we incorporate the forms of trauma that communities of color are experiencing into an assessment that can be used in the justice system.

- The five most common sources of trauma in our population are physical/sexual abuse, death of a family member, parent incarceration, parent substance abuse and parent abuse.
- The top five (5) sources of trauma reported as linked to charge are as follows.

Source of Trauma	Youth's Reported Trauma	Percentage of Youth Sample
Physical/Sexual Abuse	N=16	25%
Death in Family	N = 16	25%
Domestic Violence	N=9	14%
Parent Substance Abuse	N=7	11%
Parent Absent	N=25	38%

### *CERES Recommendations*

- The department should review available direct services to identify various supports in the continuum of care.
- The department should consider training organizations serving youth in these areas of harm/trauma in ways that affirm race or ethnic identity, sexual orientation, gender identity, gender expression, language, and immigration status.
- Assess incidents at the point of arrest for evidence of serious injury, for example including evidence of serious injury as a requirement for any detention.
- Divert youth arrested who have no evidence of serious injury to Community- Based programs that specialize in serving system-impacted youth of color, particularly Black youth.
- Divert youth arrested with gun possessions without evidence of injury to specialized programs that focus on developing leadership and community organizing skills. These skills could be used to fight neighborhood violence and the conditions that lead youth to carrying weapons in the first place.
- Systematically assess youth for experience with trauma. The assessment should exceed the ACE quiz and include questions about racial discrimination and neighborhood violence.
- Use the trauma data collected over time to shape ongoing assessment, diversion, and intervention programs for youth in the justice system.

### Questions / Statements & Responses

1. **Chair Palagummi's Statement:** There are strong reactions and feelings to the potentially controversial statement, "some youth carry guns without the intent to harm". This is something we should talk about. When we look at the override data when probation officers are increasing the risk level for kids from low to moderate or from moderate to high, it is one of the risk factors they consider. That is one of the greatest percentages. Did a young person have possession of a gun? I know Tiffany you are shaking your head no but there might be real reasons why it may not be safe for youth to go out.

**DA Gipson's Response:** I agree, but I also know brown and black youth are being killed by guns. That is what I know.

**Chair Palagummi's Response:** The point was some youth carry a gun without the intention to harm purely for self-defense.

**DA Gipson's Response:** But when they are confronted...

**Chair Palagummi's Response:** That must be a part of the conversation as well.

**Judge Jackson's Response:** You talk about agencies talking to each other, school districts, police, Community-Based Organizations, we all have to get in a room and figure out how we keep these young people safe so that they do not have to carry a gun.

The justice system is reactionary. We react to what is happening. Let's get in there and get our hands dirty and make sure our kids are safe and that they have lives of kids. Our kids are not living like kids.

**Public Defender's Response:** I can guarantee there are lots of kids carrying guns because they feel unsafe. But they are teenagers with a teenager's mindset. That is dangerous by virtue. If you lack the judgement that teenagers do, then they are dangerous.

We talked last time about diversion court for threats of violence. I hate to say it but you have the fact that Short-Term Therapeutic Program (STRTPs) are only six (6) months. For kids that are heavily entrenched that is not much time, but for other kids that is too long. When they find themselves in situations where they feel threatened, they will use the guns defensively.

We need to look at culture. Everyone in this country is scared to death of violence.

2. **Vice-Chair's Question:** There are young people here from Youth Advisory Council (YAC). What do you think having heard Dr. Irvine's presentation?

**Erial of YAC's Response:** Hearing all this data is important that trauma is at the forefront. What is happening is a lot of children are left to raise themselves because their parents were trying to survive. We are dealing with past trauma. It is kids raising kids. They do not need jail cells, they need mentorship, resources, and a safe way to have their needs met. Many of us have parents that did not know how to teach us how to deal with our anger and the system that puts down marginalized communities. It is important t that we do not criminalize children. Do not get mad at the data, this data represents people like me. I was fortunate to join programs like Highway to Work and to attend community college.

There are a lot of youth like me that unfortunately slip through the cracks because they do not have or receive resources. But when the youth do receive help, they are viewed as criminals. I hope we can humanize the data. Dr. Angela is correct, the ACE's assessment is not enough to assess the trauma the children have experienced. Instead of helping the children, they are coming into the system and are retraumatized by their experiences. A lot of youths do not have food, glasses or up to date Individual Education Program (IEPs), they are receiving help within the juvenile justice system, yet we wonder why we continue to have recidivism.

**Mikaela of YAC's Response:** Hearing Judge Jackson talk about how we need to support youth from the beginning, get to the root of it, and support the youth prior to their involvement in the justice system, initially I agreed 100%, but once the police were brought up my position changed because I do not feel safe with police.

I believe resources need to be prioritized to support youth in our community and schools. Parents and adults who always say no need to remove the instinct that says get rid of your gun and look at the data. What is the



data telling us we need? Engagement with the police will only make youth feel that they are being further criminalized. Why do the youth feel like they need to defend themselves against adults?

The data showed it is other counties. Why do people feel like they can come to Oakland and commit crimes? It's the people from the suburbs that do crimes then return to their nice and clean neighborhoods. We need to create better systems to support our youth rather than push becoming friends with police officers.

**Probation's Response:** Young people, teenagers, have a whole world that we know nothing of because it is online. That is where a lot of this stuff starts. The presence of online bullying and how that makes some scared, increasing their feeling of needing to carry a gun. A lot of the online issues carry over to real life. We are a little bit out of touch; we are having these discussions reactively like Judge Jackson said. In the meantime, there are kids that are actively engaging in dangerous behavior that we are not in tune with either.

It is almost a secret society unless you regularly check your kid's phone or unless the schools have social media disruptors. The disruptors could identify which kids have a beef or gripe right now that can carry over into something more. Basically, we do not know until the kid is caught, arrested for carrying a gun, and comes to the probation office where we engage with them, asking why they are carrying a gun. At that point, we find out the kid does not feel safe because they had a fight with someone followed by more negative run-ins which has led to a fatalistic threat. They have been told by their enemy they will come and shoot up their house. Often times, we do not know the story until it is interrupted by law enforcement, unfortunately. We need young people to keep us informed.

3. **Dr. Irvine's Statement:** When I speak of a pre-arrest diversion, before a police officer has contact with a young person, it is hard to know who is or is not carrying a gun in the community. We do have to wait until it rises. In my whole 25-year career, one thing that has been completely consistent is the thing that changes hearts and minds, and youth behavior is hearing from their peers and Credible Messengers, folks that have been through the same thing. This is why I promote gun diversion. If we cannot put young people with folks that have been there with young people, we know possess guns but have not used them, we miss a really powerful intervention moment.

**Mikaela of YAC's Response:** With Credible Messengers, it is important to make sure the people have lived experience and lived expertise. There are many people with experience that have not taken the time to reflect and learn from their experience.

4. **Commissioner Dr. Nunley's Question:** I heard black and brown youth are carrying guns because they are afraid. But what if I am carrying because that is how I get down. What percentage of people are carrying a gun because that is what they do? Are we making an assumption why someone black or brown youth carry a gun? I heard black and brown carry because they feel unsafe. Is that true? Is it true for 100% black and brown people?

**Broderick of YAC's Response:** My experience, where I come from is we do not get along with certain neighbors. So, I had to carry a gun. This was not something I wanted to do, but if I did not carry, I might be the next dead person. So, I feel some youths do not want to carry or go to jail, but they have too.

**Mikaela of YAC's Response:** Why are the young people feeling so disconnected from the generation before them that they are unwilling to hear them out? It is like Erial said, kids are raising kids. They turn to music videos. However, some of it is a flex or a prop. That means what the youth are being told it is a flex. We need to build better relationships. That is where Credible Messengers, life coaches, and violence interrupters can help.

5. **Commissioner Dr. Nunley's Question:** If I take the gun from you, what can I give you besides a gun or bigger gun to make you feel safe?

**Broderick of YAC's Response:** Relocation, moving to another environment would help. If you take the gun away, the youth must still stay and survive in the same community. The same people are around. Just because you change your life around does not mean the people you once got into it with changed their life around.

6. **Chair Palagummi's Statement:** Probation has \$131,000,000 for 400 young people. I know Tiffany you can sigh all you want. We have \$400,000,000 for Oakland Police Department (OPD).

**DA Gipson's Response:** I would appreciate if you guys not engage with me.

**Chair Palagummi's Response:** Well, I would appreciate you not sighing every time I make a comment or roll your eyes, honestly.

**DA Gipson's Response:** You discussed us having communication and being open. Did I interrupt you?

**Chair Palagummi's Response:** You sighed very loud. I am sitting right next to you.

**DA Gipson's Response:** Can I breathe?

**Chair Palagummi's Response:** You can breathe.

**DA Gipson's Response:** Alright, thank you sir.

**Chair Palagummi's Response:** But you can't sigh when I'm making a comment. I don't appreciate that. That's not respectful communication ma'am/

**DA Gipson's Response:** It was not directed at you. You're making a lot of assumptions about me because I am a District Attorney. You are labeling me because I am a District Attorney.

**Chair Palagummi's Response:** Not true.

**Judge Jackson's Response:** Let's follow the example of our young people and have a peaceful discussion.

**Chair Palagummi's Response:** We have \$400,000,000 for OPD and \$131,000,000 for 400 young people in Probation. We know what the answer is, give these young people more resources. But we have \$20,000,000 for the Department of Violence (DVP) and a fraction of that is sent to CBOs. We need to have conversations about our resources, how we use them is absolutely a reflection of our values. We can sigh or do whatever we want but it is really simple.

**Judge Jackson's Response:** I think I mentioned in my first speech here, we can start identifying kids and families in need of services as young as preschool and kindergarten. We can start diverting resources to these young people early so they stay out of the system.

**Public Defender's Response:** How do we start influencing that? Do we need to write a letter? How do we get the word out? Are going to go to the Board of Supervisors? Is there something we can do through Probation? Intervention needs to be pre-law enforcement interaction. While we are aware of that in here, I do not think people outside of here are aware of that.

### III. Courts

#### Court, Judge Scott Jackson

1. We are getting more and more first petitions, cases coming to us for the first time with kids with firearms. Citizens are feeling unsafe regardless of how you feel.
2. It is prevention, prevention, prevention. We have to bring everyone together to discuss how we are going to address the issues.

#### Criminal Court Appointed Attorneys (CAAP), Andrea Zambrana

1. I have not been in attendance for a while. We have been incredibly busy. Like many of our partners, we are having staffing issues.
2. Some background, when the Public Defender is unable to represent either a minor or adult who is charged with a crime due to legal conflict, those cases come to my program. I have a panel of 60 attorneys that agree to take cases at a much lower rate than they would in the private market. A lot of our attorneys made many life choices during the pandemic, and we have lost a lot of attorneys.
3. Right now, we are in serious need of attorneys that can handle very serious cases. The way we classify a case is based on how they are charged on a petition or complaint. We are seeing an increase in serious cases.
4. I agree with Vamsey, the statistics suggest the opposite of what is reported in the media. I acknowledge people are afraid, but we need to really look at the numbers and be objective about the increase in crime.
5. There have been changes to the way things have been calendared that make it easier for our attorneys to handle both minors and adults.
6. We have two social workers that work with the attorneys. We are extremely proud of the program. It is a leader in the country.
7. This will probably be the last time you see me this year as we become very busy as your attorneys must reapply every year. That begins this month.

#### Public Defender, Al Mance

1. It is a strange time for criminal justice and a strange time for the youth. I believe COVID did have a big impact. Crime rates are generally down, serious cases are higher.
2. The last time I was in a meeting with OPD where statistics were brought up, the youth were responsible for a very small percentage of those violent offenses, meaning offenses classified as violent such as robbery.
3. It is difficult for Public Defenders and court appointed attorneys because there is a much larger percentage of those cases. I believe it is because you have kids who did not go to school for a year-and-a-half. The positive adult influences they had were gone. Now they have a screen with them all the time, their peers, bullying, and YouTube videos telling them which gun is cool. It is hard for us to counter those influences.
4. I was here late last night in intake as a kid was brought in. It has a big impact the first time it happens having to change your clothes, being booked, and going in front of the judge even if you are let out in a few days. I have seen more teenage boy cry doing this job than I saw in all of my time as a teenager.
5. A lot of the rancor directed at the District Attorney's Office is misplaced. Folks voted to close the schools for one-and-a-half years, that has consequences on the most vulnerable, kids.

#### District Attorney, Tiffany Gipson

1. I echo what I said last time and piggyback on what Judge Jackson said. We really have to wrap our minds around prevention and what we can do to get these areas where the youth are to work on prevention. It is a problem if you feel the only way, they can protect themselves is to arm themselves.
2. I am concerned because we are seeing new youths that have never been arrested and it is not just for gun possession but for armed carjackings. It is savvy. Generally, with juveniles there is at least one adult with them. We need to figure this out and interrupt that.

3. Part of the issue is anecdotally, we assume an older person is putting the youth up to the crime, but we do not have anyone who is saying this is what happened to me. We cannot address it without knowing what the root cause is.
4. I see a brother committing a crime, is that born out of need because they are impoverished and they feel this is the only way they can take care of it, they see others doing it and getting away with it, or is it the brother saying if we get caught, you're going to take the wrap? I do not know.
5. I am a strong believer in evidence. I want to see what the evidence is. That is what is happening. If it is adults using kids as puppets, we want to get the adults.
6. Before COVID carjackings were rare. Armed robberies were rare. Youth going up to an 83-year-old woman in broad daylight, snatching her purse was rare.
7. We need more mental health avenues for figuring out what's happening.

## **IV. Probation**

### **General Updates, John Ebrahimi**

1. BMX bike program. The youth go through an obstacle course. There are some kids that did not know how to ride bikes. The way they light up is amazing. I have reports of scuffed knees and elbows.
2. The incentive program was expanded to foster pro-social behaviors and gold status. We want to incentivize good behavior. We created a platinum program with a lot of cooking involved.
3. We are still working on the music studio. We are creating the sound booth. It is in the early stages.
4. The Hispanic Heritage celebration will take place on the 27<sup>th</sup> at both Juvenile Hall and Camp Sweeney.
5. All the camp youth are returning today from a three-day camping trip at Meeks Bay Resort. They went on a 17-mile mountain bike ride.

### **Demographics**

1. Number of youths in Juvenile Hall – 59
  - a. Males – 52
  - b. Females - 7
2. Number of youths on Secure Track – 15
  - a. 4 youth stepped down at Camp
  - b. 4 youth ordered by the court to Camp
  - c. GPS
    - Males – 25
    - Females – 2
  - d. Education
    - High School – 3
    - College – 12

### **SB 823 Update, Yasmin Burke**

1. Last report we had two units, we consolidated into one unit. There are 15 youths, and it is working well. The youth no longer split programming.
2. College classes began August 21, 2023. Lynn and Louise have assisted a great deal, helping to get everyone's schedules and more.
3. The first 4-year college student started at CAL State East Bay.
4. Youth are employed through Raising Leaders on campus. Some youths are in the workshop beginning on October 8, 2023.

### **Programming**

1. Programming for Secure Track youths includes the following.
  - a. Family Spring is an intensive substance misuse program. They also provide programming for anger management.
  - b. ROP provides culturally responsive Cognitive Behavioral Therapy (CBT).
  - c. Write to Read
  - d. DSAL provides LME in Unit 1.
  - e. Centerforce hosts parenting classes.
  - f. CTWI facilitates the MC3 construction program.
  - g. Laney College
  - h. RJOY provides credible messengers in Units 1 and 12
2. Programming for Camp youths includes the following.
  - a. Dig Deep will start programming at Camp.
  - b. Family Spring is an intensive substance misuse program.
  - c. Golf
  - d. Laney College
  - e. ROP provides culturally responsive Cognitive Behavioral Therapy (CBT).
  - f. Sailing

#### Questions / Statements & Responses

1. **Question:** Will DSAL expand into Unit 5? Will Centerforce be somewhere besides Unit 1?  
**Probation's Response:** The plan was for DSAL to expand to Unit 6 then into the rest of Juvenile Hall. Centerforce has a staffing issue. She is struggling to add more people to staffing. Currently it is just her.

## V. Behavioral Health & Medical

### Guidance Clinic, Dr. Christine Gerchow

1. The second optometry clinic is scheduled for this month.
2. In collaboration with ACPD, we are in procurement with an Occupational Therapist (OT) provider. They will be able to provide psychiatric OT services in the units. That provider would be able to present to this body about what is, what does it look like and how it is different from behavioral health services provided by someone who is not an OT. This is a huge win for youth that prefer a somatic approach, less talk therapy focused.
3. The contraband town hall was requested in Unit 1; that will be forthcoming.
4. On August 22, we trained all the Probation supervisors. The post training survey indicated all of our training goals were met.
  - a. Medical treatment
  - b. Psycho-therapeutic treatment
  - c. Emergency response
  - d. When to call a non-emergency consult

#### Questions / Statements & Responses

1. **Public Defender's Question:** In the last couple of weeks, we have seen an increase of kids who report being on Suboxone and sometimes the attorneys in my office report they have seen kids that appear to be under the influence of narcotics. I can see the effects of it. In one particular incident, there was a youth in custody for quite some time and he just started the prescription recently.

From a harm reduction perspective, I understood it. But I also have concerns because by itself it is a serious drug that can be psychologically and physically addictive. I am hoping for more information. Someone on staff said there is a clinic you are working with that has a protocol questionnaire they go through to evaluate whether or not it is appropriate for youth in custody that may be looking for something that is a pick me up. They might find it desirable to work a process like that to get a prescription. I am surprised by the number of kids I have seen who report being on Suboxone?

**Dr. Ross' Response:** Thank you for your question and concern. Your point about the uptick in the number of youths that have been identified and met the criteria for Suboxone is pretty accurate. I do not have the exact numbers in front of me. Based off my own encounters and experience there has been an increase in terms of youths reporting symptoms related to withdrawal, which is what we typically use as the primary initiating factor in starting the referral process that you mentioned to the Highland Bridge Clinic. We submit an intake form that reports what the symptoms are related to withdrawal, it also gives the history of what the youth reports as their routine use of opioids.

Then the addiction specialist, medical provider, reaches out to the youth and has a telephone interview with them and substantiates whatever information is given. They then give us recommendations on what they recommend the Suboxone prescription should be. That is the protocol.

In conversations I have had with youth, it seems over the past month, three to four weeks, there was a supply of contraband that has been cut off. We have seen several youths in certain units, not every unit, that have reported withdrawal symptoms due to contraband in the form of Percocets. That was very concerning to us to get that history from some of these youth, particularly around the number of doses they were taking.

We need to corroborate the timing to being high off actual substances that were contraband versus being off Suboxone. I have not personally seen a youth after we've started Suboxone seem high, but it is possible. You mentioned having physical dependency or addiction to it. I do not think that is one of the potential side effects.

I wanted to address your concerns. Yes, you are right there have been an increase, an uptick, in the amount we have been prescribing, but they have all gone through our protocol and met the criteria for treatment based on not only self-reported use but also of symptoms that have been documented. Symptoms that are hard to make up like diarrhea, night sweats, and vomiting, that is consistent with withdrawals.

2. **Public Defender's Question:** For the kids that are taking Suboxone, are they being weaned off of it? Do they start on a dose then work it down? Are they tapered off?

**Dr. Ross' Response:** Thus far, there are youth on PRN dosing, meaning they are not taking it every day. As far as I know there is not someone coming all the way off based off the Bridge Clinic's recommendations. They have self-weaned.

**Dr. Gerchow' Response:** One of the resources I created in response to these concerns is A Late Summer Newsletter. It is a handout on Substance Use Disorder (SUD) and Medication Assisted Treatment (MAT) at the Juvenile Justice Center (JJC). I am happy to share with your offices so you are aware of what is going on.

One of the important pieces Dr. Monish Ulal, a physician at the Bridge Clinic, said, whenever you doubt the use of Suboxone, remember that overdose prevention is happening. We are diverting from highly dangerous opioids in correctional settings where the mortality rate is increased in these settings. We've seen it at Santa Rita. It is very dangerous, in fact, the mortality benefit is even higher in correctional settings. Try to think of

it not as Suboxone versus absence but Suboxone versus a dangerous pill or contraband and we might not know what is in that.

We have an operational summary from our huddle coming up. Substance use related treatment information has higher levels of privacy and confidentiality associated with it. We are now going to be having it at the JJC twice a month. The Substance Use Huddle will be chaired by Dr. William Burrough, our MAT champion, with UCSF Children's Hospital, and SUD partners Family Spring and La Familia.

3. **Public Defender's Question:** If kids are still on Suboxone when they go back into the community and cannot get it, they might be inclined to go back to using opioids and that puts them back into the dangerous pill situation. I understand the harm reduction, but my concern is what happens when they get released, which happens more suddenly than in adult systems.

**Dr. Ross' Response:** That is probably the biggest fear I have had. They are desiring Suboxone even if they have not been using Percocets as contraband consistently in the facility. But if they have expressed a desire for Suboxone, it means if they do get access to Percocets in the facility, they are likely to take that too. I have seen youth who have reported very low usage of opioids and if given Suboxone, they get really sick. For me, it is somewhat of a confirmation they do not use as much as they report. We see the youth that are using it actually seem to gain significant benefit in terms of managing their treatment because they are not using the other contraband that are life threatening.

Once the youth are back in the community is our biggest goal. That is part of the reason we partner so closely with the Bridge clinic. They are the source of providing community access. We have had youth that have been on Suboxone in the facility then are place in a STRTP that is outside of the county. We have had the Bridge Clinic find partners in whatever county those youth are relocated to be able to continue to provide Suboxone prescriptions for them. They have been the bridge to continued treatment outside of custody.

## VI. Social Services

### Assessment Center Update, Mia Buckner-Preston

Background Information: The Assessment Center is an unlocked facility and provides 72-hour transitional care for kids brought into protective custody for mal-treatment or need a new placement because they had a disruption.

1. The majority of kids seen at the Assessment Center (AC) are teens between the ages of 13 and 17, and female.
2. 66 intakes in August.
  - a. 62% were females.
  - b. 38% were males.
  - c. 77% were teens between the ages of 13 and 17.
  - d. 65% of the intakes were African American.
  - e. 33% of the intakes were Latino, overwhelmingly female.
  - f. 3 overstays. There are not any placement options at this time.
  - g. 47% were runaways.
  - h. There were 12 duplicate youth at the AC, which account for 42 of our 66 entries.
3. The average length of stay has increased. 22% have overstayed, remaining over 72 hours without a placement option identified.
4. The number of absent without leave (AWOL) has increased, since the AC is not a locked facility.
5. Most runaway incidents happen daily. The youth leave to do whatever and choose then to come back to the AC.
6. We are experiencing a shortage of female beds throughout the state.

7. We are experiencing STRTPs refusing to work with our youth, specifically citing youth in Alameda County are the most dangerous, assertive, and disrespectful that they have dealt with than any other county in the state of California.
8. They are also refusing due to the number of AWOLs that our youth have, their criminal and JJC histories, their history with Commercial Sexual Exploitation of Children (CSEC) and exploitation.
9. We are in the middle of a lawsuit. We are being sued by the City of Hayward for nuisance because we are unable to lock our kids in at the AC. We are unable to prevent runaways, and we are also a hands-off facility. We are unable to de-escalate any physical assaults or extreme property damage at the AC. We are being sued because Hayward Police Department must respond to those calls for help and support. The Sheriff's Deputies are no longer at the AC.
10. We are searching for a new location. We are hopeful. We found a location that is quiet, serene, and beautiful. We hope that it will be a good relaxing environment for our youth. However, we will not be able to manage the number of youths we currently have at our AC.
  - a. We can have up to 30 youth at the current AC. The new facility, which is a home, will not be able to manage that many. So, we will have to figure out what to do with the youth who are unable to come to the AC nor remain with the current service providers.
  - b. The facility we are looking at requires permission to negotiate.
  - c. We have found one facility so far, which means our search to find other facilities will continue.
  - d. There will be a period of time where we will have to figure out which kids have the most needs, that can be at the AC and which kids we need to find other alternatives for.

### Questions / Statements & Responses

1. **Vice-Chair's Statement:** All the kids that end up at the AC are the highest needs kids in our county. They all need a place to be. It is appalling that in our county where we have so much money we cannot house and support the kids that need it.

**SSA's Response:** With all the pressure we have right now, we are trying to do the best we can. The kids with the highest needs, the highest mental health acuity, and behavioral issues, those are the kids who most likely will be at the AC.

Our younger kids, kids that can go to a relative or other safe alternative for their care, will be the ones not able to access the AC.

2. **Statement:** Is there anything your partners can do to help?

**SSA's Response:** Yes, if we can collaborate and come up with plans around these really high-end youth. They may not feel like high-end youth to others but for us they are, like older teens coming from the JJC.

Most recently, we received a kid who says he carjacked somebody with a gun, is on Suboxone and is part of a criminal ring. There is no one that will be willing to care for them. We want to put them in family-based care, but caregivers are too afraid. We must figure out what we are going to do with these really high-end youth.

We had a kid that is terrorizing the AC, which is why I am not in-person because I must be onsite to work with her. There is no one. We have tried every single thing. We have been reaching out working with Behavioral Healthcare. I have worked with Probation in the past. I have worked with the Beloved program. We are trying. There isn't a facility. We can add services and programming, but they need a place to live, a bed.

3. **Statement:** You always have the most compelling and disturbing stories. Is there any way we can capture those stories as data?



**SSA's Response:** Yes, our west coast team and one of our management analysts are trying to capture that information. Due to our situation, there are other partners, team members and supervisors who would like that information as well. That information is currently being collected and a presentation is being put together that shares some of the data and asks for some kind of safety plan and action plan or other resources in the community we can use.

4. **Erin's Statement:** With respect to the AC, I almost do not know where to begin. This is not a new problem; this is a problem many years in the making. The fact that there is not an immediate solution, I do not think can ever be blamed on the children of Alameda County. No matter what providers may say, our kids are not the worst kids statewide. They are just kids, and they need actual assistance, services, and treatment that they have not been getting for years.

We need to have a real look at what has gone on at the AC and why. We need to figure out who did not do something they were supposed to do for many years. I am not putting that on you Mia. You come here and give us really honest reports about a lot of things. I know you are trying, but this is a system failure. I do not think that we can have the triage that was described. Not only is it not right, but it is also illegal. Young people need a real place to stay.

I want to flag this for the third year running, Alameda County does not use its child specific complex care resources. They leave them on the table. I cannot stomach hearing that there is nothing there for certain young people with very high needs when the funds, services, and resources available to meet those needs are being left on the table including resources at Davis, at the state were very high needs technical assistance, but also just the money to develop other resources. It is more than just a facility that is missing.

**SSA's Response:** Let me share some information on complex care funding. The amount of state allocations Alameda County received for the complex care funding, I spend that in a month and a half with county funding. So, it is not that we left money on the table, we don't even have a staff person available to complete the five-page application. I have 21 placement plans with close to \$300,000 monthly.

We are not leaving money on the table. We will recoup that money. It is not due for 2021 until December 31 of this year. We have time to do that once we get staffing. We are at a 40% vacancy. It does rub me the wrong way, when people are saying we are leaving money on the table and assuming that we are not creating any kind of plans when I do the county pay every month. I am spending the county's money up to \$300,000 for those plans for those kids because sometimes in order for a provider to say yes, I have to have the kid have their own room, pay for specialty mental health services and we have to pay for two to one staffing support. No other county has to experience that.

We will recoup the money from the complex care, but the allocation is not enough for us to run our program. We have to seek other alternatives. Thank you for your statement.

**Erin's Response:** I'm looking at their numbers and none of the \$300,000 from either of the first two years has yet to be recouped.

**SSA's Response:** It is not due for 2021 until December 31.

**Erin's Response:** This is for prior not ongoing. We pulled all the numbers for all the different services that can be utilized, and they are utilized at low rates. That is not specific to Alameda County. This is a problem statewide. Alameda County goes into meetings saying this money is too onerous to try to use. That is a problem without suggesting another solution. If that is not the issue, it is many years in the making problem

that I think we need to have this group look very deeply into. Not just tell the stories of individual young people but tell the story of what the system is doing to address a very obvious problem.

**SSA's Response:** Thank you. I am open to further conversations and collaboration, but my main job is finding a place for these kids to live. Once I am able to do that, I am willing to partner in any way that you see fit.

## **VII. Commission Updates**

None.

## **VIII. Public Comment**

1. **Jim Levine of BAC's Response:** For those unfamiliar with the Bay Area Council, we represent 400 of the largest employers in the region. Our organization is geared to make the bay area a better place to live. We are new to the conversation on public safety and crime. Things have gotten so bad in some of the commercial areas around the East Bay, but we are not new to working in the community. There is a lot the business community can do if we are a part of this conversation.

We appreciate the thoughtful analysis of the report, support and understand there is a lot of trauma behind what leads kids to do these kinds of things. At the same time having to arrest the same person six to seven times before there is any real consequence, before there is any real serious diversion is such a waste of police resources. It is demoralizing to the police officers we are asking to risk their lives and it is essentially terrorizing the communities that provide tax money to do all the things we need to do. It is just unacceptable.

We have to find a new model. I know ACPD, who over the last month have had a lot of meetings. ACPD has done a great job with Camp Sweeney, their education training and re-entry programs. But they have no capacity for underage youth there. We really need to find a facility where we can have real diversion, where the kids who are offending just do not go back to the same community and environment that leads them to do these kinds of things in the first place.

In our view, we have to move to a more zero tolerance program if we want to save jobs in this area. There are rail companies telling their customers not to stop in Oakland. Airlines are considering pulling out of Oakland. The impact of that on jobs those companies provide is something we cannot imagine.

2. **Erin's Comment:** We are having a lot of discussion about the arrest of juveniles, arrest rates and violent crimes. I will never tell people they should live with crime, nobody should be a victim of crime, however we have to have this perspective; we are seeing a rise in crime off of a record low. It is critical to pay attention to it because youth arrest was down as much as 90% state-wide over 10 years. Crime does not respond to things overnight. The crime rate does not go up a week after the election of the DA. We do need to look at the trends overall that relate to those causes.

I do not think we should ever talk about crime rates for juveniles in particular without discussing some of the major correlating factors like the child poverty rate which just increased 50% on the hills of COVID when we took away the benefits families were relying on.

Also, children's mental health has been an increasing crisis which has been declared by the surgeon general. We have seen in all children radical increases in depression, suicide, and PTSD. We then went into a pandemic. Everyone shut down and they did what they needed. Coming out of the pandemic, we do not have enough of those services, in addition to making more kids poor. We have to put all of that in context.

3. **Bennet of YAC's Comment:** We should always provide a solution when we highlight a problem. A lot of the time the youth need a solution to the problems we identify. It is important that we always advocate for literacy, financial and language of the law, and ways for children to avoid the system.

We can provide a lot of relief in cost-friendly and cost-effective ways that do not always lead back to a budget.

**Next Meeting is scheduled for Wednesday, October 18, 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 2:04 pm.**