

How CSEC Courts Have Been Impacted by COVID

Featuring: Hon. Erin Alexander, Hon. Kimberley Nystrom-Geist, Hon. Catherine Pratt

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Dr. Amy Bacharach: Hello, I'm Dr. Amy Bacharach with the Judicial Council's Center for Families, Children & the Courts. I would love to welcome you to this webinar as a follow-up to our newly published evaluation of girl's courts in California. Today we're talking with three judges from courts that were in the original study, and we wanted to follow-up and see how the pandemic and Covid has impacted their courts. So today we'd love to welcome Josh Alexander from San Bernardino County, Judge Pratt from Los Angeles County, and Judge Nystrom-Geist from Fresno County. So welcome all three of you, and we're really grateful for your time and to have you with us.

If you can get started, just really briefly, if you can talk about what your court is and who it serves and where you are.

Hon. Erin Alexander: I'm in San Bernardino. My name is Judge Erin Alexander. We service 602 or juvenile delinquency girls that are at risk for CSEC. So anyone who would be at risk of commercial sexual exploitation can go into our girl's court. Our court is less formal than some of our other collaborative courts, and this was a court that we essentially developed without financial support just to add support for girls who might be at risk of CSEC or failing their probation.

Dr. Amy Bacharach: Okay. And can you talk about how the pandemic has impacted the court?

Hon. Erin Alexander: The pandemic as I think all of us who have kids and just normal lives, it hit our court pretty hard. We are in San Bernardino so we had been in a restrictive tier for a considerable period of time and frankly I think we were completely closed for girl's court because I do need to see them in person to be effective. So we were closed from I believe March until July. And we opened back up in August. It didn't look like it did pre-pandemic. We did have some girls appearing by FaceTime or Facebook Live. I had a couple of girls in court personally, and if I had a couple girls in the hall, and they were by Polycom so we were using multiple technologies to have them present. Our typical format previously was to do an activity or have a speaker for the girls and the pandemic limited our ability to do that. So we kind of adjusted our format to more things like having them read a book that we could discuss. We came up with a couple questions that we had them think about and ask every month. For example, we asked them what woman impressed you this week and why. And sometimes it would be someone famous because we have gone through some political things over the last year. And sometimes it would be a mom or a teacher or someone like that or sister and that sparked some good conversations. So it really turned more into talking to the girls than it did formal presentations. I frankly missed giving them more support but I'm glad we were able to do that. They had something. And then just in the last two months, we only meet monthly, so the last month, which would have been April, we watched "The Social Dilemma" and then discussed that movie. And

then this month we had our first speaker back, which was the public health nurse. So that was just this week, and that was our first kind of return to normalcy.

Dr. Amy Bacharach: That's great. So during that time that you mentioned, I think you said March through August, were you just not accepting any new participants, or was it complete, were you not meeting with the current participants as well, or how did that work?

Hon. Erin Alexander: Unfortunately we were completely shut down. So we had some emails go out. I know that they were still connected to the support system that kind of gives the foundation for our girl's court, which is usually more like the social workers through the public defender's office. So they had some outreach, but that did not involve the actual court at all, and we did not meet at all while we were shut down.

Dr. Amy Bacharach: And have you found that since we've reopened, is there like a backlog of girls who want to participate or who might be eligible to participate, or is it pretty like a steady flow?

Hon. Erin Alexander: I don't know if I can answer it yet. And what I mean by that is when we did open up, surprisingly the girls we had stayed with us and three of them graduated. So we're pretty small, and we usually only have maybe eight to ten participants. We can go up to fifteen, but we usually have eight to ten that participate regularly, and I graduated, I think I said three but now that I'm thinking about it, I think we actually graduated five very shortly after opening back up. So we did come one session and realized we only had two girls. So we sent out an email saying if anyone was interested, and that only happened in the last six weeks, and we're back up to ten girls. So it filled very quickly. I don't know that there's a wait list per se, but I do know that probation knows who the girls are that need the services, and sometimes the referrals come directly from the other judges as well.

Dr. Amy Bacharach: And in terms of services, were they, how did the pandemic impact services?

Hon. Erin Alexander: I wish I had more information about that because I don't oversee their 602 cases. So I only see them when they're in court. But it's clear that there were some service deficits because all of the kids were struggling with school, now again – this is a population that's at risk in San Bernardino, and I don't know that they all had access to Chromebooks, and they were online, and a lot of my kids are 241 or dual jurisdiction kids, which means they may not have a supportive parent to help them with their education. So that's something we're really looking at now to make sure that we can get them back on track. But I would say it appeared to the court that they were lacking some services particularly in the education realm.

Dr. Amy Bacharach: Do you think that the pandemic has resulted in any kind of permanent changes in the court, either for better or for worse, or are things just growing right back into normal?

Hon. Erin Alexander: Oh no, I'm excited about the possibilities, particularly, this is a girl's court, so I don't think it hurts to say it, but particularly for working women, as far as having like,

generally, having some appearances from home has worked well. The technology was better than I had anticipated, and the problems I had pre-imagined really didn't come to fruition. It is working so I think that there are some exciting options for young female lawyers to maybe have a better work-life balance with their kids than maybe some of us had in that position, and I think that that's exciting. I think that we will continue to use virtual appearances in our courtroom. We have girls in the hall who, if they don't want to have to be moved around or transported to court, I think some of them prefer the virtual experience. Some of it needs to be hands-on. We just, you know, they need to be there to get the full impact of what we're presenting. But sometimes not, and I think that we'll keep it, I think. I'm not presiding here but my impression is that there will be changes that we keep and some of them, I think, were very positive. I would say that the deficits are the social deficits that any of us who have children have recognized in our own children as well as other children. I have concerns about mental health and isolation and all of the things that came with being shut in for 14 months.

Dr. Amy Bacharach: Can you give any examples of some of the mental health issues that you've seen in the girls participating? Maybe like in what ways do you think we could address that in, you know, the current new normal. Whatever our new normal looks like.

Hon. Erin Alexander: I'm hypothesizing a little bit because the girls that I had the longest, so the girls I would have known the most, they actually graduated. So I didn't see great deficits for them. But they did graduate August/September. So much more time has gone by since then. The girls I have now, I'm really just getting to know them. But my concern really is isolation. Girl's court is kind of, especially ours, it's very unique because initially it's hard. The girls are resistant to speaking up in court even though it's very informal. I don't wear a robe. I participate just like the other participants. They know that nothing they say in my court can be used against them as a violation but always, even before the pandemic, it takes a good five or ten minutes of any session for them to decide whether they're truly going to participate.

Dr. Amy Bacharach: So how in what ways is your court moving forward?

Hon. Erin Alexander: We're going to look to make some changes with girl's court. It has nothing to do with the pandemic, but I just had a complete change in personnel over the last year that happened. Sometimes after years of a collaborative court, so the group that built our girl's court, the only one left now is me. So it is a good time I think after the pandemic, and after looking at where we've been, to consider where we could go. So we're looking to meet to see if we can be a little more like the typical model that would be utilized like in a drug court. Right now we're very informal. We really are just support, and I would like to have an opportunity but more hands-on with a girl and have more direct impact on their actual cases. I don't know if that's what will happen. I'm not the only party to make those decisions, but at least we're all going to explore seeing if we can come a little bit closer to what I suspect. You may hear from other judges about how their courts run, which is a bit more formal. I will add, if it's appropriate, that when we started, we started with what we could get. There was some hesitancy with some of our justice partners. There was concerns about money and resources and all of the things that happened I think when you try to put a collaborative court together. And so we took what we could get at the moment and then we actually kind of liked it. Like it wasn't really what we kind of wanted, the drug court model, and we just couldn't get there. So we started with, hey let's just

meet informally. Let's just at least see the girls. Let's just give some presentations. And the truth is the girls seem to like it, and we liked it. Now what I can't tell you is, is that as effective as if I had some power to issue some sanctions or have impact on their case. And empirically I don't know. And that's what I'd like to look at. But as we continue to develop, but I think the girls like that there's a safe place where they can have discussions that have no ramifications whatsoever. Sometimes that leads us to be able to plug in some resources. Maybe they wouldn't say if I was handling their case. So we're gonna have to balance those two things out.

Dr. Amy Bacharach: So if you can just briefly describe your court – what it does and who it serves?

Hon. Kimberley Nystrom-Geist: So our court is designed for boys and girls but we have only had girls participate at this point. Over the last three years or so that we've been doing it, it's actually developed into a pretty girl-centered kind of court. And so if there was a boy who wanted to participate, we would make accommodations. Some boys would be really comfortable with the atmosphere of the court and some would not. We serve girls who are either, kids, but primarily girls, who are either at risk of being trafficked sexually or who have been trafficked. And they are – we designed the program to meet the needs of girls in dependency and delinquency. We are not a dual jurisdiction county. We have only had delinquency girls participate. Part of that is because that the girls who are been identified by their social workers on the dependency side have not stayed in care long enough to be able to participate in the program. And then honestly, in the beginning, it took us a little bit of time, because we're not dual jurisdiction, to work out how the two departments, the two divisions of our court, would interface. At the time that we started this, we actually had separate presiding judges of delinquency and dependency. It's different now, but we just have not had any dependency girls. So the reality is while we've designed it with a broader scope, what we serve are girls in delinquency who have either been trafficked or are at significant risk of being trafficked.

Dr. Amy Bacharach: So can you talk a little bit about how the pandemic has impacted the court?

Hon. Kimberley Nystrom-Geist: Yes. And I don't have data. I suppose we could probably try to gather some data, but I don't have data about this. What actually happened for us is when the pandemic hit, we had a pretty robust system going and our girls were doing almost universally well. So on a calendar maybe of ten girls or so on a Friday, maybe eight out of ten/nine out of ten were probably doing great. We had very few AWOLs. They were participating actively in their services. Our girls mostly really enjoy it. It's called Friday court. For us our girls mostly really enjoy Friday court and want to come every two weeks. And it's a very relationship-driven court, so they see the same DA. I think the DA is actually their favorite person on the calendar so they see the same DA, the same judge, their same attorney, of course, the same probation officer. They're seeing the same people every single week so to walk into our courtroom, and we're not dealing with the substantive issues of their case other than VOPs. But for the most part, it is, this is a collaborative, supportive really victim-oriented kind of calendar. So the victim witness people have really liked it because it's just totally focused on helping, aiming toward recovery and resilience and harm reduction. So to walk into the courtroom before the pandemic almost felt like a party. It almost felt like a baby shower. It almost felt like you're seeing people that you

like on and on. And yes we would hold them accountable. And we talked about a lot of things and asked them to do some difficult things. But they knew in our courtroom that we're never going to talk about anything embarrassing, and I think they all really were enjoying the process. When the pandemic hit for our court locally, we shut down completely for two weeks, and then we were back at work. So we were physically at work but still did not really have a mechanism for hearings. So we had to shift, like for everybody, but for our county what that meant is the first hearings that we could even start to have we had by Webex, which is a terrible platform. It was better than nothing, but it's a terrible platform when you're working with kids because you're working over the phone and then of course the service providers were disrupted, and how they were providing services to the kids. And from Webex then we moved to Zoom, and we remain primarily on Zoom. Some types of hearings on the juvenile justice side are live, but really everything I'm doing on the dependency side, which is now my assignment, is by Zoom. So what happened when we came back – so let's say the first Zoom hearings after we were shut down because our girls were used to coming to court every two weeks, is everything had flipped. So we went from having almost all the girls doing well and very few struggling to almost universally struggling. That they were not as engaged in their services. They weren't doing well at home. School, of course, was up in the air so even for those who were struggling in school, things were much worse now. Things were, you know, more unpredictable on the street. So everything for them crumbled. And then all of us were trying to figure out how to have hearings and how to deliver services, how to try to develop a supportive atmosphere so that they got that same, at least as much as we could give them, of that same feeling of support and encouragement by Zoom as they were face-to-face and Zoom was way better than Webex. Webex was better than nothing, but we still haven't reached the point where we're back in a courtroom.

Dr. Amy Bacharach: Still haven't?

Hon. Kimberley Nystrom-Geist: No we still have not, and there have been other changes as well. So my assignment changed February 1st, and I'm now in dependency rather than delinquency. But I continue to hear the Friday court calendar, and I don't know what that future will be like. But every change that happens in my experience with these girls is more difficult than it might be for someone in different circumstances because they need to know that they can count on us. And part of counting on us means, you know, that we're consistent, that we don't have one message one day and one the other, that they're consistent about when they see us but they also need to know that we're consistent in who we are. We were a grant-funded program so we had started with a grant, and the grant has now run its course. And as a result, we no longer have a Friday court coordinator, which was an extra level of administrative support that was the person who coordinated the staffing. That was the person who would participate in the hearing so that I could say, "Well Brenda, what incentive do we have available?" And I still have the ability to do that but it really it still isn't the same because we're not in person and not having the level of administrative support that we had, not that the court itself is not very supportive, but it's because it is but like many courts Covid has impacted our employee levels, and the expiration of the grant means that I don't have a devoted staff person for this calendar. So really I think that all things considered probably we're doing better than I would have thought when we were shut down and better than I would have thought when we first came back but it's not, it has not returned to the robust level that it was although most of our girls who are participating . . . come

into the program as we had been previously so the girls that are working with us now are existing, they've been existing participants and . . .

Dr. Amy Bacharach: Sorry, you broke off a little bit. Did you say that you had additional girls since then or is it all the same?

Hon. Kimberley Nystrom-Geist: We do but not, but the level of interest and new participants is different than it was before the pandemic. And I don't know why that is but that is our reality.

Dr. Amy Bacharach: And has the pandemic resulted in any permanent changes to the court whether either for better or worse?

Hon. Kimberley Nystrom-Geist: I don't know. I don't, I think that that's yet to be seen so I don't know if in the future if for convenience if maybe Zoom hearings would be offered. Those are questions I think a lot of us have because there is something to Zoom. Now we're all familiar with it. So now, you know, now we're all these months down the road where there are, there are benefits. I mean one of the benefits is people don't have to wait in a courtroom. Our courtroom where these hearings take place is really out in the country, it's not easily accessible. There's no public transportation. So there is something to be said for it. I, my preference would be to be back in the courtroom in the facility where we were, where there's a special waiting room and a special atmosphere and where we are, yeah, where they are able to feel the support because you don't get that same level of feeling. You don't even know if somebody is or isn't looking at you on a Zoom hearing. So I really don't know if there will or won't be permanent changes. So no ideas about that.

Dr. Amy Bacharach: So just briefly if you can talk about what your court is and who it serves.

Hon. Catherine Pratt: So our court works with girls who are on probation. They are on probation for charges not related to prostitution or not necessarily related to prostitution. And they are all post adjudication. So any jurisdictional issues have been resolved by the time they come to my court, which is very helpful because we can focus on, you know, our agreement, our area of agreement and rehabilitation as opposed to any factual issues or their rights. We are open to girls and boys but in reality very few boys have been interested in it. And, at this time, while we have a few transgender kids, I think two out of 90, all the rest are girls. Their ages 14 to 18. A lot of them also have open child protective services cases, so they're being duly supervised. They've been referred either by their probation officer, their social worker, their attorney, maybe their other judge. We handle cases from all around Los Angeles County so it's not just the Compton area, which is where I'm actually located. However, if they have started in a different court in a different part of Los Angeles and they are not interested in being transferred to our court, it's not required. It's voluntary. And their participation in the program is voluntary. They've all been identified as either having been exploited or at high risk for exploitation based upon other red flags that we've seen. That category quite honestly usually includes kids who we strongly suspect, have been exploited but do not disclose, and what often happens is that after a couple of months of working with them, disclosures come out.

Dr. Amy Bacharach: Great. And can you talk about how the pandemic has impacted the court?

Hon. Catherine Pratt: We are doing 90% of our hearings by video, but we do it by Webex. Although even with Webex most of our hearings, are, the parties actually participate by phone. The lawyers participate by video but most of the time the parties are participating by phone so it really is a conference call. That has worked better than I would have anticipated. Frankly it was a, it was a rough transition but once we got used to it, it actually seems to be, you know, doing okay. I would have said before the pandemic that the real value to the program was how much face-to-face time we got with the kids and being able to see them regularly and some of the consistency issues that Judge Nystrom-Geist was referring to and that sort of thing. In reality, doing this by video or phone, the kids seem better engaged than I would have guessed. However the, any kids who are struggling, and there's always some kids who are struggling, that does not work well on video. I, for example, had one video/conference call where I was going to put the girl on house arrest, and she just hung up on me when I said that. So that was not an effective order at that point. And so, you know, if the kids are struggling then it really doesn't work well. So in that, in those instances I will occasionally have them come in for face-to-face hearings. Now we probably do one a week or two a week like that. But most of the pandemic we did, you know, one a month if that much. In general I think the kids have stayed out of trouble while they've been on pen, you know, under pandemic, and I'm, you know, I'm actually pretty impressed. A lot of them have struggled with school because they're doing it remotely and, you know, and it's very hard to determine on a conference call, you know, how, what exactly the problems are and are there really attendance problems, or are there technological problems that prevent them from logging in, and all those sorts of things. It's very hard to assess so it's hard to discipline the kids for a lack of school involvement when there's that much ambiguity. One big complicating factor for us was the state saying we could no longer use out-of-state facilities, which happened at the beginning of this calendar year. First of all, we were given that notice very quickly so we were required to bring kids back from out-of-state facilities, which for the CSEC kids, we had a lot of them, probably ten, and we were required to bring them back right around Christmas without any, without any preparation. I mean we had, you know, ten days' notice or something like that. So the kids were not prepared and so a lot of those kids really haven't settled down since then. There's probably four . . .

Dr. Amy Bacharach: Placement in state or where do they go?

Hon. Catherine Pratt: So some of them went to in-state placement, some of them went home.

Dr. Amy Bacharach: And have the services that you've been able to provide, I know, particularly in your court, you have a lot of really great services. Have any of them been impacted?

Hon. Catherine Pratt: Yes. The probation department for most of the pandemic was doing distance visits, so if they did see them face-to-face, it was a drive-by at the front of the house type thing. And they did also things by video. And our advocates have largely done that as well. Over the last six months, both the probation officers and the advocates have started more, you know, in-person meetings with the kids and that seems to be going better. One of the things that we did like to do were kind of group activities with a lot of the girls, and we haven't been able to do that. And the girls have been expressing that they miss that and when will that resume.

Dr. Amy Bacharach: Okay has the pandemic resulted in any permanent changes to the court either for better or worse, do you think?

Hon. Catherine Pratt: You know that's not really clear right now. There, you know, are a few things that are up in the air. My anticipation is that we will continue to do a fair number of the cases by phone or video for the kids who are relatively stable because it really just saves them a lot of time. They miss a whole lot less school, you know. Los Angeles is so big that, you know, if they, if they have a court date that takes a whole day, I mean essentially, and so, if we can, you know, have it take a half an hour and they can go to school the rest of the day, that would be my preference. So I think, you know, and I hope that we would continue to use that for the kids who are stable. But I'd also like to have the option of doing face-to-face if the kids feel they need it or any of the rest of us feel they need it.

Dr. Amy Bacharach: Is there anything else that you'd like to add or that might be important for people to know about how Covid has impacted you or the court, the kids being served?

Hon. Catherine Pratt: It does not seem to have affected demand so there has been a lot of activity on the street. There have been a lot of kids who have had law enforcement contact as part of this. So I frankly was a little bit surprised by that.

Dr. Amy Bacharach: Have you gotten a lot of new cases?

Hon. Catherine Pratt: We have gotten quite a few new cases, yes. And, we've actually terminated a lot of cases because any of the kids who were doing relatively well, you know, our consensus was that we weren't really doing a whole lot for those kids so we might as well just take them off probation. So we have terminated a lot of kids, closed their cases. We've also opened a lot of new cases.

Dr. Amy Bacharach: So thank you all so much for joining us today. If you'd like to read the original girl's court evaluation report, it's on our website at www.courts.ca.gov, and we welcome you to read that and we welcome you to join some of our other webinars that we have. Thank you so much.