

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE FEBRUARY 13, 2013 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Secretary Sam Abed, Department of Juvenile Services; Lavinia Alexander for Circuit Court Clerk Frank Conaway; Kimberly Barranco, CJCC Executive Director; Gregg Bernstein, State's Attorney; Tammy Brown, Executive Director, GOCCP; Joe Clocker, Director, Community Supervision, Department of Public Safety and Correctional Services; Major Sam Cogen for Sheriff John Anderson, Baltimore City Sheriff's Office; Lonnie Ferguson, District Court Administrative Clerk; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; Rodney Gray, Bar Association of Baltimore; James Green for Commissioner Anthony Batts, Baltimore Police Department; Judge John R. Hargrove, Jr., District Court Administrative Judge; Elizabeth Julian, District Public Defender for Baltimore City; Brian Kleinbord for Attorney General Doug Gansler; David McMillan for Mayor Stephanie Rawlings-Blake; Secretary Gary Maynard, Department of Public Safety and Correctional Services; Rod Rosenstein, U.S. Attorney; Gregory C. Warren, President, BSAS, Inc.; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Sulakshana Bhattacharya, Mayor's Office of Criminal Justice; Mark Cheshire, State's Attorney's Office; Jay Cleary, DJS; Professor Doug Colbert, University of Maryland; Cristie Cole, Office of the Mayor; Elizabeth Embry, State's Attorney's Office; Justin George, Baltimore Sun; Debra Gonzalez, DPSCS; Kimberly Gunishaw, MCVRC; Mike Hanlon, USAO; Kimberly Haven, MRJI; Sarah Hyre, CJCC; Judge Robert Kershaw, Judge-in-Charge, Juvenile Court; Donald Leatherwood, DPSCS; Cassie Motz, Governor's Office; Darren O'Brien, State's Attorney's Office; Stephen Schenning, U.S Attorney's Office; Bob Weisengoff, DPSCS; Joyce Wright, State's Attorney's Office; Stephanie Young-Medina, Circuit Court.

***We request that all in attendance sign the attendance sheet which is available at each meeting.**

MEETING DIALOGUE

The Meeting was called to order at 12:30 p.m. and Judge Barry Williams welcomed the Council and congratulated the Baltimore Ravens on their Superbowl victory.

Judge Williams requested a motion to approve the December 12, 2012 minutes and they were adopted unanimously.

I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS

Judge Williams advised members that there will be no March meeting due to the legislative session. He stated that the next meeting will be held on April 10, 2013 at which time Heather Brantner from the Sexual Assault Response Team (SART) will present to the Council.

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II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco introduced Sarah Hyre, the new CJCC Project Coordinator. She stated Ms. Hyre has extensive experience working for government agencies in Howard County including the State's Attorney's Office and the Police Department, and she holds a Bachelor of Science degree in Paralegal Studies from Stevenson University. Ms. Barranco advised that Ms. Hyre assumed her position in early January.

Ms. Barranco announced that an updated contact list was in the packets and that an electronic version would be provided. She also announced the next Circuit Court Adult Drug Treatment Court Graduation Ceremony will be held on Friday, March 1 in Courtroom 234 of Courthouse East at 9:00 a.m. She said that a number of CJCC members attend the drug court graduation ceremony regularly and encouraged the Council to attend if they had not done so before because it is very moving to hear the graduates speak from their hearts about re-entering society drug-free and becoming productive citizens of Baltimore City.

Ms. Barranco reminded the Council that the CJCC is funded as a local law enforcement grant through GOCCP and that she will attend the yearly Senate and House subcommittee budget hearings in late February when the CJCC budget will be considered as part of GOCCP's budget. She reported that the CJCC budget had not been targeted for any cut in funding and stated she would keep the Council apprised if there were any changes to the funding level requested.

Ms. Barranco further reported that the CJCC again this year provided support letters on behalf of full funding for the War Room which has been the custom since the War Room's inception. She stated that the War Room, which was originally a CJCC initiative, is a joint initiative of the State's Attorney's Office, the Department of Public Safety and Correctional Services, and the Baltimore Police Department and allows for a comprehensive information sharing system identifying the most violent offenders arrested in Baltimore. Ms. Barranco directed members to the letters in their meeting packets written to the House and Senate Subcommittee Chairs by Judge Williams on behalf of the CJCC supporting full funding of the War Room.

Ms. Barranco advised the Council of a new protocol which was put in place after a discussion at a meeting of the Domestic Violence Coordinating Committee. She explained that in an effort to improve the criminal justice system's response to the crime of domestic violence, which is one of the stated goals of the DVCC, bench warrants issued by both the District Court and the Circuit Court in domestic violence related cases are now being stamped "DV" to readily identify them. She stated that this stamp assists the Sheriff's Office and the Baltimore Police Department in identifying and prioritizing these warrants for service. Ms. Barranco thanked Judge Barry Williams, Judge John Hargrove, Lonnie Ferguson and his Court Clerk's staff, Frank Conaway and his Court Clerk's staff, Elizabeth Embry and the Assistant State's Attorneys of the Special Victims Unit, Lt. Rhonda McCoy of the Family Crimes Unit, and Major Sam Cogen from the Sheriff's Office for their assistance in working out the details. Ms. Barranco stated that the creation of this protocol is a concrete

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example of the ability of the CJCC to effectively address criminal justice issues in a collaborative fashion.

III. CENTRAL REGION REPORT – WENDELL M. FRANCE, DIRECTOR, CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Director France advised that a copy of the Central Region Statistics Report was provided in the meeting packets for the Council's review. He stated that he would answer any questions the Council may have about the report. Director France brought to the Council's attention that 60% of committed defendants are on a "No Bail" status.

IV. BALTIMORE POLICE DEPARTMENT REPORT – JAMES H. GREEN, DIRECTOR, GOVERNMENT AFFAIRS

Mr. Green advised he was attending the meeting on behalf of Commissioner Batts who was handling the police officer involved shooting during training which occurred on February 12. He stated that the Maryland State Police are investigating the training incident and that no further details are available at this time. He reported that the Commissioner planned to introduce new Deputy Commissioner Jerry Rodriguez who recently joined the Department and will head the newly formed Bureau for Professional Standards & Accountability, and that he hoped the Council will have an opportunity to meet the new Deputy Commissioner at the next meeting.

Mr. Green reviewed the Police Commissioner's Report included in the Council's packet. He stated that he had up-to-date data which showed homicides at 22 year to date which is an increase of 5 from the previous year. He reported there have been 43 non-fatal shootings year to date which is an increase of 3 from last year. Mr. Green noted that street robberies are down 9% and they are aware of the increase in commercial robberies which they are targeting and beginning to make progress. He advised that Part I crime is down 12% noting significant reductions in residential robberies, burglaries, carjackings, arson, and aggravated assaults.

Mr. Green congratulated the Ravens on their Superbowl win and stated that the BPD gained valuable operational and security knowledge during the homecoming celebration. He further stated that the BPD is now beginning to plan for the upcoming St. Patrick's Day celebrations in March and to ensure citizen safety, extra police patrols and security details will be in place.

V. STATE'S ATTORNEY'S OFFICE REPORT – GREGG L. BERNSTEIN, STATE'S ATTORNEY

Gregg Bernstein gave a PowerPoint presentation reviewing 2012 statistical data and the initiatives of the State's Attorney's Office. Mr. Bernstein explained that in 2012 newly initiated Circuit Court felony cases increased by 6% and newly initiated Jury Trial Prayers, traffic cases, and appeals increased by 11%. He stated that the office is beginning to see the effects of the new possession of less than 10 grams of marijuana charge which carries a 90 day penalty and noted that these cases are handled at the District Court level. Mr. Bernstein reported that Circuit Court case dispositions decreased last year. He stated he was disappointed with these results and advised that his objective is to dispose of cases more

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efficiently. He reported that Elizabeth Embry and a representative from the OPD meet with Judge Williams monthly in an effort to target ways to increase Circuit Court case dispositions. Mr. Bernstein said he was pleased to announce that the felony conviction rate continued to rise with an all time high of 73% in July of 2012. He reported that 58% percent of cases in the District Court were either nolle prossed or steted, and although this number is going down he advised it is not where he wants it to be. He noted that many of these are domestic violence cases, and although the prosecutors are working as best they can, there are issues with victims failing to appear which results in a number of dismissed cases at the District Court level.

Mr. Bernstein reported that diversion cases for prostitution, 90 day non-marijuana and marijuana dockets have increased over the past year. He noted that his office was awarded a grant from the Abell Foundation to double the capacity for the Specialized Prostitution Diversion Program, which is a 90-day pre-trial diversion option with the goal of reducing the number of prostitution offenses and arrests in Baltimore City, and he further stated that this program has a 75% success rate.

Mr. Bernstein discussed the progress of the Civilian Review Unit (CRU) which was created in June 2011. He explained that the CRU reviews all cases, with the exception of domestic violence cases, in which a civilian has applied to a Court Commissioner for charges to be issued. Mr. Bernstein noted that the CRU has proven successful with 4,361 cases reviewed in 2012 allowing many cases that would normally clog the system to be diverted into mediation and resolved swiftly. Mr. Bernstein also advised that arrests and individuals released without charge have steadily decreased since 2005. He noted that individuals released without charge hit an all time low of 5% in 2012 which demonstrates the increased cooperation between the SAO and the BPD.

Mr. Bernstein concluded his presentation with a discussion of the new initiatives for the State's Attorney's Office. He discussed the Major Investigations Unit and their success with over 100 violent repeat offenders prosecuted and an over 90% conviction rate in 2012, which he attributed in large part to their partnership with the BPD, the United State's Attorney's Office, and their federal partners. He also stated that he assigned prosecutors to Community Prosecution Zones where they are able to target and concentrate on crimes committed in individual police districts and neighborhoods, and he advised that he has found that increased conviction rates are closely connected with having prosecutors assigned to specific areas. Mr. Bernstein added that the newly formed Special Victims Unit which concentrates on the prosecution of domestic violence and sexual assault cases has renewed their relationship with the BPD Family Crimes Unit. He also discussed the electronic citation process and how well his office has adjusted to the new procedures. Mr. Bernstein announced the State's Attorney's Office move to a new office building which will allow prosecutors to be centrally and contiguously located together. He reported the Family Crimes Unit will be the first to move at the end of March with the other Units to follow throughout the month of April.

Judge Williams thanked Mr. Bernstein for his presentation.

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VI. UNITED STATES ATTORNEY'S REPORT – ROD J. ROSENSTEIN, UNITED STATES ATTORNEY

Rod Rosenstein gave a PowerPoint presentation on Maryland EXILE. He discussed the principles surrounding the program stating that every child deserves a safe neighborhood, every armed criminal belongs in jail, reducing violent crime is everyone's job and that local, state, and federal coordination is essential for the program to be successful. Mr. Rosenstein explained that under EXILE, if a felon is arrested in Baltimore City with a gun, his case will be looked at for federal prosecution. He advised that the primary EXILE partners include the Baltimore City State's Attorney's Office, BPD, ATF, DEA, FBI, USMS, HSI, Maryland Parole/Probation and the U.S. Attorney's Office, and that their prosecutions are an outgrowth of these collaborations. Mr. Rosenstein explained that there are several benefits to prosecuting a case federally. He stated that prosecutors have the ability to utilize federal criminal laws, federal criminal procedure rules, the time and expertise of federal agents, and federal investigative tools. Mr. Rosenstein added that mandatory federal sentences, truth in sentencing, and federal prisons all serve as significant deterrents when defendants are faced with the possibility of their cases being prosecuted federally.

Mr. Rosenstein discussed several federal EXILE strategies including reactive gun crime prosecutions, proactive violent repeat offender (VRO) investigations, gang and racketeering prosecutions, as well as outreach and public awareness. He advised that one out of every four federal defendants in Maryland is a Baltimore EXILE case and in 2012 his office handed down 218 Baltimore City defendants for federal indictment. He added that in 2012 a federal review of every gun and robbery arrest within five days was done in approximately 90% of cases. Mr. Rosenstein stated that they showed progress in 2012 by prosecuting and increasing the number of home invasion and violent repeat offender cases.

Mr. Rosenstein listed a number of challenges the USAO faces in 2013 including a 10% drop in the number of Maryland federal prosecutors, challenges to prior state convictions, changes in federal sentencing laws, and challenges to police credibility. He discussed the United States v. Antoine Pettiford case to illustrate these challenges, which he advised has been ongoing since 2002 when Pettiford was first arrested and accepted for federal prosecution.

Mr. Rosenstein stated that his goals for 2013 include increasing the number of gang prosecutions, enhancing the VRO program, increasing the prosecution of robbery cases, accepting more gun trafficking cases, and increasing public outreach efforts. He said that there is a concerted effort to reach the public and his office is using call-in brochures, billboards, bus posters, and television and radio commercials to stress the EXILE initiatives.

Judge Williams thanked Mr. Rosenstein for his presentation.

VII. COMMITTEE REPORT – TECHNOLOGY COMMITTEE, DARREN O'BRIEN, CHAIR

Darren O'Brien stated that he has chaired the Technology Committee since May 2008 when he was appointed by Judge Miller. He explained that the Technology Committee provides a forum for discussion on shared issues and facilitates collaboration regarding fiber and connectivity for Council members and other criminal justice partners. He also stated that the

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Technology Committee identifies pressing technology needs, and makes recommendations to the CJCC regarding the funding of projects that continue the integration of computer networks within the criminal justice system.

Mr. O'Brien acknowledged partner agencies which comprise the Technology Committee including representatives from the Baltimore Police Department, the Mayor's Office of Information Technology, the Office of the State's Attorney, the Office of the Public Defender, the Department of Public Safety and Correctional Services, Judicial Information Systems, the Circuit Court, the Mayor's Office on Criminal Justice, the Department of Information Technology, the Department of Juvenile Services, the Municipal Telephone Exchange, the Sheriff's Office, and the Maryland State Police. He stated that the Committee meets monthly. Mr. O'Brien reported that the Committee is actively working to improve connectivity and address issues of shared concern. He added that Technology projects funded by the CJCC are monitored by the Committee until successful completion, and repairs and maintenance issues are addressed collaboratively.

Mr. O'Brien discussed the Technology Committee's accomplished goals since his report last year, which include fostering collaboration and communication regarding numerous fiber and connectivity issues and projects for the benefit of CJCC member agencies as well as other criminal justice partners to achieve shared objectives and share resources; acquiring new members from numerous agencies interested in partnering to improve connectivity and network integration; monitoring the successful installation of forty-eight count of single mode fiber from the Baltimore City Juvenile Justice Center to the Baltimore City Central Booking and Intake Center; monitoring the installation of forty-eight count of single mode fiber from the Baltimore City Juvenile Justice Center to the Baltimore Police Department Headquarters; facilitating the creation of a protocol with MOIT to allow for fiber cuts to be repaired promptly; providing technical assistance to the Sheriff's Office to eliminate radio connectivity dead spots in the courthouses and facilitating the prioritization of Sheriff's Office requests for emergency service with MOIT; and serving as a resource for the Continuity of Operations Planning Committee on technology matters.

Mr. O'Brien stated that moving forward, the Technology Committee will continue to recommend CJCC funding for technology projects which benefit multiple Council members, and will continue to monitor these projects until they are successfully completed. He added that the Committee will also continue to facilitate the exchange of information and provide an opportunity for discussion between state and local Committee members. Mr. O'Brien stressed that it is important for the CJCC members to pool their resources and share data, and that he expects to see more data available to improve business processes for each agency.

Judge Williams thanked Mr. O'Brien for his Committee Report and introduced Judge Robert Kershaw, Judge in Charge of the Juvenile Division.

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VIII. PRESENTATION ON THE JUVENILE COURT – JUDGE ROBERT B. KERSHAW, JUDGE IN CHARGE OF THE JUVENILE DIVISION OF THE BALTIMORE CITY CIRCUIT COURT

Judge Robert Kershaw gave a PowerPoint presentation to the Council on juvenile justice practices and initiatives. He thanked Judge Williams for asking him to present to the CJCC. Judge Kershaw reported that the mission of the Juvenile Court is to utilize effective inter-agency and community collaboration to protect children, provide children stable families, empower families, and most importantly ensure appropriate linkages to services and community resources while respecting diversity and maintaining due process rights of all. He stressed the importance of the Juvenile Court's responsibility to identify the underlying causes of a juvenile's situation in order to produce better outcomes.

Judge Kershaw explained that the Juvenile Court has exclusive original jurisdiction over Child in Need of Assistance (CINA) hearings, proceedings to terminate parental rights (TPR) after a CINA proceeding, guardianship review proceedings after a TPR proceeding, adoption proceedings after a TPR proceeding, delinquency hearings and juvenile peace order hearings. Judge Kershaw noted that total filings for 2012 were down 9% from 2011. He stated that hearings have decreased significantly from over 80,000 several years ago to 52,497 in 2012. Judge Kershaw added that even though there has been a decrease in filings and hearings, dockets remain very heavy and they are challenging for court resources.

Judge Kershaw reported that a key component of the juvenile justice process is for the Department of Juvenile Services and the Department of Social Services to cooperate and improve service referral decisions and placements. He said that DJS and DSS are encouraged to assist youth in preparing for successful adult life by looking for a permanent connection with family and offering services such as education, employment training, life skills, housing, medical and trauma informed care. Judge Kershaw commented that the most rewarding dockets are the ones where the system has provided services and offered support for youths that are in need of assistance. He presented statistical data that supported the successes of community conferencing and noted that respondents with first time probation dispositions are down 25%, respondents committed for the first time to DJS are down 26%, the average daily number of youth in committed placement is down 13% and the average daily population of respondents pending out of home placement is down 29%.

Judge Kershaw discussed the Operation Safe Kids Court Program (OSK Court) which is a problem-solving court model run by the Baltimore City Health Department that targets juvenile justice system youth who are on probation and at risk of out-of-home placement. He stated that OSK Court's intensive community-based program provides accountability and immediate response for the highest risk youth who continue to exhibit delinquent behavior within DJS's Violence Prevention Initiative. Judge Kershaw added that this is achieved through intensive monitoring, case management and regular court review hearings conducted on a separate docket within the Juvenile Court.

Judge Kershaw gave an overview of the Juvenile Drug Treatment Court whose purpose is to reduce drug use and distribution by Baltimore City youth. He explained the Juvenile Drug

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Court team provides children with community based and/or residential drug treatment, mental and physical health services, and support for participants' education and vocational goals. He stated that 28% of all petitions are for drug possession and/or use and the Juvenile Drug Treatment Program is a voluntary, twelve month court supervised holistic drug treatment program where youth are encouraged to share their life circumstances and experiences. Judge Kershaw advised that there are currently twelve participants in the program and he hopes the number of participants will increase to its maximum capacity of fifty participants.

Judge Kershaw commented that one reason petitions have declined significantly is because of the Diversion Program. He explained that BPD, the Department of Juvenile Services, and the Court have the option of diverting a juvenile cause of action to a community based program for resolution. He discussed the Community Conferencing Center where the Department of Juvenile Services and the Department of Social Services focus on trauma informed assessment and services. Judge Kershaw remarked that by correctly evaluating youth, identifying issues such as post traumatic stress disorder, and treating disorders with trauma focused cognitive behavioral therapy, the Court has seen improved outcomes for youth, families and the community.

Judge Kershaw concluded his presentation by reporting on the Juvenile Detention Alternatives Initiative (JDAI) that was re-launched with the support of the Casey Foundation and Secretary Sam Abed in 2012. He explained that the JDAI has a number of subcommittees and initiatives to safely reduce commitments to youth corrections centers and other residential facilities through policy, practice, and program reforms. Judge Kershaw discussed the Front-End Reforms Subcommittee which has put in place diversion alternatives at intake so that juvenile offenders are diverted within 24 hours of coming into the court system provided eligibility requirements are met. He added that the JDAI has also created a Deep End Reforms Subcommittee which focuses on dispositions and expanding detention reform.

Judge Kershaw offered his appreciation for the child-centered focus by all those involved with the Juvenile Court. He thanked Molly McGrath from the Department of Social Services for her role and Secretary Abed for his leadership with the juvenile justice process.

Judge Williams thanked Judge Kershaw for his presentation and adjourned the meeting at 1:40 p.m. The next meeting will be held on **Wednesday, April 10, 2013 at 12:30 p.m.**, Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the December 12, 2012 meeting
- 2) Letters of Support for the Baltimore City War Room Funding
- 3) Circuit Court Adult Drug Treatment Court Graduation Ceremony Memorandum
- 4) Central Region Report
- 5) The Police Commissioner's Report

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- 6) The State's Attorney's Office PowerPoint Presentation
- 7) Overview of the Juvenile Court PowerPoint Presentation

Respectfully submitted,

Kimberly Smalkin Barranco
Executive Director