

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE APRIL 10, 2013 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Secretary Sam Abed, Department of Juvenile Services; Sheriff John Anderson, Baltimore Sheriff's Office; 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; Frank Conaway, Circuit Court Clerk; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; Lavonne Grant for Lonnie Ferguson, District Court Administrative Clerk; Rodney Gray, Bar Association of Baltimore; Judge John R. Hargrove, Jr., District Court Administrative Judge; Judge Marcella Holland, Circuit Court Administrative Judge; Elizabeth Julian, District Public Defender for Baltimore City; Brian Kleinbord for Attorney General Doug Gansler; Robert Maloney for Mayor Stephanie Rawlings-Blake; Secretary Gary Maynard, Department of Public Safety and Correctional Services; Governor Martin O'Malley; Rod Rosenstein, U.S. Attorney; Deputy Commissioner John Skinner for Anthony Batts, Baltimore Police Department; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Heather Brantner, MOCJ; Major Sam Cogen, Baltimore Sheriff's Office; Page Croyder; Ian Duncan, *Baltimore Sun*; Elizabeth Embry, State's Attorney's Office; Robert Embry, Abell Foundation; Natalie Finegar, OPD; Deirdre Gardner, MCVRC; Judge John M. Glynn, Circuit Court; Jim Green, BPD; Mike Hanlon, USAO; Sarah Hyre, CJCC; Charles Innes; Judge Keith Matthews, District Court; Amanda Owens, Abell Foundation; Bob Weisengoff, DPSCS; 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 12:35 p.m. and Judge Barry Williams welcomed the Council.

I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS

Judge Williams recognized Governor Martin O'Malley and asked the Governor if he had any remarks. Governor O'Malley stated he was very proud of the work the Council is doing and that his administration and the Council are working together to enhance public safety and reduce crime. He acknowledged the obstacles that Baltimore is encountering, and stated he would be working hard to fill the five judicial vacancies in the District Court expeditiously. Judge Williams thanked the Governor for attending the meeting.

Judge Williams requested a motion to approve the February 13, 2013 minutes and they were adopted unanimously. He stated that the next meeting will be on May 8, 2013 at which time Committee members will provide legislative updates.

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II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco congratulated several members of CJCC committees who were recognized last week at the Governor's Victim Assistance Award Luncheon. She stated that Domestic Violence Coordinating Committee members Maria Isabel Gomez from the Women's Law Center and Kimberly Gunishaw from the Maryland Crime Victims' Resource Center both received Outstanding Victim Services Professional Awards. Ms. Barranco added that Officers Kirk Henry and Edward Bailey as well as the entire Witness Relocation Unit from the Baltimore Police Department won group awards for Outstanding Criminal Justice Professionals. She also recognized Lt. Rhonda McCoy, commander of the Family Crimes Unit for BPD and the Co-Chair of the Domestic Violence Fatality Review Team, for receiving an individual Outstanding Criminal Justice Professional award. Ms. Barranco further stated that Heather Brantner, Coordinator of the Baltimore City Sexual Assault Response Team, was also presented with an Outstanding Victim Services Professional Award. Ms. Barranco asked the Council to join her in congratulating the award winners and thanking them for all that they do on behalf of the CJCC and the citizens of Baltimore City.

Ms. Barranco advised that since the last Council meeting the CJCC offered a support letter on behalf of the Community Services Program in support of their GOCCP grant funding and informed the members that a copy of the letter was included in the meeting packets.

Ms. Barranco explained that the Sheriff's Office currently serves all protective orders issued by the Circuit Court as well as all peace orders issued by the District Court. She further reported that the Baltimore Police Department serves all protective orders issued by the District Court. Ms. Barranco informed the Council that due to the passage of SB 846 the current protocol will change. She reported that the Sheriff's Office will be assuming service of process for all peace orders and protective orders issued by a judge in Baltimore City. Ms. Barranco stated that she along with members of the Domestic Violence Coordinating Committee will be assisting in the transition process and working with all stakeholders to ensure that this transition is a smooth one. She added that the Sheriff's Office has already begun using an evidence based practice to interview petitioners in the Circuit Court to obtain information to assist in the service process and that this practice will also be utilized in the District Court as well to improve service rates. Ms. Barranco stated that she looked forward to reporting on the progress of this transition at a future meeting.

III. CENTRAL REGION REPORT – WENDELL M. FRANCE, DIRECTOR,

CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Director France commended allied agencies for all of their efforts and teamwork. He advised that a copy of the Central Region Statistics Report was provided in the meeting packets for the Council's review and stated he would answer any questions the Council may have about the report. Governor O'Malley asked if a graph showing trend lines for bookings was available. Director France responded that the information was available in that format and it would be forwarded to Governor O'Malley for his review.

Robert Maloney, Deputy Chief, Emergency Management and Public Safety, stated he wanted to acknowledge that through their engagement with the CJCC, the BPD, the Sheriff's Office,

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and the Mayor's Office worked diligently and collaboratively to pass Senate Bill 846. He stated that the passing of this bill will make a huge difference for the City of Baltimore. Mr. Maloney gave a special thank you to Sheriff John Anderson, Major Samuel Cogen, and Ms. Barranco.

IV. BALTIMORE POLICE DEPARTMENT REPORT – JOHN SKINNER, DEPUTY COMMISSIONER

Deputy Commissioner John Skinner reviewed the Police Commissioner's Report included in the Council's packet. He reported total crime is down 9% and total violent crime is down 10%. Deputy Commissioner Skinner noted that homicides are up slightly and non-fatal shootings are down compared to the same time last year. He added that homicides and non-fatal shootings together are lower than in the past three years. Deputy Commissioner Skinner commented gun arrests are up 20% and 331 arrests have been made so far this year taking 529 guns off of the street. He added that these figures reflect an average of 50 guns removed weekly from Baltimore City streets. Deputy Commissioner Skinner stated the Violent Repeat Offender program is moving in the right direction and noted that BPD's collaborative efforts with the State's Attorney's Office and the U.S. Attorney's Office have resulted in the arrest of 47 violent offenders, 20 of which have been prosecuted to the fullest extent of the law. He stated there is a recent trend in the use of sharp-edged weapons which are mainly being used inside and not on the street. Judge Williams thanked Deputy Commissioner Skinner for his report.

V. DISTRICT COURT OF MARYLAND REPORT – JUDGE JOHN R. HARGROVE, JR., ADMINISTRATIVE JUDGE

Judge John Hargrove reminded the Council that during last year's report he spoke about the *Richmond* case and whether a defendant would be represented during the initial appearance. He stated that Assistant Public Defenders are representing defendants at bail review hearings and that the start time for Court has been changed to allow them sufficient time to interview their clients. Judge Hargrove thanked the Governor for his desire to appoint judges quickly to fill the vacancies on the bench. He added that he just received word that a judge will be out for several months and he will then have a total of six vacancies on the bench.

Judge Hargrove reported citation conversions have caused the ER Court docket to increase and the Marijuana Diversion Docket has also increased significantly. He advised that a number of stakeholders are working on an initiative to assist the homeless population through a specialized docket through the ER Court.

VI. DISTRICT COURT CLERK'S OFFICE REPORT – LAVONNE GRANT, DEPUTY ADMINISTRATIVE CLERK

Lavonne Grant introduced herself and stated she would be giving the District Court Clerk's Office report in Lonnie Ferguson's absence. Ms. Grant gave a report on the Maryland Electronic Courts Case Management System or Maryland Electronic Courts (MDEC), which is a comprehensive electronic case management system that will be used by all courts in the state of Maryland. She explained that the courts will be able to collect, store, and process records electronically and instantly access complete records as cases travel from District to Circuit Court and on to the Appellate Courts. She added that MDEC will ultimately become

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a “paper on demand” system meaning that paper records will be available when specifically requested. Ms. Grant stated that the goal of MDEC is to increase efficiency of court operations and preserve the quality and integrity of the data being captured. She explained that electronic filing will be mandatory for attorneys, judicial personnel and government agencies, and optional for self represented litigants. Ms. Grant added that scanned or digital signatures should appear on all documents and the electronic version will become the official record. She explained that full access including remote access to electronic records will be given to those subject to protective orders, parties, and attorneys of record, judges, judicial appointees, and judicial personnel. She commented that the public will have free access to all unshielded case records, but only from public access terminals in the Clerk’s Office or at other specified locations. Ms. Grant stated that a pilot will be implemented in Anne Arundel County in 2014 and it is projected that all jurisdictions will be onboard by the end of 2016. She stated that the system is in its embryonic stages and that the pilot program will give a good indication of what adjustments need to be made.

Judge Williams thanked Ms. Grant for her presentation and introduced former CJCC Chair Judge John M. Glynn and former Administrative District Court Judge Keith Mathews, Co-Chairs of the Post-Arrest Practices Committee.

VII. COMMITTEE REPORT – THE POST-ARREST PRACTICES COMMITTEE – JUDGE JOHN M. GLYNN AND JUDGE KEITH MATTHEWS, CO-CHAIRS

Judge John Glynn stated that the Post-Arrest Practices Committee was formed in November 2010 by CJCC Chair Judge M. Brooke Murdock to study and address issues regarding bail, pretrial release and other post-arrest concerns. He explained that the Committee investigated and discussed suggestions to shorten pre-trial incarceration time and promulgated a report with recommendations which was presented to the Council in July 2012. He explained that since that time the Committee has met bi-monthly to address implementation of the recommendations without needing funding or legislation, and it has continued to identify system wide gaps and deficiencies and suggest improvements to the post-arrest process.

Judge Glynn stated that in an effort to reduce the homeless segment of the pre-trial population, Committee members have been working with homeless service providers to establish a Docket for Homeless Persons through the ER Court. He remarked that a workgroup has met several times and is now working to secure the participation of additional providers to assist the homeless defendants. He stated that he hopes this docket will help to eliminate committing the homeless because they do not have a fixed address.

Judge Glynn reported that the Committee recommended that continuing education on pretrial release and MD Rule 4-216 regarding conditions which may be set should be provided for judges to allow them to make the best informed decisions. He stated that Committee members are working on a pretrial release and bail information and best practices sheet which will be distributed to Circuit and District Court judges. Judge Glynn further reported that the Committee has facilitated the exchange of information regarding the new procedures for the issuance of both civil and criminal citations and will review the data to determine

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what impact this has had on the pre-trial system. Judge Williams thanked Judge Glynn, Judge Mathews, and the Committee members for their work.

VIII. PRESENTATION ON THE BALTIMORE CITY SEXUAL ASSAULT RESPONSE TEAM – HEATHER BRANTNER, COORDINATOR

Heather Brantner gave a PowerPoint presentation on the Baltimore City Sexual Assault Response Team's (SART) goals and initiatives. Ms. Brantner stated that she was hired as coordinator of the SART team in June 2011 to evaluate existing protocols and establish new protocols to address the growing number of unfounded rape investigations which was detailed in an article published by *The Baltimore Sun* in June 2010. She explained that prior to 2010, the SART was in existence, but many of the practices of police officers were not sensitive to sexual assault cases. Ms. Brantner reported that in 2010, Baltimore led the nation in rape cases which were classified as "unfounded". She explained that "unfounded" meant that police officers were not taking reports or were not thoroughly investigating the incidents. Ms. Brantner added that BPD detectives classified nearly one-third of all rape cases reported between 2006 and 2009 as unfounded. She reported that this figure was five times the national average and to further compound the problem, patrol unfounded 4 out of 10 calls for rape (40%).

Ms. Brantner commented that workgroups conducted research and identified the following problems with response to sexual assault cases: a culture of victim-blaming and failing to believe victims particularly in detective and patrol responses; understaffing; patrol being allowed to "investigate" and classify the crime as "unfounded" at the scene; pressure for clearing cases; and a culture in which lazy police work was acceptable and entrenched within investigative units. She stated that with obstacles identified, a multi-disciplinary approach was established to overcome these problems. She reported that all unfounded cases are now vetted through an Audit Sub-Committee. Ms. Brantner added that cases have been taken out of patrol's hands and a detective is dedicated to the daily review of patrol calls and follow-ups. She reported that the Sex Offense Unit (SOU) and Child Abuse Unit cases are reviewed monthly and over fifteen trainings have been completed including cross training between partners. Ms. Brantner stated that because of these initiatives, unfounded adult sexual assault reports declined from 32% in 2009 to 1.7% in 2012 and unfounded child abuse cases declined from 46% to 11% during the same time frame.

Ms. Brantner stated that it is an important focus of the SART to collaborate with all agencies when dealing with these types of cases. She reported that they have implemented other initiatives including receiving funding from GOCCP to place advocates within the BPD SOU and at Mercy hospital to increase victim access to advocates. She further reported that a protocol has been instituted to improve the forensic interview response to children and noted that although in the past it would have taken an average of six days to conduct an interview, they are now conducted within 72 hours.

Ms. Brantner discussed future initiatives and goals of the SART which include expanding the forensic lab so that rape kits continue to be tested in a timely manner; establishing stable funding for the SART Coordinator; fully implementing and completing the SART Officer

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training program; and expanding training in human trafficking cases, forensic interviewing and basic education for partner leadership. She added that in order to continue to move forward they need to prevent backsliding. Ms. Brantner said that they need adequate resources to investigate and supervise cases and therefore cannot afford to leave positions vacant.

Ms. Brantner reported that in 2012, 487 sexual assault cases were handled of which 279 (57.3%) remain open and 208 (42.7%) are closed. She added that 999 child abuse cases were handled in 2012 of which 73% are child sex abuse cases. Ms. Brantner stated that 69% of these cases are closed and 31% remain open. She noted that 11% of the closed child abuse cases were unfounded.

Ms. Brantner reviewed a case study, State of Maryland vs. Michael Glenn, and presented the facts of the case. She advised that on May 8, 2011 the victim reported she had been raped, and sodomized but was able to escape. She stated that the victim was able to provide a description of the suspect as well as the suspect's vehicle and obtained a partial tag number. Ms. Brantner explained that the victim was given a sexual assault forensic exam which yielded positive for semen. She reported that investigators used the information provided and traced the car to a rental company and learned the identity of the renter. She further reported that the victim positively identified the defendant in a photo array which led investigators to conduct a search and seizure warrant at Mr. Glenn's residence, where they located clothing which matched the description originally provided by the victim. Ms. Brantner stated that Mr. Glenn's DNA matched that found in the vaginal and anal swab collections from the victim and he was charged with first degree rape. She stated that Mr. Glenn was found guilty of first degree rape and first degree sex offense and was sentenced in April 2012 to fifty years with all but thirty years suspended. Ms. Brantner noted that in this case multiple agencies collaborated with each other to produce a successful outcome.

Rodney Gray asked Ms. Brantner to explain the protocol for child abuse cases. She explained that patrol responds, gathers minimal facts, and places a call to the Child Abuse Unit. She added that an on-call detective responds to the scene and takes over the investigation. Ms. Brantner advised that the detective then takes the child victim to a forensic interview. She said that the forensic interview should occur within seventy-two hours of the incident and that Child Protective Services, the SAO and the detective watch the interview using a closed circuit television system. Ms. Brantner stated that every case is investigated but school system cases have a different protocol. Mr. Gray had additional questions about a particular case and Deputy Commissioner Skinner stated he would speak with Mr. Gray after the meeting to address his questions.

Judge Williams thanked Ms. Brantner for her presentation and adjourned the meeting at 1:20 p.m. The next meeting will be held on **Wednesday, May 8, 2013 at 12:30 p.m.**, Courthouse East, Room 510.

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MEETING HANDOUTS

- 1) Minutes from the February 13, 2013 meeting
- 2) Letter of Support for the Baltimore Community Service Program
- 3) Central Region Report
- 4) The Police Commissioner's Report
- 5) Sexual Assault Response Team PowerPoint Presentation

Respectfully submitted,

Kimberly Smalkin Barranco
Executive Director