

# THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

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## MINUTES FROM THE JULY 10, 2013 MEETING

**Council Members In Attendance\*:** Chair Judge Barry Williams; Secretary Sam Abed, Department of Juvenile Services; Warren Alperstein, Bar Association of Baltimore City; Kimberly Barranco, CJCC Executive Director; Gregg Bernstein, State's Attorney; Joe Clocker, Director, Community Supervision, Department of Public Safety and Correctional Services; Major Sam Cogen for Sheriff John Anderson, Baltimore Sheriff's Office; Frank Conaway, Circuit Court Clerk; Lonnie Ferguson, District Court Administrative Clerk; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; 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; Secretary Gary W. Maynard, Department of Public Safety and Correctional Services; Governor Martin O'Malley; Deputy Commissioner Dean Palmere for Commissioner Anthony Batts, Baltimore Police Department; Mayor Stephanie Rawlings-Blake; Rod Rosenstein, U.S. Attorney; Christina Trenton, Interim President, BSAS; Bernard C. "Jack" Young, President, Baltimore City Council.

**Others in Attendance\*:** Tammy Brown, Executive Director, GOCCP; Gregory Carpenter, Jericho Re-Entry; Jay Cleary, DJS; Ramona C. Dixon-Smith, BSAS; Elizabeth Embry, State's Attorney's Office; Ed Ericson, *City Paper*; Natalie Finegar, OPD; Deirdre R. Gardner, MCVRC; Hassan Giordano, DMVDaily.com/Examiner; Robert Harding, USAO; Sarah L. Hyre, CJCC; Charles Innes; Angela Johnese, MOCJ; Kara Kunst, City Council; Judge George Lipman, District Court; Robert Maloney, Deputy Chief, Mayor's Office; Amanda Owens, Abell Foundation; Judge Gale Rasin, Circuit Court; Claire Rossmark, Department of Legislative Services; Crista Taylor, BMHS; Bob Weisengoff, DPSCS; Stephanie Young-Medina, Circuit Court.

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

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## MEETING DIALOGUE

The Meeting was called to order at 12:30 p.m. and Judge Barry Williams welcomed the Council.

### **I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS**

Judge Barry Williams requested a motion to approve the May 8, 2013 minutes and they were adopted unanimously. He announced that there will be no meeting in August and advised that the next meeting will be on September 11, 2013 at which time a presentation will be given by Dr. Daniel Webster, Director of the Johns Hopkins Center for Gun Policy and Research.

Judge Williams introduced to the Council new members Warren Alperstein representing the Bar Association of Baltimore and Cristina Trenton who is Interim President of BSAS.

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Judge Williams discussed two memos detailing funding requests to purchase new office computers and fiber network equipment which were approved by the Council via e-mail in June. He requested a motion and the Council unanimously ratified the approval of the funding.

## **II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO**

Kimberly Barranco advised that an updated contact list was provided in each Council member's packets and stated that an electronic version would be sent to each Council member.

Ms. Barranco directed members to the CJCC Comprehensive Annual Report for the Fiscal Year 2013 contained in the meeting packets. She explained that the report documents the Council's history, committees, successes, and obstacles, and she encouraged members to review the report in detail. Ms. Barranco stated that the CJCC and its Committees accomplished a great deal this past year. She reported that the Warrant Committee coordinated a protocol with the Department of Public Safety and Correctional Services and the Sheriff's Office to serve warrants for Circuit Court VOP cases on defendants in DOC facilities and commit them to DPSCS pending their hearing which facilitated the clearing of a backlog of VOP warrants. She advised that the existing written book and charge procedure was reviewed by the Warrant Committee and edits were suggested to conform to current practice. She added that a paperless protocol between the Juvenile Court and the Sheriff's Office was instituted for juvenile writs. Ms. Barranco reported that a point of contact was established for police officers to call to verify admittance of a patient when a defendant with an open mental health warrant returns to a DHMH facility and that a protocol was implemented for court personnel to stamp hospital warrants to alert BPD there is a need for service.

Ms. Barranco stated that the Domestic Violence Fatality Review Team (DVFRT) ensured that the protocol for assessing and providing services within the first 24 hours for children exposed to domestic violence involving the fatality or near fatality of one or more parents was followed. She also stated that the DVFRT healthcare recommendations were distributed to hospitals and healthcare facilities in Baltimore City in cooperation with the Maryland Healthcare Coalition.

Ms. Barranco advised that the Technology Committee provided technical assistance to the Sheriff's Office on the creation and implementation of a Records Management System and the establishment of a network connection to planned offices within the Eastside District Court building to facilitate the service of protective orders. She added that the Technology Committee also monitored the successful installation of forty-eight count of single mode fiber funded by the Council from the Baltimore City Juvenile Justice Center to the Baltimore Police Department Headquarters. Ms. Barranco also reported that the Council funded the upgrade of several core switches and enhancements to the CJCC fiber network in anticipation of expansion to reach additional locations and to plan for future growth.

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Ms. Barranco advised that the Transportation Committee facilitated improvements in prisoner transportation and communication. She noted that a protocol to remove indicted defendants from the preliminary hearing transportation list was created and that transportation lists from the DPSCS Transportation Unit are now being sent directly to the Office of the Public Defender, enabling them to confer with their clients more rapidly.

Ms. Barranco stated that in response to a recommendation of the Post-Arrest Practices Committee, the District Court instituted a protocol for the court clerks to check VINE for defendants' locations when they fail to appear prior to the Court issuing a bench warrant. She also explained that a homeless court docket to address misdemeanor offenses and open warrants as well as provide access to services was established through coordination with homeless service providers.

Ms. Barranco advised that the Continuity of Operations Planning (COOP) Committee improved coordination between criminal justice partners regarding communication of courthouse closures during emergencies and disseminated resource materials addressing various emergencies to stakeholders

Ms. Barranco remarked that this was not an exhaustive list of the CJCC's accomplishments for fiscal year 2013, and she referred members specifically to pages 13 through 17 for the Council accomplishments from July 2012 through June 2013. She thanked the Council members for their support and stated that she is looking forward to continuing to assist members and their representatives to the CJCC Committees in working together to achieve even further progress. Judge Williams thanked Ms. Barranco for her report and expressed his appreciation to Ms. Barranco and Ms. Hyre for their efforts in compiling and distributing the Annual Report. He stated that a great deal of the work of the CJCC is done in the Committees, and he offered his thanks to the members of the Council for sending representatives to work on these committees, and he asked members to pass on his message of thanks and gratitude for all their hard work to Committee representatives.

**III. CENTRAL REGION REPORT – WENDELL M. FRANCE, DIRECTOR,  
CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**  
Director Wendell “Pete” France 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.

**IV. BALTIMORE POLICE DEPARTMENT REPORT – DEPUTY COMMISSIONER DEAN PALMERE**  
Deputy Commissioner Dean Palmere informed the Council that the Baltimore Police Department learned that Detective Shane Volk died in a car accident while off-duty earlier that morning. He stated that he is survived by his 5 year old daughter, his wife who is pregnant with their second child, his mother who works for BPD Communications and his father who is a retired BPD Sergeant. Deputy Commissioner Palmere asked the Council to keep Detective Volk’s family in their thoughts and prayers during this sad time.

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Deputy Commissioner Palmere announced that command staff changes were announced yesterday which continues to restructure the Department. He explained that there are now three area commanders who will oversee a total of nine districts, and that there is a commander assigned to each of those nine districts. Deputy Commissioner Palmere stated that by restructuring this way, the Department will tighten the span of control to provide for more accountability which will allow them to focus more intently on reducing crime. He advised the following personnel changes were effective today: Major David Reitz was promoted to Lt. Colonel and will be commander of the Criminal Investigations Division under Deputy Commissioner John Skinner; Major Sabrina Tapp-Harper was transferred to the Special Investigations Section; Major Melissa Hyatt was promoted to Lt. Colonel becoming the third area commander overseeing the Central, Southeastern, and Southern districts; Major Martin Bartness replaces Lt. Colonel Hyatt's command at Central; Lt. Colonel Dan Lioi will command area 2 comprised of the Eastern, Northern and Northeastern districts; Lt. Colonel Clifton McWhite will oversee the Western, Northwestern and Southwestern districts which forms area 3; Colonel Garnell Green was transferred to the Professional Standards and Accountability Bureau under Deputy Commissioner Jerry Rodriguez where he will be in command of the Office of Internal Oversight; Colonel Darryl DeSousa will replace Colonel Green as Chief of Patrol; and Major Johnny Delgado was transferred from the Northwestern District to become the Night Commander.

Deputy Commissioner Palmere reviewed the Police Commissioner's Report included in the Council's packet. He reported that homicides were up 11% and non-fatal shootings were up 16% year to date compared to the same time last year. He stated that these crimes have increased because of retaliatory violence with a gang nexus. Deputy Commissioner Palmere commented that BPD is working hard with federal partners and that their mission is to focus on crime prevention. He reported that Part I crime is down 6% and total violent crime is down 4% year to date. He reiterated that BPD's number one priorities are guns and gangs. Deputy Commissioner Palmere stated that the July 4<sup>th</sup> festivities went very well and that the Department could not have achieved this success without the assistance from their partners in the Sheriff's Office, the MdTA, and the MSP. He commended these allied agencies for providing additional foot patrols and services to make July 4<sup>th</sup> safe for residents and visitors.

Judge Williams thanked Deputy Commissioner Palmere for his report and asked that he extend condolences to Detective Volk's family on behalf of the Council. He called upon City Council President Jack Young for his report.

## **V. PRESIDENT OF THE BALTIMORE CITY COUNCIL'S REPORT – BERNARD C. “JACK” YOUNG, PRESIDENT**

Council President Jack Young explained that as the legislative arm of Baltimore City, the City Council uses legislative and oversight capabilities to strengthen Baltimore City neighborhoods. He stated that over the past year, the City Council has considered a number of resolutions. President Young discussed Resolution 13-0111R, which is a youth-led “Inner Harbor Project” that researched and identified recommendations that would create a “safe harbor” for all downtown visitors. He also discussed Resolution 12-0075R, which petitioned the General Assembly to provide funding for state agencies to implement the use of

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multidisciplinary teams to address bullying, harassment, and intimidation among students. President Young stated that Resolution 13-0104R recognized National Youth Violence Prevention Week in March 2013 which encouraged all citizens to participate in activities and programs that help youth grow up in a safe, healthy city. He added that Resolution 12-0073R called for a moratorium on the construction of new juvenile detention facilities until a task force conducts a study on implementing certain recommendations that are known to actually and effectively reduce juvenile involvement in crime. He stated that he and other council members continue to travel to Annapolis when the General Assembly is in session to advocate for legislation that will help build a safer Baltimore. President Young said that this past spring, the Council supported a number of important gun bills, including SB 281, the Firearm Safety Act of 2013. He stated that this past year, he held a “Goods for Guns” one day event in December and over 450 residents stood in line for hours to turn in guns for \$100 ShopRite gift cards. President Young remarked that getting illegal guns off the street and out of criminal hands is a priority of the Council and he is glad to play a part in achieving that goal. In conclusion, President Young commented that there is a need to get Baltimore back to work, and that he advocated for bills approved during the 2013 session which continued funding for the Maryland Legal Services Corporation and which will allow individuals with certain convictions over 7 years old to be eligible for employee licenses at video lottery terminals.

Judge Williams thanked President Young for his report and called on Warren Alperstein for his report.

## **VI. BAR ASSOCIATION OF BALTIMORE CITY – WARREN S. ALPERSTEIN, ESQ.**

Warren Alperstein reported that the Bar Association has a committee working on improving the access attorneys have to their clients at the City jail. He stated that strides have been made and he hopes this progress continues. Mr. Alperstein said that all stakeholders want a safe environment for attorneys to speak with their clients and that they are looking at alternative meeting space. He also advised that the Bench Bar Committee membership is still being formulated.

## **VII. CIRCUIT COURT REPORT – JUDGE MARCELLA A. HOLLAND, ADMINISTRATIVE JUDGE**

Judge Marcella Holland reported that the Circuit Court of Baltimore currently has 33 Judges and a 34<sup>th</sup> judge position is planned for the next legislative session. She stated that the Criminal and Family dockets are overwhelmed and misdemeanor jury trial prayers have skyrocketed, and she commented that she does not believe this situation will change without legislation. Judge Holland informed the Council that in the Domestic Division at least one party is self-represented in 90% of family cases, and in 62% both parties are unrepresented. She commented that judges and masters are working overtime and retired judges and masters have been brought back to hear cases. Judge Holland informed the Council of the new juror notification system which allows them to send out the new qualification form and prospective jurors can respond online. She advised that they have experienced a higher yield of qualified jurors and the new questionnaire is working. She noted that the jury assembly rooms are very crowded and that the FTA rate for jurors is estimated to be 28% this year compared to 40% in 2008. Judge Holland remarked there is a misconception that there is a

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great deal of empty space in the courthouses since the State's Attorney's Office has vacated their space. She said that this space is scattered throughout both buildings and it is not contiguous. Judge Holland thanked Mayor Rawlings-Blake and the City Council for the funding that was approved to build two additional courtrooms and chambers in the Mitchell Courthouse. She reported that she has formed a Space Committee to handle space issues and priorities which will meet on July 11 with architects from the City. She stated that the jury assembly space is a priority, and that they will look at the vacated space to find an appropriate quiet area or possibly move the jury assembly area. She added that the Grand Jury room is the second highest priority, and that they need better space which provides a confidential meeting space. Judge Holland further stated that she would like to move the staff for the Behavioral Health and Drug Courts together into a centralized location for better operations. She remarked that she is in the process of writing Governor O'Malley with a proposal to build a new courthouse utilizing public-private funding. She stated that Austin, Texas and Long Beach, California have successfully built new courthouses using a public-private approach. In closing, Judge Holland thanked partner agencies for their patience and cooperation. She also thanked Circuit Court Clerk Frank Conaway and his staff for their continued support with the new juror system.

Judge Williams thanked Judge Holland for her report and called upon Ms. Barranco to give the Domestic Violence Coordinating Committee Report on behalf of Judge Barbara Baer Waxman who was unable to attend the meeting.

## **VIII. COMMITTEE REPORT: THE DOMESTIC VIOLENCE COORDINATING COMMITTEE – KIMBERLY BARRANCO FOR JUDGE BARBARA BAER WAXMAN, CHAIR**

Ms. Barranco informed the Council that the goals of the DVCC are to improve the criminal justice system's response to the crime of domestic violence, to improve direct and support services to victims and perpetrators of domestic violence, and to increase community awareness about domestic violence and to educate adults and children about alternatives to violence. She stated that the Full Committee is comprised of 26 members who meet quarterly. She stated that the DVCC oversees the implementation of the Domestic Violence Fatality Review Team (DVFRT) recommendations and advised that the DVCC actively works to improve victim services and the criminal justice system's response through a number of initiatives including suggesting revisions to the civil summons notice and tracking the service of protective orders. She reported that the DVCC successfully implemented a number of the DVFRT recommendations and continues to make progress monthly.

Ms. Barranco reported that this year the DVCC continued to work on concrete means to enhance victim support and provide additional information to the court at hearings. She stated that they facilitated discussions between stakeholders regarding the construction of space at the Eastside District Court to provide the Sheriff's Office with space to interview petitioners as well as provide the SAO with a dedicated victim waiting room, and ensured that BPD has protocols in place to effectively serve protective orders issued in the District Court and provide returns of service to the Court. Ms. Barranco explained that the DVCC coordinated a protocol to stamp bench warrants issued by the Circuit Court as "DV" to identify warrants in domestically related cases which assists the Sheriff's Office in

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prioritizing service of these warrants, and that they assisted in the drafting of the BPD Court Liaison Unit Standard Operating Procedure for the service of protective orders and obligation to update the VPO system. She reported that the Committee assisted the District Court and the Circuit Court in the implementation of protocols to note domestically related offenses in the criminal history and that they also coordinated a protocol in the Circuit Court to stamp probation orders “DV” to assist Community Supervision in the assignment of probationers to the FAST unit. Ms. Barranco advised that the Committee continues to provide an opportunity for members to meet regularly with updates and information of interest and importance. She said that moving forward, the DVCC will continue to improve the response to victims, increase community awareness about domestic violence, and work to improve healthy relationship and dating violence awareness for young people in a variety of settings. She thanked the Council members on behalf of Chair Judge Barbara Baer Waxman for their continuing support and for the efforts of their representatives on the DVCC.

Mayor Rawlings-Blake thanked the DVCC members for all of their efforts in supporting the legislation to allow the Sheriff’s Office to assume the role of serving protective orders. She discussed the DVStat process being utilized to analyze domestic violence issues and explained that the lethality assessments will be conducted citywide later this month with the expansion into the Northwest District. She also reported that the Mayor’s Office is working with the Sheriff’s Office to ensure a smooth transition and provide them with adequate resources.

Judge Williams thanked Ms. Barranco for her report and introduced Judge George Lipman who serves as the Judge in Charge of the Mental Health Court in the District Court, and Judge Gale Rasin, who serves as the Judge in Charge of the Mental Health Docket in the Circuit Court. He informed the Council that he recently formed a CJCC Mental Health Committee to address a number of issues. He thanked Judge Lipman for agreeing to serve as Chair of this new Committee.

## **IX. PRESENTATION ON THE BALTIMORE CITY DISTRICT COURT MENTAL HEALTH COURT AND CIRCUIT COURT MENTAL HEALTH DOCKET – JUDGE GEORGE M. LIPMAN AND JUDGE GALE E. RASIN**

Judge George Lipman advised that there are various agencies and personnel who contribute to the success of the Mental Health Court including the State’s Attorney’s Office, the Office of the Public Defender, Community Supervision, Pretrial Release, DHMH Community Forensic Aftercare Program (CFAP), FAST, the Mental Health Court Coordinator, Spring Grove representatives, DDA representatives, BSAS representatives, housing, drug treatment, vocational, and employment providers, and family, friends and peer support. He expressed his gratitude for all of the contributions of the partners and their “first string” professionals and noted that both the District Court Mental Health Court and Circuit Court Mental Health Docket are subsidized by state and city funding and receive no federal grant funds.

Judge Lipman explained that the District Court Mental Health Court hears cases involving offenders who are seriously and persistently mentally ill, developmentally disabled, and evidenced to have significant trauma history. He noted that 16% of seriously mentally ill

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offenders are in jail, of which 75% have a serious substance abuse history. He remarked that a high percentage of District Mental Health Court defendants have assault charges and/or assault histories. Judge Lipman advised that Competency and Probation are the two tracks that comprise Mental Health Court. He advised that the Competency Track handles Not Criminally Responsible (NCR) cases which are consolidated at Hargrove District Courthouse. Judge Lipman explained that many defendants who regain competency enter Mental Health Court, sign a Mental Health Court agreement, and move to the “Probation Track”. He further explained that other defendants have no competency issue but their probation or pretrial release is transferred to Mental Health Court’s “Probation Track” for monitoring. Judge Lipman reported that a snapshot of approximately 200 active defendants would show that 13% are inpatient at Spring Grove Hospital or DDA-SETT unit for evaluation or as not competent and dangerous; 7% are in co-occurring residential drug treatment; 3% are in the detention center; 15% are in the community under DHMH-CFAP supervision as incompetent but not dangerous; 21% are on pretrial supervision; 8% are on FAST pretrial or probation supervision; and 33% are on probation supervision. Judge Lipman advised that if an offender is found not competent then they need to be moved to a hospital, but in turn, when an offender is found to be competent, it is the responsibility of the Court to move them through the system as soon as possible. He stated that the criteria for incompetency for offenders consist of a serious mental illness, trauma history, or developmental disability and the amenability to available treatment, placements, and supervision. Judge Lipman advised that prior to retirement Judge Cooksey wrote an extensive manual detailing the inner workings of Mental Health Court which explains the full criteria on evaluation of competency. He stated that he will send a copy of the manual to any interested Council members for their review.

Judge Lipman discussed the Judicial Conference Committee on Mental Health, Alcoholism, and Addictions and its issues in common with the newly formed CJCC Mental Health Committee. He explained that these committees have common issues such as diversion programs, “durable” continuity of care plans, expansion of health insurance for treatment and case management, and prompt admission to the hospital/return to court. Judge Lipman advised that the CJCC Mental Health Committee will replace the District Mental Health Court Advisory Group which will allow issues to emerge and resolve from a broader group of partners. He reviewed agenda items the CJCC Mental Health Committee will address such as the service of hospital warrants, the service of bench warrants from Mental Health Courts, the scope of further data collection by monitors, the defense, and the State, and potentially incompetent defendants in detention center medical units needing a faster evaluation process.

Judge Gale Rasin announced that the Circuit Court just celebrated its second year of Mental Health Dockets. She stated that Baltimore City was the first jurisdiction to have a felony Mental Health Docket in Maryland. Judge Rasin explained that the Circuit Court Mental Health Docket follows the same “tracks” as the District Court Mental Health Court, but noted that most defendants are on the NCR track and few are on probation. She stated that the criteria are the same with an emphasis on public safety. She further stated that the Circuit Court Docket handles offenders with felony crimes but they do not accept those with murder,



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rape, or child abuse charges. She advised that most of these offenders have never had an assessment or treatment by a mental health professional. Judge Rasin remarked that the Mental Health Docket allows a specialized team of professionals to focus on the defendant and that defendants are assessed for mental and personality disorders and given specialized treatment managed by the team which produces a report after two years. She thanked the State's Attorney's Office, Office of the Public Defender, Department of Public Safety and Correctional Services, and Community Supervision for partnering with the Judiciary to offer defendants an opportunity to receive the best treatment for their disorders. Judge Rasin commented that she was glad the CJCC Mental Health Committee was formed and that she looked forward to working with Council members and their representatives on the Committee.

State's Attorney Gregg Bernstein informed the Council that Judge Rasin is now retired, but that she continues to lead the Mental Health Docket because she believes strongly in it. He remarked that she is a great asset and valuable resource. Mayor Rawlings-Blake stated that as an attorney she practiced in Mental Health Court and noted how far we have come working together. Judge Williams thanked Judge Lipman and Judge Rasin for their presentation.

Governor Martin O'Malley advised the Council that during the meeting two citizens were killed just eight blocks from where two others were killed the day before. He stated that half as many offenders are being arrested now compared to ten years ago, and that the City is now seeing drive-by shootings in broad daylight.

Judge Williams adjourned the meeting at 1:30 p.m. The next meeting will be held on Wednesday, September 11, 2013 at 12:30 p.m., Courthouse East, Room 510.

## **MEETING HANDOUTS**

- 1) Minutes from the May 8, 2013 meeting
- 2) The CJCC Comprehensive Annual Report Fiscal Year 2013
- 3) Central Region Report
- 4) The Police Commissioner's Report
- 5) Mental Health Court PowerPoint Presentation

*Respectfully submitted,*

Kimberly Smalkin Barranco  
Executive Director