

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE MAY 14, 2014 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Mary Abrams, District Court; Commissioner Anthony Batts, Baltimore Police Department; Tammy M. Brown, Governor's Office; Frank Conaway, Circuit Court Clerk; Elizabeth Embry for Gregg Bernstein, State's Attorney; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; Gregg Hershberger, Secretary, Department of Public Safety and Correctional Services; Angela C. Johnese, Director, Mayor's Office on Criminal Justice; Elizabeth Julian, District Public Defender; W. Michel Pierson, Administrative Judge of the Circuit Court for Baltimore City; Rod Rosenstein, U.S. Attorney; Major Sabrina Tapp-Harper for Sheriff John Anderson, Sheriff's Office; Crista Taylor for Bernard J. McBride, President, Behavioral Health System Baltimore; Betsy Fox Tolentino for Secretary Sam Abed, Department of Juvenile Services; Barbara Baer Waxman, Administrative Judge for District Court I; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Margaret Boyd-Anderson, CJCC; Natalie Finegar, OPD; Kara Kunst, City Council; Judge George Lipman, District Court; Walter Nolley, DPSCS; Claire Rossmark, DLS; Kate Wolfson, Safe and Sound Campaign; 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 12:32 p.m. and Judge Barry Williams greeted the Council.

I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS

Judge Williams requested a motion to approve the April 9, 2014 meeting minutes and they were adopted unanimously. Judge Williams advised that there will not be a June meeting and that the next meeting will be held on July 9, 2014. He further advised that Kimberly Barranco, CJCC Executive Director is not in attendance and that she has been admitted to the University of Maryland St. Joseph's Hospital. Judge Williams introduced Patricia Deros, SAO and relative of Ms. Barranco who reported on Ms. Barranco's current medical status. Ms. Deros asked everyone to keep Ms. Barranco in prayer for a speedy recovery. Judge Williams thanked Ms. Deros for the update. Judge Williams asked Ms. Deros to report to Ms. Barranco and her family that, "we are thinking of Kim and our thoughts and prayers are with her." Judge Williams said that whatever the CJCC can do to please just let them know. Judge Williams further stated, "We are here for Kim, she is part of this organization, she's the heart of this organization, and we all wish her a speedy recovery, and we all need her here."

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

CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Mr. 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.

III. BALTIMORE POLICE DEPARTMENT REPORT – POLICE COMMISSIONER ANTHONY BATTS

Commissioner Batts advised that a copy of the Police Commissioner's Report was provided in the meeting packets for the Council's review and stated that he would answer any questions the Council may have about the report. Commissioner Batts further advised that 50 percent of stolen autos are arising from individuals who are leaving their keys in the ignition with their vehicles on. He stated that this seems to be the cultural norm in Baltimore where individuals are stopping at places like 7-Eleven and leaving their keys in the ignition and believing that no one will steal their vehicle. Commissioner Batts informed that he will be submitting to the Mayor information about BPD summer programs for the youth.

IV. GOVERNOR OF THE STATE OF MARYLAND'S REPORT – TAMMY BROWN, EXECUTIVE DIRECTOR, GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION AND ERIC BEANE, DEPUTY CHIEF OF STAFF, GOVERNOR'S OFFICE

Tammy Brown reported that there are 100 open grants totaling approximately \$19 million dollars, which are awarded to Baltimore City. She further reported that approximately \$13.4 million is directly disbursed to the Sheriff's Office, State's Attorney Office, Baltimore Police Department, Mayor's Office of Criminal Justice, and the Office of the United State's Attorney. Ms. Brown further reported that last week BPD was awarded \$122K in order to outsource their DNA backlog for rape cases and that there are approximately 61 cases, which will be highlighted and prioritized. She stated that there has been funding awarded for gun trafficking investigators in the Attorney General's Office and SAO was awarded money to execute Prosecution Stats. Ms. Brown stated that the Governor's Office provides funding for the Criminal Justice Coordinating Council (CJCC) and that it is a huge asset to have members come to the table on a monthly basis and be able to share information and better collaborate and come together with our issues in Baltimore City. She said that there has been a lot of progress and she looks forward to continuing to support that effort and other efforts within the city.

Ms. Brown highlighted three new domestic violence bills, which the Administration supported, that go into effect on October 1, 2014. She said that HB 307/SB 333-Peace Orders and Protective Orders-Burden of Proof is a bill that changes the standard of proof for final protective and peace orders from "clear and convincing evidence" to a "preponderance of the evidence." Ms. Brown further stated that HB 309/SB 334- Family Law-Domestic Violence-Permanent Final Protective Orders is a bill, which further protects victims of domestic violence by requiring a court to issue a permanent final protective order against an individual who is sentenced to serve a term of imprisonment of at least 5 years for a specified crimes and who has served at least 12 months of the sentence. Ms. Brown said that this legislation also adds second degree assault, which is the most common domestic violence crime, to the list of specified crimes. Ms. Brown informed that HB 306/SB 337-Criminal

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Law- Crimes Committed in the Presence of a Minor-Penalties is a bill, which enhances the penalty for people who are convicted of committing a crime of violence in a residence in the presence of a child who is at least 2 years old. Ms. Brown said that this bill is very important even from a public perception, to communicate to the public that violence in front of children has a huge impact on them going forward in their developmental phases. Ms. Brown advised that GOCCP supported HB 1109 Criminal Procedure- Search Warrants – Procedures; HB 313/SB 266: Maryland Income Tax Refund-Baltimore City-Warrants; HB 286/SB248: Criminal Law- Use of Handgun in Crime of Violence or Felony-Statute of Limitations; and that each of these bills will go into effect on October 1, 2014. Ms. Brown further advised that GOCCP also supported HB 355/SB 1088 Criminal Procedure- Programs for Survivors of Homicide Victims and that this bill will go into effect on July 1, 2014.

Ms. Brown said that HB 1109 is a bill that provides for the electronic (fax or email) issuance of search warrants and for the judge and applicant to discuss the warrant over the telephone or by video conference. She said that this bill should create some efficiency for law enforcement and as well as assist the judges. She further stated that HB 313/SB 266 establishes a Baltimore City warrant intercept program and that the Baltimore City program is an expansion of the model initiative implemented in Anne Arundel County with great success. Ms. Brown said that last year in Anne Arundel County there were approximately 3,000 apprehensions out of the 8,000 warrants and a number of offenders came forward to resolve their issues. She stated that there was approximately \$300,000 netted in revenue through the program and that they will be working closely with the Comptroller's Office and BPD to get this program executed. Ms. Brown advised that HB 286/SB 248 establishes that the statute of limitations for the prosecution of using a firearm in the commission of a crime of violence or felony is the same as the statute of limitations for the underlying crime; rather than one year. Ms. Brown further advised that HB 355/ SB 1088: Criminal Procedure- Programs for Survivors of Homicide Victims is a bill that establishes a grant program within the Governor's Office of Crime Control and Prevention to address the specific needs of family members and other survivors of homicide victims whose lives have been traumatized by these violent acts. She said that Governor O'Malley included \$500,000 in his 2015 Budget to be used for this program and that the General Assembly passed the 2015 Budget with the full \$500,000 appropriation in the bill. Ms. Brown advised that more information will be forthcoming on their website. She further advised that they have been working with victim advocacy community groups. Ms. Brown stated that there is a program out of Chicago where they go in after the homicide of a child and go into the school from where that child is from to help protect and understand if there are other children who are at risk. She said that this funding can be used for similar types of programs and initiatives. Judge Williams thanked Ms. Brown for her report.

V. PRESENTATION: ANNUAL REPORT, OFFICE OF THE PUBLIC DEFENDER– ELIZABETH JULIAN, BALTIMORE CITY PUBLIC DEFENDER

Judge Williams introduced Elizabeth Julian, Office of the Public Defender who will provide their rotating report. Ms. Julian introduced Natalie Finegar, Deputy District Public Defender. Ms. Julian gave a PowerPoint presentation on the Annual Report, Office of the Public Defender. She explained that the strategic planning of OPD consists of four pillars which

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are: 1) Culture of Excellence; 2) Client Centered; 3) Tenacious Advocacy; and 4) United in Our Mission and that these pillars are integrated throughout the City of Baltimore and the Public Defender's Office. Ms. Julian further explained Client Centered and how OPD continue to develop internal communication tools, which will help to identify their client's needs early on, both in the legal community, and in connection with appropriate outside resources that they can possibly help connect them to and she informed that all cases are immediately assigned after arrests. Ms. Julian discussed that OPD continues to engage in community outreach events, such as the Back to the Neighborhood Event, which is held at the American Brewery. She said that OPD has been a participant of this event for the past four years. Ms. Julian advised that this event draws over 400 participants in expungement services, legal advice from advocates, employment readiness assistance, and other things. Ms. Julian stated that their partners have been and are the Justice Policy Institute, the Able Institute, Legal Aid, and members of the private bar. She further stated that the OPD have been engaged with the group, Community Law in Action and they have mentored one Mergenthaler High School student and three students from the former Dunbar High School. Ms. Julian stated that other OPD community outreach activities have included the Know Your Rights Presentations, Family Night, which supports parents of incarcerated children and the participation of two Book Bag Drives, held at Drs. Camille and Bill Cosby Community Center and Eutaw Marshburn Elementary.

Ms. Julian reported on the third pillar, Tenacious Advocacy stating that in the last fiscal year OPD has handled 67,724 cases. She further stated that they are being more aggressive in their pursuit of adequate Discovery in District Court and that they are engaged in sex trafficking work groups because many of them are victims, in addition to, working with immigration specialists, consulates, and foreign nationals. Ms. Julian advised that they are also working on TBA warrants.

She further advised that the Team Representation Model is based on different demographics and that it provides an opportunity for lawyers at all levels, i.e. district court attorneys, misdemeanor attorneys, felony attorneys who collaborate on cases and provides assistance with clients on a regular basis. The focus is to help staff know the community and particular law enforcement strategies used in particular areas. Ms. Julian stated that OPD is working on strengthening training of new attorneys by offering a State-wide, two week training; Baltimore specific training, because of how different Baltimore is from the rest of the State of Maryland; and a mentoring program. She further stated that other training programs offered are Gideon's Promise, which is out of New Orleans; the National Association of Criminal Defense Lawyers (NACDL); and forensic seminars. She said that Johnathan Rapping, President and Founder of Gideon's Promise will be joining OPD.

Ms. Julian informed that the final pillar, United in Our Mission consists of TBA/FTA warrants and that there have been some TBA warrant issues regarding coordination, but they have worked together to streamline processes. She explained how they have participated in Project Hope and that OPD realizes that they are advocates with unique perspectives, but their work with SAO, Parole and Probation, Public Safety, the Clerk's Office, and BPD is a reminder that we all are united in one way with one mission and that mission should be

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justice and fairness. She further informed that this final pillar also consists of access to probation agent notes and better access to incarcerated clients. Ms. Julian reported that starting in October; marijuana possession of less than 10 grams will be a civil citation. Commissioner Batts asked Ms. Julian to elaborate on the victims of sex trade proactive or stabilization policy. Ms. Julian responded that it is not a policy, but more of a workgroup, which try to assist persons who may have been victims of trafficking. She said for instance, a victim of trafficking may be a foreign national who has been charged with prostitution and that Consulates from Mexico, Ecuador, and Honduras have offered their assistance and resources in the past to assist OPD with their citizen's representation. Judge Williams thanked Ms. Julian for her report.

VI. COMMITTEE REPORT- MENTAL HEALTH COMMITTEE- JUDGE GEORGE LIPMAN, CHAIR

Judge Williams introduced Judge Lipman who will report on the Mental Health Committee. Judge Lipman reported that the Mental Health Committee is less than a year old, having been formed in July 2013 to address issues relating to mentally ill defendants in the District Court Mental Health Court and the Circuit Court Mental Health Docket as well as within Baltimore's criminal justice system. The purpose of the Mental Health Committee is to provide a forum for the exchange of information and to allow member representatives to work collaboratively on issues of common concern regarding the Mental Health Court and Docket, mental health and correctional facilities, and protocol between member agencies. Judge Lipman advised that the Committee meets bi-monthly and is comprised of representatives from the District and Circuit Court Judiciary, the FAST Unit, the Baltimore Police Department, the State's Attorney's Office, the Office of the Public Defender, the Department of Public Safety and Correctional Services, Community Supervision, Pretrial Release, and the Baltimore City Booking and Intake Center, the Sheriff's Office, Behavioral Health System Baltimore, Spring Grove Hospital, and the Department of Health and Mental Hygiene. Judge Lipman further advised that there has been great collaboration from everyone. He said that the committee members have provided great representation and that they are energetic and selfless. Judge Lipman thanked all of the members for their work.

Judge Lipman reported that there were two concrete issues which the committee addressed right away. The first issue involved bench warrants issued by the Mental Health Court for mentally ill individuals who were not appearing in court and how the liaison system was not working well. He further stated that now Judge Jim Green and many members of BPD worked with Ms. Barranco and members of the Mental Health Committee to create an enforceable SOP to aid in the service of bench warrants from the Mental Health Court when the assigned liaison is not available. Judge Lipman reported that the second issue involved hospital warrants and how the committee worked with the Department of Health and Mental Hygiene to establish protocols. He further reported that the Sheriff's Office voluntarily assumed service of hospital warrants to assist the stakeholders on the Committee, and that they have done an excellent job in locating and serving mentally ill defendants who are in need of treatment. Judge Lipman also thanked Lori Mannino for her work with the CPAP program. He thanked the Department of Health and Mental Hygiene and while, they are not a CJCC member, their active participation on this committee has been invaluable. Judge Lipman advised that Ms. Barranco coordinated a separate workgroup, which met several

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times to discuss the use of the DataLink system to ensure that this resource is used to its fullest potential by as many stakeholders as possible. Judge Lipman discussed SB170. Gregg Hershberger, Secretary, Department of Public Safety and Correctional Services commented that Judge Lipman is right on track with the legislation, because 27% of inmates coming into the system has some kind of mental illness and that this translates into dollars. Judge Williams thanked Judge Lipman for his report.

VII. LEGISLATIVE UPDATES

Judge Williams stated that the legislation session ended in April. The SAO provided their legislative updates in the packet and has chosen not to speak; however, this is the time for members to report on their legislative updates. Judge Williams introduced Bernard C. “Jack” Young, President, Baltimore City Council who will provide a legislative update. City Council President Young reported that one of the bills that he supported during the 2014 session was HB1056/SB 804 which allows a person to have their records shielded for non-violent crimes. He reported that he will be advocating for this bill’s legislation during the upcoming session. President Young said that a resolution for a similar bill was passed by the City Council so that people in Baltimore City can have their records shielded. Judge Williams thanked President Young for his report and announced that the Mayor’s Office on Criminal Justice will share their legislative updates.

Angela Johnese from the Mayor’s Office on Criminal Justice provided the legislative highlights in a shared report with the Baltimore Police Department. Ms. Johnese reported on new legislation that allows for the creation of a confidentiality program for victims of human trafficking, which would deter unwanted contact from perpetrators. Ms. Johnese further reported that this confidentiality program is modeled after a program for domestic violence victims. She also highlighted the administration’s work to pass SB 390/ HB 386- Illegal Dumping and Litter Control Law- Driver’s License-Points, a bill, which will require the Motor Vehicle Administration to assess points on a driver’s license for a conviction (under the Illegal Dumping and Litter Control Law section of the Criminal Law Article), and where it is proven beyond a reasonable doubt that the crime was committed using a motor vehicle. Judge Williams thanked Ms. Johnese and Commissioner Batts for their shared report and he announced that the Department of Juvenile Services will share their legislative updates.

Betsy Tolentino, Department of Juvenile Services reported on SB 116 Juvenile Law- Committed Facilities- Extension of Termination Date and SB 112 Juvenile Law- Detention- Community Detention Violation Hearings. Ms. Tolentino further reported that DJS was successful in retaining the statutory provisions that permit DJS to transfer a child committed for residential placement from one facility to another facility in certain circumstances. She said that the provisions are carried out by the Central Review Committee (CRC) and have contributed to promoting a continuum of care for DJS youth. Ms. Tolentino further stated that SB 116 extends the termination date of the statute from June 30, 2014 to June 30, 2016. Ms. Tolentino informed that SB 122 requires an intake officer who authorizes detention of a child for a violation of community detention to immediately file a petition to authorize the continued detention of a child. She further informed that the juvenile court must hold a hearing on the petition no later than the next court day unless extended for no more than five

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days by the court on good cause. Ms. Tolentino said the bill is a result of policy changes forwarded by the Juvenile Detention Alternative Initiative and will serve to ensure youth are being detained solely because they are a threat to themselves or others or a risk of flight.

Ms. Tolentino advised that the Juvenile Services Education Program within the Maryland State Department of Education (MSDE) has assumed all DJS education service programs in DJS detention and committed facilities. She further advised that SB 118 Juvenile Law-Juvenile Services Education-Facilities was proposed to repeal obsolete provisions relating to DJS's responsibilities for providing education programs within the DJS detention and committed facilities. Ms. Tolentino reported that HB1295 repeals the permission that prohibits an Adult Court from transferring a case to the Juvenile Court, if a child has previously been transferred to the Juvenile Court and was adjudicated delinquent. Ms. Tolentino further reported that HB 789 permits expungement of some juvenile records in some very limited circumstances. She advised how SB 364, the marijuana civil offense now requires for Juveniles with possessions of fewer than 10 grams to be charged by citations. Judge Williams thanked Ms. Tolentino for her report and he introduced the Department of Public Safety.

Gregg Hershberger, Secretary of DPSCS introduced Kevin Loeb, Director of Public Affairs. Mr. Loeb reported on four key departmental bills which will take effect on October 1, 2014. Mr. Loeb discussed that SB 126/HB 173- Public Safety-Prohibition of Polygraph Examinations by Employers-Exemption is a departmental bill, which expands a current statutory exemption from a prohibition against the use of polygraph tests as a condition of employment so that, in addition to, a correctional officer applicant, the exemption is applied to an individual who is already employed as a correctional officer or other employee in a State correctional facility. He further discussed that the bill also eliminates an outdated reference to the Baltimore City Jail under the same provisions; that the bill will also require the Department to submit a report to the Senate Finance and House Judiciary Committees by September 30, 2016; and that the report must include the number of polygraph examinations submitted to or taken by correctional officers and employees of State correctional facilities and the number of grievances filed or complaints made in connection with those examinations. Mr. Loeb said that SB 114/HB 174-Public Safety-Internal Investigative Unit-Name Change and Duties is a departmental bill that renames the Internal Investigative Unit (IIU) of the Department of Public Safety and Correctional Services (DPSCS) to the Intelligence and Investigative Division of DPSCS. He further stated that the bill also expands the authority of IIU to oversee and coordinate all of the intelligence efforts within DPSCS under the authority of the Secretary. Mr. Loeb informed that HB 1458-Correctional Services-Charges Recommending Discipline-Investigative Period is a departmental bill, which specifies that under the Correctional Officers' Bill of Rights (COBR), the 90-day limitation on bringing certain charges against a State correctional officer does not apply to charges that relate to criminal activity if the criminal activity (1) relates to the correctional officer's official duties; (2) arises from events that occur at a correctional facility; and (3) involves an inmate or detainee at a correctional facility. He further informed that this bill specifically addresses and expands the period of time during which disciplinary actions may

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be taken after the appointing authority or the Internal Investigative Unit learns of the action giving rise to the imposition of discipline.

Mr. Loeb reported that HB 1457- State Correctional Officers' Bill of Rights- Definition of Correctional Officer is a departmental bill that alters the definition of a State "correctional officer," for purposes of the Correctional Officer's Bill of Rights (COBR), to exclude the classification of a Correctional Officer 1 (CO 1). The classification of Correctional Officer I is given to a person who has been hired by DPSCS and who is on probationary status with one year or less experience. Mr. Loeb further reported that SB 206/HB 175-Criminal Law- Contraband-Telecommunication Devices and Accessories-Penalty is a bill that was introduced as a result of the Special Joint Commission on Public Safety and Security in State and Local Correctional Facilities. He said that this bill was supported and worked in collaboration with the Senate and House sponsors to ensure its passage. This bill prohibits a person from attempting to deliver a "telecommunication device," telecommunication device charger, or subscriber identification module (SIM) card to a person detained or confined in a place of confinement if signs are posted indicating that such conduct is prohibited. Mr. Loeb stated that this bill increases the maximum penalty for offenses relating to a telecommunication device in a place of confinement from imprisonment for three years and/or a \$1,000 fine to imprisonment for five years and/or a \$3,000 fine and that a sentence imposed for knowing possession or receipt of a telecommunication device by a person detained or confined in a place of confinement must be consecutive to any sentence that the person was serving at the time of the crime or that had been imposed but was not yet being served at the time of the sentence. Judge Williams thanked Secretary Hershberger and Mr. Loeb for their report.

Judge Williams adjourned the meeting at 1:21 p.m. The next meeting will be held on **Wednesday, July 9, 2014 at 12:30 p.m.**, Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the April 9, 2014 meeting
- 2) Central Region Statistics Report
- 3) The Police Commissioner's Report
- 4) Governor of the State of Maryland's Report
- 5) Office of the Public Defender's PowerPoint Presentation
- 6) CJCC Mental Health Committee Report
- 7) 2014 Legislative Session Summary:
 - a) Governor's Office of Crime Control & Prevention (GOCCP)
 - b) Department of Public Safety and Correctional Services (DPSCS)
 - c) Department of Juvenile Services (DJS)
 - d) Office of the State's Attorney for Baltimore City (SAO)
 - e) Baltimore Police Department (BPD)
 - f) Mayor's Office on Criminal Justice
 - g) Baltimore City Council
 - h) Behavioral Health System Baltimore (BHS)

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- i) CJCC Mental Health Committee - Senate Bill 170
- j) Domestic Violence Bills

Respectfully submitted,

Margaret Boyd-Anderson
CJCC Project Coordinator
(On Behalf Of)

Kimberly Smalkin Barranco
CJCC Executive Director