

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE SEPTEMBER 10, 2014 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Sam Abed, Secretary, Department of Juvenile Services; Mary Abrams, District Court; Commissioner Anthony Batts, Baltimore Police Department; Joseph Clocker, Director, Community Supervision, Department of Public Safety and Correctional Services; 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; Elizabeth Julian, District Public Defender; Brian Kleinbord for Doug Gansler, Office of the Attorney General; Robert Maloney for Mayor Stephanie Rawlings-Blake; Bernard J. McBride, President, Behavioral Health System Baltimore; Ed Parker, Governor's Office; Barbara Baer Waxman, Administrative Judge for District Court I; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Carolyn Atkins, Director of Detention, Department of Public Safety and Correctional Services; Margaret Boyd-Anderson, CJCC; Judge Emanuel Brown, Circuit Court; Kieran P. Dowdy, DPSCS; Ernest Eley, Jr. DPSCS; Deirdre R. Gardner, Roberta's House; Eboni Pearson, Circuit Court; Paul Plymouth, City Council President Office; Amanda Rodriguez, GOCCP; Claire Rossmark, DLS; Kate Wolfson, Safe and Sound Campaign.

***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 July 9, 2014 meeting minutes and they were adopted unanimously. Judge Williams advised that the next meeting will be held on October 8, 2014.

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

CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Mr. France advised that copies of the Central Region Statistics Report and DPSCS Annual Report were both provided in the meeting packets for the Council's review. Mr. France said that he would answer any questions the Council may have about the reports. Judge Williams thanked Director France for his report.

III. BALTIMORE POLICE DEPARTMENT REPORT – POLICE COMMISSIONER ANTHONY BATTIS

Commissioner Anthony Batts reviewed the Police Commissioner's Report included in the Council's packet. Commissioner Batts reported that as of September 6, 2014 homicides were down 6%. He further reported that non-fatal shootings were down 16% year-to-date compared to the same time last year. Commissioner Batts said that as of September 6, 2014

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the overall crime in all fifteen categories from homicides to arsons is down. He stated that the total violent crime is down 14% and the total property crime is down 7%. Commissioner Batts noted that the Total Part I Crime is down 9% and that he hopes these statistics improves as we move forward through the year. Judge Williams thanked Commissioner Batts for his report.

IV. DEPARTMENT OF JUVENILE SERVICE'S REPORT – SECRETARY SAM ABED

Secretary Abed discussed and updated the Council on several long term trends at the Department of Juvenile Services (DJS). He advised that Baltimore City Juvenile complaints have declined significantly over ten years and that a vast majority of complaints are generated from the Police. Secretary Abed further advised that there are also complaints generated from citizens and schools. He reported that Baltimore City complaints referred to DJS Intake declined 66% in ten years, even though, the overall juvenile population in Baltimore City increased by 4% since FY 2005. Secretary Abed further reported that Baltimore City complaints declined 57% and statewide complaints declined 48% since FY 2007. Secretary Abed also discussed that the drop in Baltimore City Juvenile complaints are primarily in non-violent offenses. He stated that juvenile complaints such as ordinance, status, traffic, and other referred to Baltimore City DJS intake from FY 2005-FY 2014 was at -90%. Secretary Abed further stated that within this same timeframe non-violent misdemeanors were at -67%; non-violent felonies were at -75%; and crimes of violence were at +6%. Secretary Abed identified that the crimes of violence is an area that DJS will continue to focus on and work together with BPD.

Secretary Abed reported that the proportion of Baltimore City complaints referred to court has increased and that 83.4% of Baltimore City complaints were referred to court by DJS Intake in FY 2014, which was 4.5% more than in FY 2009. He further reported that statewide 52% were referred to court, which was up 10% since FY 2009. Secretary Abed said that 9.3% of Baltimore City complaints were diverted to an informal DJS pre-court case and statewide 17.8% were diverted, which was up only 0.2% since FY 2009. Secretary Abed discussed how the Baltimore City Detention population has declined significantly and how pre-disposition declined 45% in ten years, and 48% since FY 2007. He further discussed that the population in detention pending placement has declined to 49% within ten years, and 55% since FY 2007. Secretary Abed said that in FY 2014 DJS began to hold significant numbers of cases for the Adult Court: an ADP of 30. Secretary Abed reported how Juvenile Probation and Commitment Orders have declined; 45% fell in 10 years and 48% since FY 2007. He further reported that Juvenile Commitments have decreased 43% in 10 years and 40% since FY 2007. Secretary Abed advised that since FY 2005 there was a 33% decline in the Baltimore City committed youth population. He further advised that the overall daily population of Baltimore City youth committed by the juvenile court to out of home placement declined from 243 in FY 2005 to 163 in FY 2014. In addition, a statewide committed average daily population declined 26% over that same timeframe.

Secretary Abed mentioned that Baltimore City youth released from committed DJS placements are more likely to be arrested, but less likely to be reconvicted or incarcerated than are committed youth from Maryland as a whole. He further mentioned that the Juvenile

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Detention Alternative Initiative (JDAI) was re-started in Baltimore City in 2012 with the support of the Annie E. Casey Foundation. He said that JDAI has a best-practice model, which addresses the inappropriate use of detention by safely maintaining youth in the community without jeopardizing public safety. Secretary Abed further stated that JDAI partners include the Casey Foundation, Baltimore City Circuit Court, State's Attorneys' Office, Office of the Public Defender, and the Baltimore Police Department. He highlighted the Violence Prevention Initiative which has been in place since 2008. He said DJS offers enhanced supervision to children who have been identified at the highest risk and with the exception of this past year, there have been a decline in the violent crime rates. Secretary Abed further highlighted Operation Safe Kids, in which most of the kids who are assigned will also be granted a Baltimore City Health Department worker that will enhance the case management of the cases. Secretary Abed said that there are approximately 117 kids under that level of supervision in Baltimore City. Commissioner Batts questioned whether the Baltimore City Safe Kids numbers were lower than the Operation Safe Kids (OSK) numbers for re-arrest, re-conviction, and re-incarceration. Secretary Abed replied that the average arrests and re-conviction rates are higher than the average kid in their system, but this is to be expected. He explained that there is a lot of surveillance and that the kids are seen at an average of five times a week. Secretary Abed further explained that there is an elevated level, but it does not mean that OSK or VPI is ineffective.

Judge Williams thanked Secretary Abed for his report.

V. ATTORNEY GENERAL OF MARYLAND'S REPORT- BRIAN KLEINBORD, CHIEF, CRIMINAL APPEALS DIVISION, OFFICE OF THE ATTORNEY GENERAL

Mr. Kleinbord reviewed the Marijuana Decriminalization Training document included in the Council's packet. Mr. Kleinbord advised that last spring a workgroup convened to look at trial and search and seizure questions, which could arise after the implementation of Senate Bill 364 or Criminal Laws 5-601/5-601.1. Mr. Kleinbord further advised that the AG's Office in conjunction with the State's Attorneys' Office, Maryland State's Attorneys' Association, GOCCP, and Maryland State Police has presented a Marijuana Decriminalization Training that covers the history of marijuana decriminalization in Maryland in addition to an overview of issues which the law anticipates. Also, Mr. Kleinbord stated that SB364, which becomes effective on October 1, 2014, entails that making the use or possession of less than 10 grams of marijuana a civil rather than a criminal offense and establishes that a person who violates this law may be issued a citation. He further stated that violation of this law would establish fines in the amounts of \$100 for first offenses, \$250 for second offenses, and \$500 for third offenses. Mr. Kleinbord noted that the court could order a specified person who has committed a third or subsequent violation of this law to appear in court and to attend a specified drug education program; requiring a court to refer the person for assessment for substance abuse disorder and to refer the person for substance abuse treatment if necessary.

Mr. Kleinbord further noted that the General Assembly did not address the burden of proof in the legislation and the Courts have advised that they will be applying the civil preponderance of the evidence" standard. He said that prosecution of these citations will depend on

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jurisdiction and if not prosecuted by the SAO, the citation can be treated like a payable traffic citation and handled by the officer. Mr. Kleinbord reported that they have been conducting five or six regional trainings throughout the state and that the trainings have been well attended by approximately 85%-90% police officers and some prosecutors. He further reported that future trainings are scheduled for September 16, 2014 in Prince George's County, September 19, 2014 in Hanover, and October 2, 2014 at the Eastern Shore. Mr. Kleinbord said that another issue not addressed by the General Assembly is paraphernalia and he identified that the Legislature is likely to address this issue during the next session. He further identified that each jurisdiction or police department will have to exercise their own policy and judgment on how they will deal with paraphernalia associated with possession of less than 10 grams after October 1, 2014, and if the civil offense of possession of marijuana is still a criminal offense where a police officer can make an arrest for the possession of paraphernalia.

Judge Williams asked if the AG's Office was still advising them that it is in their discretion, something that is still a crime and Mr. Kleinbord answered yes. Mr. Kleinbord explained that the District of Columbia recently passed a similar law and that they expressly addressed in their legislation that the possession of paraphernalia associated with under 10 grams of marijuana is not a criminal offense; however, he believes that some States' Attorneys are making a policy judgment concerning paraphernalia when it is strictly associated with under 10 grams of marijuana. Commissioner Batts commented that state law still identifies paraphernalia as illegal and Mr. Kleinbord affirmed. Mr. Kleinbord discussed that there are broader issues about Fourth Amendment searches and the police are looking for clearer rules to apply; however, with some of these issues it has been difficult to give them clear directions, but Maryland is looking to other states that have decriminalized small amounts of marijuana for guidance. Mr. Kleinbord explained how the case law in Massachusetts identified that "the odor of burnt marijuana alone cannot reasonably provide suspicion of criminal activity," nor can it give rise to probable cause to search a vehicle under the automobile exception to the warrant requirement. He further explained that other states such as Oregon and California have addressed similar facts, concluding to the contrary and identifying that marijuana is still contraband and the odor of burnt marijuana gives rise to search a vehicle. Mr. Kleinbord concluded his report, stating that there are thorny issues dealing with search incidents and citations which may arise with on-the-street encounters, because the only evidence that an officer may witness are individuals smoking marijuana. Mr. Kleinbord further concluded that the current law would allow a person to smoke marijuana in public and does not prohibit this as a crime, but a civil offense.

Commissioner Batts stated that the law still identifies that you cannot drive under the influence and he questioned if the odor coming from the car still gives you reasonable suspicion. Mr. Kleinbord responded that it certainly could in conjunction with other facts lead to reasonable suspicion or probable cause if the driver is under the influence. Commissioner Batts further questioned whether the 10 grams as pictorialized in the Marijuana Decriminalization Training document represents the quantity of a "joint" and Mr. Kleinbord responded that it is about 1/3 of an ounce. Judge Barbara Waxman stated that ten grams is the equivalent of two teaspoons. Mr. Kleinbord commented that the 10 grams are a

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smaller amount when compared to other states such as California and Oregon with decriminalization of marijuana laws at up to an ounce. Commissioner Batts questioned the purpose of the process if there is no penalty or diversion and he identified if a person is cited for a civil offense what will happen to them in terms of that civil citation. Mr. Kleinbord said that this area is a work in progress, but the law enforcement community is working on an internal database, which will be able to track individuals with subsequent offenses. Mr. Kleinbord suggested that Commissioner Batts contact Sgt. Michael Brady of the Maryland State Police for further dialogue on this issue.

Judge Williams thanked Mr. Kleinbord for his report.

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

Director Wendell France reviewed the DPSCS Annual Report included in the Council's packet. He reported that in the last year there have been major changes within the Department of Public Safety and Correctional Services to include new leadership; Gregg L. Hershberger, Secretary; Carroll Parrish, Deputy Secretary for Operations; and Patricia Donovan, Deputy Secretary for Administration. Director France further reported that the DPSCS average daily population for total detainees for FY 2014 is at 3,830; whereas, in FY 2013 it was 3,918. He stated that the total inmates for FY 2014 are 24,732 while in FY 2013 it was 25,098. Director France further stated that this year DPSCS continued PREA Compliance efforts statewide and this fall, six DPSCS facilities will be audited for compliance by external auditors, including ECI, RCI, WCI, NBCI, MCI-W, and CDF. Director France added that DPSCS has posted its first required annual report on PREA and it includes statistical information for the calendar year of 2013 and it can be found on the Department's public website. He stated that Governor O'Malley committed the State to becoming PREA Compliant on May 15, 2014, which allows the state to use federal criminal justice funding to become compliant instead of a 5% reduction in state VAWA, BJAG, and OJJDP funding. Director France further stated instead of getting hit with a 5% penalty in VAWA (Violence Against Women Grant Formula), BJAG (Byrne Justice Assistance Grant), and OJJDP (Office of Juvenile Justice and Delinquency Prevention) funding, the State will be able to use this funding to become compliant. Director France reported on the average daily population of youth charged as adults at the Baltimore City Detention Center (BCDC) from FY 2011 through FY 2014 and he advised that there has been a tremendous impact on the reduction of juveniles charged as adults being held in confinement. He further reported that youths charged as adults in FY 2011 were at 81, FY 2012 at 46, and FY 2013 at 43. Director France stated that the average population of youth charged as adults at BCDC in FY 2014 is down to 17.

Director France informed that the final major portion of the Offender Case Management System (OCMS), the Corrections Module was implemented in July and that the Department continues to provide additional changes and functionality, however, all major operational units of OCMS is currently online. He further informed that OCMS allows the Department to use one system to coordinate records from arrest through community supervision. Director

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France shared that practices which were put in place after the indictments in April 2013, including rotational search teams and randomized searches of staff have been continued. He further shared that as a result of partnering with Baltimore City State's Attorney and MSP, the City Correctional Investigative Unit (CCIU) was formed in order to further prosecute criminal activity and corruption in Baltimore City. Director France reported that in November 2013, after only six months, managed access technology was deployed. He explained that managed access was implemented in order to combat contraband cell phones within BCDC. Director France further explained that included in the Department's FY 2015 budget is managed access technology of two additional facilities in Baltimore other than BCDC and MTC.

Director France reported on the Veterans Mentoring Program. He stated that through the partnership with the Maryland Department of Veteran Affairs, inmates with prior service in the armed forces can be paired with a veteran to facilitate re-entry. Director France further stated that DPSCS continues to encourage additional veterans to volunteer to be paired with inmates prior to release. Director France advised that all deconstruction work on the Maryland House of Correction is complete. He further advised that the use of inmate labor to work on the deconstruction saved approximately five million dollars. He explained that part of the deconstruction work involved training inmates on asbestos removal and extracting bricks, iron, and other materials for salvage which reduced costs associated with the demolition of the facility.

Judge Williams thanked Director France for his report and called on Judge Emanuel Brown for the CJCC Transportation Committee Report.

VI. COMMITTEE REPORT- TRANSPORTATION COMMITTEE- JUDGE EMANUEL BROWN, CHAIR

Judge Brown reported that the Transportation Committee was formed in May 2009 at the request of a number of members to address issues concerning the transportation of individuals from the Department of Public Safety and Correctional Services (DPSCS) and Baltimore City Detention Center (BCDC) facilities as well as movement within the courthouses. He further reported that the committee meets quarterly to provide a forum to discuss policy and procedure as it relates to inmate transportation in addition to identifying areas in which improvement is needed. Judge Brown said that the committee has been instrumental this year in facilitating improvements to prisoner transportation and has assisted in fostering greater communication between member agencies. Judge Brown recognized that committee members consist of representatives from the Circuit Court, District Court, Department of Public Safety and Correctional Services, Office of the State's Attorney for Baltimore City, Office of the Public Defender, Department of Health and Mental Hygiene, Baltimore City Sheriff's Office, Bar Association of Baltimore City, and the Criminal Justice Coordinating Council (CJCC). Judge Brown highlighted that some of the committees accomplishments have included facilitating the creation of a protocol to remove indicted defendants from the preliminary hearing transportation list; enabling the Office of the Public Defender to confer with their clients more rapidly by facilitating their receipt of transportation lists from the DPSCS Transportation Unit; and monitoring issues regarding the transportation of Circuit Court Mental Health docket defendants and suggesting improvements in this area. Judge Brown added that the committee continues to address

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issues regarding challenges with violence in the lock-up, contraband, and protocols surrounding inmate's courtroom clothing. He further added that the committee will continue to collaboratively work on solutions to the shared concerns and provide an opportunity for members to meet regularly with updates and information of interest and importance. Judge Brown thanked all the partners and the CJCC for their continued support and efforts with the Committee.

Judge Williams thanked Judge Brown for his report and he introduced Amanda Rodriguez from GOCCP.

VII. PRESENTATION BY AMANDA RODRIGUEZ, HUMAN TRAFFICKING POLICY ADVISOR, GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Amanda Rodriguez presented on Human Trafficking in Maryland and she reported that at least 244,000 children are at risk for sex trafficking each year. Ms. Rodriguez informed that FBI Statistics identified 16 females in Baltimore County, 6 females in Baltimore City, 17 females in Prince George's County, and 3 females in Anne Arundel County who were recovered from human trafficking. She reported that the average age a person is targeted and trafficked are between the ages of 12 and 14. Ms. Rodriguez further reported that within 48 hours of leaving home 1/3 of runaways will be solicited for prostitution. Ms. Rodriguez said that from 2007 to present there has been an increase in identification in male trafficking victims and in MS-13 gang activity in Latin brothels. Ms. Rodriguez further identified that there has been an emergence of identification of "survival sex" and "John" forums. She said that according to the Baltimore City's Streetwalker Report, there has been approximately 20,000 known "Johns" who have posted online. Ms. Rodriguez explained how backpage.com which is a legal online website has become a source to acquire illegal prostitution in addition to acquiring adult escorts, body rubs, strippers and strip clubs, male escorts, and etc. Ms. Rodriguez further explained that there is a connection between foster care and human trafficking, transgender victimization, a movement from Craigs List to Backpage, and a multi-disciplinary team approach. Ms. Rodriguez reported that there have been a lot more violence with these types of cases than in previous years. She said that there was a recent case in Baltimore County with a girl, who had every bone in her face broken and that "guerilla pimps" are using more firearms, irons, cigarette burning, branding, and etc. Judge Williams thanked Ms. Rodriguez for her report.

Judge Williams adjourned the meeting at 1:32 p.m. The next meeting will be held on **Wednesday, October 8, 2014 at 12:30 p.m.**, Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the July 9, 2014 meeting
- 2) Central Region Statistics Report
- 3) The Police Commissioner's Report
- 4) Department of Juvenile Service's Report
- 5) Attorney General of Maryland's Report
- 6) Department of Public Safety & Correctional Services Annual Report
- 7) Human Trafficking in Maryland PowerPoint Presentation

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Respectfully submitted,

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

Kimberly Smalkin Barranco
CJCC Executive Director