

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE APRIL 8, 2015 MEETING

Council Members In Attendance*: Chair Judge Charles Peters; Mary Abrams, Administrative Clerk for District I, District Court of Maryland; Lavinia Alexander, Clerk of the Circuit Court for Baltimore City; Kimberly S. Barranco, CJCC Executive Director; Anthony Batts, Baltimore City Police Commissioner; Kristen Blumer for Marilyn Mosby, State's Attorney for Baltimore City; Jay Cleary for Sam Abed, Secretary, Department of Juvenile Services; Major Samuel Cogen for John Anderson, Sheriff of Baltimore City; Elizabeth Embry for Brian Frosh, Attorney General of Maryland; Wendell M. France for Stephen T. Moyer, Secretary, Department of Public Safety and Correctional Services; Michael Hanlon for Rod J. Rosenstein, U.S. Attorney for the District of Maryland; Angela Johnese for Stephanie Rawlings-Blake, Mayor of Baltimore City; Elizabeth Julian, Baltimore City Public Defender; Bernard J. McBride, President and CEO, Behavioral Health System Baltimore; Kevin Patten, Acting Director, Central Region, Department of Public Safety and Correctional Services; W. Michel Pierson, Administrative Judge of the Circuit Court for Baltimore City; Chris Shank for Lawrence J. Hogan, Jr., Governor of Maryland; Barbara Baer Waxman, Administrative Judge for District I, District Court of Maryland; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Margaret Boyd-Anderson, CJCC; Doug Colbert, Maryland Law School; Mark Conway, Mayor's Office of CitiStat; Deirdre Gardner, Roberta's House; Kevin Parson, ROW; Paul Plymouth, Baltimore City Council; Tyrone Roper, Behavioral Health System Baltimore; Judith Sachwald, DPP; Emily Witty, CPY; 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 Charles Peters greeted the Council.

I. CHAIR'S REPORT – JUDGE CHARLES PETERS

Judge Charles Peters welcomed Council members and their representatives. He advised that pursuant to MD Rule 16-110 (b) and administrative order, no audio recording is permitted in the Courthouse. Judge Peters and members of the Council extended their condolences to Council President Bernard C. "Jack" Young for the loss of his nephew. Judge Peters also welcomed new member Lavinia Alexander as the Circuit Court Clerk. Judge Peters stated that the CJCC lost Frank Conaway, Clerk of the Circuit Court for Baltimore City on February 15, 2015 and he recognized Mr. Conaway's many years of service to the City and his CJCC membership. He elaborated how Mr. Conaway served as a member of the House of Delegates for eight years and as Baltimore City Circuit Court Clerk and Council member for seventeen years, and he noted that Mr. Conaway was one of the CJCC's original members. He

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commented that Mr. Conaway made many contributions to the Council. Judge Peters requested a motion to approve the February 11, 2015 meeting minutes and they were adopted unanimously. He stated that the next meeting will be held on May 13, 2015 at which time Council members will be able to provide Legislative updates.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco referred Council members to the updated contact lists in their packets, which include Lavinia Alexander's information. Ms. Barranco requested that corrections or updates be forwarded to her attention. She advised that an electronic version would be disseminated to Council members soon. Ms. Barranco informed that in mid-February, she was advised by the new Governor's Office of Crime Control and Prevention Executive Director, Chris Shank, of a grant opportunity from the MacArthur Foundation. She further informed that through the Safety and Justice Challenge, the Foundation supports a nationwide network of selected local jurisdictions committed to finding ways to safely reduce jail incarceration, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color. Ms. Barranco reported that the MacArthur Foundation grant would allow Baltimore City to further study and identify systemic problems and ultimately alleviate unnecessary lengthy detention periods. She further reported that the Department of Public Safety and Correctional Services, as the agency with governing authority over BCDC and BCBIC, will be the lead agency for this initiative. Ms. Barranco identified that key stakeholders critical to the success of this effort include the Office of the Public Defender, the State's Attorney for Baltimore City, the Baltimore Police Department, the Criminal Justice Coordinating Council, the Maryland District Court, and the Pretrial Services unit of the Department of Public Safety and Correctional Services. Ms. Barranco shared that representatives from each of these agencies attended a stakeholders meeting hosted by GOCCP on March 9, 2015 and that each agency is committed to reducing the jail population in Baltimore City while upholding one mutual, critical mission: maintaining public safety. She discussed that all Baltimore City criminal justice stakeholders agree that a thorough study of the criminal justice population needs to occur and new strategies are employed to ensure we are detaining the correct people and providing the needed help to these individuals to stop the revolving door.

Ms. Barranco outlined that the Safety and Justice competition will unfold in two rounds. She said that in Round 1, up to twenty selected sites will receive a grant of \$150,000 to support an intensive six-month planning process, during which time they will rigorously examine how their jails are being used and what strategies will reduce incarceration without compromising public safety. Ms. Barranco further stated that each site will produce a plan for implementing these reforms and notification of the award should be given in mid-May. She advised that in Round 2, as many as ten jurisdictions will be selected to receive funding to support implementation of the plans developed in Round 1 and that grants to each site in this round will range from \$500,000 to \$2 million annually over two years, with an option to extend if substantial progress is made.

Ms. Barranco concluded that if selected as one of the twenty planning sites, key CJCC member agencies will work together throughout the initial 6-month phase of the Safety and

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Justice Challenge to develop a unified plan for reform. Ms. Barranco discussed that the Council serves as an essential stakeholder in this process and stands ready to fully support and assist in the coordination of planning and data sharing among the participating agencies. She further discussed that GOCCP will also help facilitate the multi-agency collaboration and she advised Council members that their packets contain a letter written to Secretary Moyer in support of the grant which was included in the application. Ms. Barranco said that it is the CJCC's sincere hope that they will be awarded this grant funding and that she looks forward to working with everyone on this important initiative. Judge Peters thanked Ms. Barranco for her report.

III. CENTRAL REGION REPORT – WENDELL M. FRANCE, ACTING DEPUTY SECRETARY OF OPERATIONS, CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Wendell M. France, Acting Deputy Secretary of Operations, DPSCS advised that a copy of the Central Region Statistics Report was provided in the meeting packets for the Council's review. Mr. France further advised that he would answer any questions that the Council may have about the report. He stated that Secretary Stephen T. Moyer has realigned the Department as legislatively structured and he provided a brief description of the realignment. He stated that Judith Sachwald has been appointed Director of Parole and Probation, and that effective April 1, 2015, Transportation is now a stand-alone agency within DPSCS. He introduced Carlos Bivens as the Director of the Transportation Unit and stated that Mr. Bivens could be reached at 410-585-3323. He stated that more announcements would be made regarding new appointments within DPSCS. Mr. France advised that his new telephone number as the Deputy Secretary of Operations is 410-339-5034. Judge Peters thanked Mr. France for the report and updated contact information.

IV. BALTIMORE POLICE DEPARTMENT REPORT – POLICE COMMISSIONER ANTHONY BATTS

Police Commissioner Anthony Batts expressed his condolences to Council President Bernard C. "Jack" Young for the loss of his nephew. Commissioner Batts advised members of the Council that the Police Commissioner's monthly report was not included in their packets due to a recent virus issue that occurred after the installation of BPD's new CAD system. Commissioner Batts apologized for not having the data available but he ensured the Council that their IT department was working to have the issue resolved by the end of the week. He noted that the homicide rate was up 14% year to date, but that they were facing tough numbers from last year. He also discussed a new program with police officers reading to students in Baltimore City schools.

V. DISTRICT COURT OF MARYLAND REPORT – JUDGE BARBARA BAER WAXMAN, ADMINISTRATIVE JUDGE

Judge Barbara Baer Waxman advised that the District Court of Maryland and District Court Clerk's Office would have a shared report and that these reports were included in the Council member's packets. Judge Waxman reported that the District Court of Maryland for Baltimore City is comprised of four separate court buildings. She further reported that there are 28 judges

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who preside over eight criminal dockets, three serious traffic dockets, three minor traffic dockets, six civil dockets and numerous specialty courts and dockets. Judge Waxman stated that she is very proud that the Court has one of the longest running drug courts and mental health courts in the state. She identified that other specialty dockets include rent and rent escrow, housing, parking, domestic violence criminal and civil, video toll citations, speed camera, prostitution, marijuana and homeless persons' dockets. Judge Waxman identified that the District Court still operates the early resolution and quality case review dockets that help reduce jail population and resolve minor cases in an expeditious manner. She stated that the QCR docket also serves as an arraignment court which lessens postponements on the actual trial date. Judge Waxman discussed how 2014 was a very challenging year for the District Court. She noted that the implementation of lawyers at initial appearances was a huge undertaking, but with the input and cooperation of all criminal justice partners, a system was created that allows indigent defendants to have representation at their initial appearance. She commended Executive Director Kimberly Barranco for having the foresight in October of 2013 to gather all the stakeholders together, and after many planning meetings, everyone was ready for implementation on July 1, 2014. She further discussed that legislation passed in 2014 made possession of marijuana under 10 grams a civil violation rather than a criminal violation, and that the Court has responded by adding these cases to a marijuana docket.

Judge Waxman conveyed that the Court handles the largest criminal docket in the state and the second largest civil domestic violence docket. She reported that she had to assign two full time judges to hear civil domestic cases each day and that on Tuesdays, there are four judges assigned to this docket. Judge Waxman further reported that in November, the courtroom at Central Booking closed and that bail review hearings for men are now heard at the Borgerding Court Building. She advised that bail review hearings for the women are heard at the John Hargrove Sr. Court building and that this change was accomplished with the cooperation of all of the criminal justice partners. Judge Waxman said that the work of the District Court is to serve the citizens of Baltimore City and that their goal is to treat the public respectfully, fairly, expeditiously and to the best of the court's ability.

VI. COMMITTEE REPORT– DOMESTIC VIOLENCE COORDINATING COMMITTEE - JUDGE BARBARA BAER WAXMAN, CHAIR

Judge Barbara Baer Waxman advised that a copy of the Domestic Violence Coordinating Committee (DVCC) report was included in the Council members' packets. The report noted that she has been DVCC Chair since February 2011. The report identified that the goals of the DVCC are to improve the criminal justice system's response to the crime of domestic violence, and to increase community awareness about domestic violence and to educate adults and children about alternatives to violence. The full Committee comprised of representatives from the Judiciary, the Baltimore Police Department, the Sheriff's Office, the Circuit and District Courts, the Mayor's Office on Criminal Justice, the State's Attorney's Office, the Office of the Public Defender, the House of Ruth and Adelante Familia, the Women's Law Center, Mercy Medical Center, Sinai Hospital, Shock Trauma, Pretrial Release Services and Parole and Probation of the Department of Public Safety and Correctional Services, the Baltimore City Health Department, the Criminal Injuries Compensation Board, the Department of Juvenile Services, the Governor's Family Violence Council, Chana, Northwest Hospital, Harbel

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Prevention and Recovery Center, the United States Navy, the Governor's Family Violence Council, Turnaround, My Covenant Place, Free State Legal, and the MD Crime Victim's Resource Center meets quarterly to share information and receive updates. The report further noted that a smaller Steering Committee meets monthly to allow for more detailed discussions. The DVCC also oversees the implementation of the Domestic Violence Fatality Review Team (DVFRT) recommendations through meetings and communications with members as well as other partners such as the Governor's Office of Crime Control and Prevention and the Maryland Health Care Coalition Against Domestic Violence. The DVCC has successfully implemented a number of the DVFRT recommendations and continues to make progress. Additionally, the Committee is actively working to improve victim services and the criminal justice system's response.

The report indicated that during this past fiscal year, the DVCC accomplished a number of its goals, which include:

- Assisting in the transition process last summer for the Sheriff's Office's assumption of service of process for all peace orders and protective orders issued by a judge in Baltimore City.
- Ensuring that a protocol for the transmission of service of process returns and updating of the Vine Protective Order (VPO) system for protective orders issued for out of jurisdiction respondents was followed.
- Responding to an increase in same sex domestic violence incidents through outreach to the LGBT community and participating in a workgroup dedicated to this issue.
- Assisting in the resolution of an issue with the provision of medical evidence in DV cases.
- Participating on the Interfaith Domestic Violence Coalition to provide outreach to the faith-based community to heighten awareness of domestic violence and to educate citizens on the impact domestic violence has in the community.
- Continuing to work on concrete means to enhance victim support and provide additional information to the court at hearings.
- Participating on a statewide workgroup of the Governor's Family Violence Council dedicated to working with school systems to address domestic violence witnessed by children.
- Continuing to support the Baltimore City Supervised Visitation Center and provide suggestions for expansion of services.
- Supporting of the Dating Matters Initiative to provide a healthy relationships curriculum in selected Baltimore City middle schools.
- Providing a forum for the resolution of an issue regarding attorney access to respondents in the District Court Lockup.
- Establishing a new protocol for service of respondents at temporary PO hearings by the District Court Bailiffs and for the entering of this information into the VPO system by the Sheriff's Office.

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- Monitoring of the established protocol for submission and receipt of photographic evidence.
 - Continuing to provide an opportunity for members to meet regularly with updates and information of interest and importance.

The report concluded that the DVCC will continue to facilitate the exchange of information between the Courts, government agencies, hospitals, and service providers. Judge Waxman informed the Council that since the Sheriff's Office' assumption of service of all court ordered protective orders city wide, the service rate is now between 70-73%. She noted that the Sheriff's Office has recovered numerous guns in the course of their service duties, and she commended them for their excellent work. Judge Waxman thanked the Council members for their continuing support and for the efforts of their representatives on the DVCC.

VIII. PRESENTATION on BALTIMORE'S SAFE and SOUND CAMPAIGN'S PUBLIC SAFETY COMPACT- KATE E. WOLFSON, ESQ., DIRECTOR

Kate Wolfson reported on the Public Safety Compact (PSC), stating how it is not just a program or a charitable gesture, but an effective use of tax dollars for success and reconciliation. She identified distinctions between Maryland's 3-year recidivism rates from that of the PSC graduates' 3-year recidivism rates from 2010-2013. Ms. Wolfson further identified that Maryland's recidivism rate was 40.5% and PSC's was 9%, which is a 78% reduction. Ms. Wolfson reported that PSC saves Maryland millions of dollars and has saved \$2.8 million by releasing people back from the program. She further reported that the public/private partnership includes \$2.3 million in one-time seed funding raised by the Safe and Sound Campaign. Ms. Wolfson stated that PSC eligible individuals must have the following:

- Be incarcerated in Maryland;
- Have an approved Baltimore City home plan throughout the program;
- Have a diagnosis of substance abuse or dependence and have completed (or are scheduled to complete) an approved SAT program while incarcerated;
- Be eligible to receive a conditional parole;
- NOT currently be serving a sentence for 1st or 2nd Degree Murder, any Sex Offense (current or prior offense), Child Abuse, Assault with Intent to Commit any of the above-referenced offenses, or Attempt to Commit any of the above referenced offenses (i.e., Attempt to Commit 1st Degree Murder)
- Be within seven years of an anticipated release date or parole rehearing date and have a minimum of 24 months from their MSR and a minimum of 12 months of Community Supervision remaining;
- Have NO open detainers;
- NOT be on segregation;
- NOT be VPI (Violence Prevention Initiative) identified;
- Be at least 180 days from a guilty finding of Category I or II infraction

Ms. Wolfson reported that an individual's name must be submitted to DPSCS for initial screening in order to get into the PSC program. She further reported that if he/she appears

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eligible, the inmate signs a form with the case manager which is submitted to case management and, ultimately, the Maryland Parole Commission (MPC). Ms. Wolfson also identified that an individual should have detailed screening conducted by MPC and if determined eligible, added to the pending list. She said if approved, the individual must complete treatment at the institution and if not yet eligible for parole, will be scheduled for delayed release. Ms. Wolfson detailed that there has been success since 2010 with 550 men and/or women released to Baltimore City into the PSC and that there are 280 PSC graduates thus far. She reported that there is a 9% recidivism rate for PSC graduates after three years out compared to the State rate of 40.5% for those released in 2010 and that there is a 6% recidivism rate for ALL graduates.

Ms. Wolfson concluded her report by advising that the Maryland Opportunity Compact is a successful public/private partnership to invest money where our values are. She stated that the Compact uses a simple formula resulting in fewer dollars spent for far greater positive outcomes. Ms. Wolfson further identified that the Maryland Opportunity Compact's website is <http://safeandsound.org/compact>. Chris Shank asked if there are limitations to rolling out this program to other jurisdictions. Ms. Wolfson stated that there are no barriers to replication and it could be expanded throughout the state.

City Council President Young offered his thanks to the Circuit Court judges for appointing Ms. Alexander as Clerk of the Court.

Judge Peters adjourned the meeting at 1:22 p.m. The next meeting will be held on Wednesday, May 13, 2015 at 12:30 p.m., Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the February 11, 2015 meeting
- 2) Copy of the Letter from CJCC Executive Director to Secretary Stephen T. Moyer, DPSCS
- 3) Central Region Statistics Report
- 4) District Court of Maryland Report
- 5) District Court Clerk's Office Report
- 6) Domestic Violence Coordinating Committee (DVCC) Report
- 7) Baltimore's Safe and Sound Campaign's Public Safety Compact – PowerPoint

Respectfully submitted,

Kimberly Smalkin Barranco
CJCC Executive Director