MINUTES FROM THE NOVEMBER 18, 2015 MEETING

Council Members In Attendance*: Acting-Chair Administrative Judge Michel W. Pierson, Circuit Court; Lavinia Alexander, Clerk of the Circuit Court; Kimberly S. Barranco, CJCC Executive Director; 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 Sheriff John Anderson, Sheriff's Office; Deputy Commissioner Darryl D. DeSousa for Baltimore Police Commissioner Kevin Davis, Baltimore Police Department; Patricia Goins-Johnson for Stephen T. Moyer, Secretary, Department of Public Safety and Correctional Services; Steven Hess for Rod J. Rosenstein, U.S. Attorney for the District of Maryland; Elizabeth Julian, Baltimore City Public Defender; Walter Nolley, Regional Administrator, Central Region - Parole and Probation, Department of Public Safety and Correctional Services; Ed Parker for Lawrence J. Hogan, Jr., Governor of Maryland; Judge Mark Scurti for Judge Barbara Baer Waxman, Administrative Judge, District Court; and John Wolfe, Acting Commissioner, Division of Pretrial Detention and Services, Department of Public Safety and Correctional Services.

Others in Attendance*: Daniel Bosworth, University of Maryland Law School; Margaret Boyd-Anderson, CJCC; Doug Colbert, University of Maryland Law School; Marshall Goodwin, Baltimore School Police; Judge James H. Green, District Court; Ron Henry, University of Maryland Law School; Kelly R. Hurtt, Community Services-Circuit Court; Don Leatherwood, DPSCS; Eboni Pearson, Circuit Court; and Claire Rossmark, DLS.

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

MEETING DIALOGUE

The meeting was called to order at 12:35 p.m. by Administrative Judge W. Michel Pierson who advised Council members that he was presiding over the meeting in the absence of Judge Charles Peters, CJCC Chair.

I. CHAIR'S REPORT – JUDGE W. MICHEL PIERSON

Judge W. Michel Pierson welcomed Council members and their representatives. He advised that the next CJCC meeting is December 9, 2015. Judge Pierson reminded meeting attendees that the CJCC Council meeting was a public meeting but that no audio or video recording is allowed pursuant to MD Rule 16-110 (b) and

administrative order. Judge Mark Scurti and Elizabeth Julian identified an edit to page 3 of the minutes. Council members accepted the correction to the minutes and the October 14, 2015 draft meeting minutes were unanimously adopted as edited.

II. EXECUTIVE DIRECTOR'S REPORT - KIMBERLY SMALKIN BARRANCO

Kimberly Barranco advised members that a list of all 2016 meeting dates were included in members packets. She noted that there are no CJCC meetings in January or March 2016 due to the legislative session. She advised that a report rotation for 2016 was also included in their packets, and she requested that Council members review the schedule and inform her if there are any conflicts with the assigned reporting dates. She further conveyed to members that she would disseminate an electronic version of both documents to their attention.

Ms. Barranco stated that in July 2013 she was contacted to coordinate an effort to have individuals who were never arrested and booked and charged but ultimately convicted, to be fingerprinted in order to capture the event history. She further reported that this started as a paper fingerprint order process requiring individuals to travel to a remote location and has now morphed into a much more streamlined process. Ms. Barranco stated that after DPSCS obtained grant funding to purchase four LiveScan machines in 2014, three of the four machines were placed in each District Court building handling criminal matters, and one was placed in the Mitchell Courthouse. She further stated that after many meetings to coordinate connectivity, training, MOUs, and protocols for their use, all of the LiveScan machines are fully operational and fingerprinting defendants pursuant to a Court ordered fingerprint order. Ms. Barranco thanked all of the stakeholders involved in the long process, including the Department of Public Safety and Correctional Services, particularly CJIS Director Carole Shelton and her Deputy Beverly Wilson; the Baltimore Police Department, which is conducting the fingerprinting in the District Courts; the Sheriff's Office, which is conducting the fingerprinting in Circuit Court; the District Court, the Circuit Court, and the State's Attorney's Office. Ms. Barranco further thanked the CJCC Warrant Committee and the CJCC Technology Committee for providing support to their workgroup.

Ms. Barranco advised she would be sending a new email regarding the Council retreat with prospective dates for late April and early May after the legislation session has concluded. Ms. Barranco thanked Council members for their support.

Judge Pierson thanked Ms. Barranco for her report.

III.CENTRAL REGION REPORT – JOHN WOLFE, ACTING COMMISSIONER, DIVISION OF PRETRIAL DETENTION AND SERVICES

John Wolfe advised that he was now Acting Commissioner for the Division of Pretrial Detention and Services. He further advised Council members that a copy of the report was included in their meeting packets. Mr. Wolfe reported that the FY16 bookings processed during the month of September were 2,684. He further reported that Police warrants were 1,256; Bookings released on their own recognizance were 994; and Detention Intakes from the booking floor were 1,523. Mr. Wolfe noted that the Incarceration Rate (per 100,000 population) for the month of September was 554.3. He further noted that the Youth Detention Center is expected to be completed in December 2016. Mr. Wolfe advised that the pretrial population is spread out between the Annex, the Jail Industries, the Women's Detention Center, and MRDCC. He concluded his report by identifying that BCBIC just received ACA accreditation. He stated that he was looking forward to working with members of the Council.

Judge Pierson thanked Mr. Wolfe for the Commissioner's report.

IV. BALTIMORE POLICE DEPARTMENT REPORT – DARRYL D. DESOUSA, DEPUTY POLICE COMMISSIONER

Deputy Police Commissioner Darryl D. DeSousa advised Council members that the Police Commissioner's Report was included in their packets. He reported that as of November 18, 2015 homicides year-to-date were at 305, which is an increase of 58% and that non-fatal shootings year-to-date were at 74%. He further reported that the total Part I crime is up 4%; the total violent crime in Baltimore City is 11%; and the total Property Crime is up 2%. He noted that Area 3, in the Western District, is driving the violence. Deputy Commissioner DeSousa stated that a Community Stabilization Initiative is planned to start on Thursday, November 19, 2015 and will target three BPD Districts: Western, Southwest, and Northeast. He further informed that the enforcement efforts would be in place through December 31, 2015. Deputy Commissioner DeSousa stated that the body worn cameras are in the evaluation phase with 150 cameras deployed on the streets from three different vendors and that they are getting good feedback from the officers. He noted that a recent police shooting was captured on body camera video, and he expected full deployment of the cameras citywide by mid-February. Deputy Commissioner DeSousa concluded his report by advising members that BPD will be going back to officers on posts, which was discontinued in January of 2015. He stated that he believes this will pay dividends.

Judge Pierson thanked Deputy Commissioner DeSousa for his report.

V. CIRCUIT COURT REPORT-JUDGE W. MICHEL PIERSON, ADMINISTRATIVE JUDGE

Judge W. Michel Pierson thanked Judge Charles Peters, Judge-in-Charge of the Criminal Docket and Chair of the Council and Eboni Pearson, Criminal Analyst for providing him with the Criminal Division Statistical data. He further reported that Judge Peters has served as Judge-in-Charge of the Criminal Docket and CJCC Chair since the beginning of the year. Judge Pierson reported that there was stability in membership of the Bench this year. He conveyed that there were currently 33 Circuit Court judges: 15 in Criminal, and that there were no scheduled retirements or new judges. Judge Pierson further conveyed that there had been changes in other Court positions. He stated that Ms. Lavinia Alexander assumed the position as Circuit Court Clerk after the passing of Frank Conaway. Judge Pierson further stated that Jury Commissioner Nancy Dennis retired and that Melissa Monroe has been appointed as the new Jury Commissioner. Judge Pierson reported that there were 250,000 summonses issued for over 50,000 individuals to serve as jurors. He further reported that last year's non-appearance rate was 22%. Judge Pierson thanked the Clerk's Office for all of their hard work and efforts.

Judge Pierson advised that there were 4,205 arraignments from January 2015 through November 2015 and he identified that trial assignments revolve around the reception court. Judge Pierson further identified that during the same reporting cycle, 26% of cases were closed in reception court and 852 cases were sent to trial courts. He conveyed that from January 2015 through October 2015 only 7% of postponed felonies were due to administrative issues. Judge Pierson further conveyed that all other postponement requests were from parties. Judge Pierson identified that the year-to-date pending misdemeanors were 896 in January 2015 and 610 in November 2015 and that there were 3,709 cases filed and 3,989 cases closed. identified that the postponed case rate was 20%. Judge Pierson reported that year-todate there were 3,239 pending felonies in January 2015, 1,985 in November 2015, and 3,548 cases filed and 4,802 cases closed. Judge Pierson stated that he found the over 2,000 number of defendants awaiting trial significant. Judge Pierson concluded his report by informing that the total numbers of defendants pending trial at the Circuit Court were 2,041 in January 2015 and 1,457 in November 2015. He further informed that defendants pending trial over a 12-month period during January 2015 was 339 and 166 during November 2015. Judge Pierson stated that there were high profile cases in the Circuit Court at the present time, and he thanked Judge Barry Williams

and the Clerks and Sheriff's Offices for their continued efforts.

VI. CLERK OF THE CIRCUIT COURT'S REPORT-LAVINIA ALEXANDER, CLERK

Lavinia Alexander reported that the Criminal Division of the Clerk's Office in the Circuit Court for Baltimore City continues to be responsible for keeping the records of criminal matters. Clerk Alexander further reported that the Division provides access to these records to the public, attorneys and other agencies. She identified that access is limited for documents and files sealed by the court. Clerk Alexander further identified that Kimberly Foxworth was recently selected as Manager for the division and that Ms. Foxworth had previously served as the Assistant Manager.

Clerk Alexander conveyed that there are several units within the division which include the following:

- New Cases- Receives documents for all new cases and new filings for existing cases, reviews the filed papers and date stamps the document(s);
- Bail Processes cash, corporate and property bails posted for criminal cases, FTA warrants, as well as judgments for bail forfeiture cases;
- ❖ Computer- Dockets new cases, motions, orders, dispositions and filings as well as making updates of Circuit Court cases to the District Court computer database;
- ❖ Docket Preparation Retrieves files, reviews the docket entries for each case and prepares the court files for hearings. In addition, the unit prepares subpoenas, summonses, writs and jail cards.
- Records Maintains the filed documents in the main filing areas in the Courthouse. Requests to view files and for copies of documents from case files are handled by this unit;
- ❖ Warrant Processes all warrants, including updates to the file; and
- ❖ Post Convictions Receives and processes all petitions for post-conviction relief and there is a fee of \$165 effective July 1, 2015.

Clerk Alexander discussed Expungement and Shielding and she referenced the GUIDE FOR SHIELDING OF MARYLAND SECOND CHANCE ACT RECORDS; (Criminal Procedure §§ 10-301 through 10-306), which states: "Shield means to render a court record and police record relating to a conviction of one of twelve specified crimes inaccessible by members of the public." She explained that this authorization does not apply to a conviction for a domestically related crime, and that shielding keeps some or all information in a case private from public inspection, under certain

circumstances. She further explained that the filing fee is \$30 and is nonrefundable, even if the petition is denied. She noted that if a party cannot afford the fee, the party may request that the court waive the filing fee. Clerk Alexander explained that a person may be granted only one shielding petition over the person's lifetime. She explained the shielding process, stating that a person or an attorney files a petition to shield conviction records with the Court, and the Court then serves the petition for shielding on the State's Attorney's Office and sends written notice to all listed victims in the case(s) in which shielding is being requested. She further explained that the State's Attorney's Office has thirty (30) days to file an objection, and the victim(s) has/have the right to object or offer additional information relevant to the petition for shielding in all proposed actions. Clerk Alexander stated that if an objection is filed, the Court will hold a hearing, and if no objection is filed, a Judge will grant or deny the Petition. She further stated that the Court will issue an Order for Shielding for each case listed where shielding was granted.

Judge Pierson thanked Clerk Alexander for her report.

VII. DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES REPORT – PATRICIA GOINS-JOHNSON, ACTING COMMISSIONER OF THE DIVISION OF CORRECTIONS

Patricia Goins-Johnson gave a PowerPoint presentation on behalf of Secretary Stephen Moyer on the Department of Public Safety and Correctional Services 2015: The Year in Review. She reported that DPSCS' focus, priorities, and goals are the safety of all Marylanders; the safety and well-being of all employees; the safety and well-being of all inmates; well-equipped and properly trained employees; and structuring the department of Public Safety to meet all state and federal mandates. Ms. Goins-Johnson offered information on how DPSCS combats corruption and she further reported that 44 people have been indicted, 27 of whom were DPSCS employees. She conveyed that they are working active cases with the U.S. Attorney's Office and the FBI, the Attorney General, and the Baltimore City State's Attorney's Office and that there are more Ms. Goins-Johnson identified that DPSCS established the indictments to come. "Secretary's Tip Line," which is staffed 24/7 for Public Safety employees to report She further identified that DPSCS also established the concerns anonymously. Secretary's Office of Intelligence Investigation & Fugitive Apprehension and that there is centralization of all intelligence and investigative functions. Ms. Goins-Johnson mentioned that the Maryland Task Force has met regularly for more than three years and that the investigations are continuing and to date, 23 correctional officers have been sentenced to 76 months in prison.

Ms. Goins-Johnson reported on the closing of the Baltimore City Detention Center (BCDC). She stated that BCDC was one of the largest major metropolitan jails in the United States and that the infrastructure was originally erected in 1807. She further stated that BCDC had undergone 11 renovations. Ms. Goins-Johnson communicated that after Governor Hogan and Secretary Moyer swiftly announced the closure of BCDC, 1,100 inmates and detainees were transferred to other facilities within 60 days. She further communicated that as a result of closing BCDC, regional vacancies were filled with relocated staff: there is improved morale of staff with better working conditions and improved morale of detainees; cost avoidances associated with repairs, maintenance, and sanitation; and there has been a reduction in overtime expenditures.

Ms. Goins-Johnson reported on DPSCS's overhauling of Human Resources. She shared that as of September 28, 2015, the Human Resources Services Division became smaller and more efficient with a centralized operation that would focus on these core functions: (1) Hiring; (2) Promotions; (3) Employee Health and Retirement Benefits; (4) Employee Health Services (5) Discipline Process; (6) Risk Management; (7) Compensation and Classification; (8) Transfers; and (9) Personnel Records. Ms. Goins-Johnson further shared that the overhauling of DPSCS's Human Resources has involved the establishment of geographically situated Operational Services Units throughout Maryland in Cumberland, Hagerstown, Jessup, Baltimore, and Westover. She elaborated that there was a mandate from Governor Hogan to aggressively combat corruption and improve the quality of DPSCS's hiring practices. She explained that there is a new vetting process which weans out individuals on the front end of the hiring process. Ms. Goins-Johnson further explained that DPSCS is recruiting better employees even though the recruitment numbers are low. She stated that moving forward, Secretary Moyer is working towards cost-saving, efficiency, and maximizing the effectiveness of all operations within Public Safety. Ms. Goins-Johnson further stated that DPSCS' new slogan is "We Are Public Safety."

Judge Pierson thanked Ms. Goins-Johnson for the DPSCS report.

VIII. SHERIFF'S OFFICE REPORT-MAJOR SAMUEL COGEN FOR SHERIFF JOHN ANDERSON

Major Samuel Cogen reported that the Baltimore City Sheriff's Office Domestic Violence Unit received the 2015 Governor's Victim Assistance Award in May for their outstanding work and exemplary high level of commitment and dedication to the field of victims' rights and services. Major Cogen further reported that the Sheriff's Office DV Unit was nominated by the CJCC to receive this award. He stated that since January, there have been 65 firearms seized, 338 arrests, and 340 warrants cleared.

Major Cogen further stated that the Court Security Division is responsible for the security in both Circuit Court buildings and that the Sheriff's Office is now able to record in digital format due to the upgrading of the courthouse camera surveillance system, which has been extremely beneficial. Major Cogen shared that all Deputy Sheriffs have completed training on ethics, professional standards and conduct and use of force to include scenario based training as well as BPD's Crowd Control training. He further shared that this year there have been 2,268 warrants received and 2,750 warrants cleared. Major Cogen thanked several federal partners, including the U.S. Marshalls Service, the ATF, and the DEA, and he elaborated that their joint efforts have resulted in better tracking and service of warrants for violent fugitives.

Major Cogen reported that the Sheriff's Office has assisted BPD Patrol since May of 2015, and 10 Deputies and two Supervisors serve under the direction of the Chief of Patrol from 5:00 p.m. – 12:00 a.m. in the Western and Northwest Districts, and in the Northeast District on the Belair Road Corridor, seven days a week. Major Cogen also stated that the Sheriff's Office hosted, coordinated and provided security for the National Sheriff's Association Annual Conference and Exhibition held June 26, 2015-July 2, 201 in Baltimore. He concluded his report by identifying the Sheriff's Office's participation in several community events, including the United Way Project Homeless Connect, the Baltimore Marathon, the Fells Point Festival, the States Attorney's Community Day in Court, and the Canton Square tree lighting event. He further reported that the Sheriff's Office maintains a full time community outreach office which presents in schools and community groups.

Judge Pierson thanked Major Cogen for the Sheriff's Office report.

IX. WARRANT COMMITTEE REPORT-JUDGE JAMES H. GREEN, CHAIR

Judge James H. Green reported that Judge Halee Weinstein stepped down as Chair of the Warrant Committee after having served for four years. He further reported that he has served as the current Chair since March 2015. Judge Green identified that the Warrant Committee meets bi-monthly to provide a forum for the facilitation of warrant service and discussion of related concerns. He further identified that the Warrant Committee was originally created in response to the issue of numerous individuals being released with open warrants from the Central Booking and Intake Facility (CBIF) and the Baltimore City Detention Center (BCDC). Judge Green proffered that the Warrant Committee should be named the Systems Committee due to the number of systemic issues the Committee deals with and he thanked Judge Barbara Baer Waxman for her leadership, and Kimberly Barranco, CJCC Executive Director and Margaret

Boyd-Anderson, CJCC Project Coordinator for coordinating meetings outside of the regularly scheduled Warrant Committee meetings in order to resolve issues. He further thanked Carole Shelton and Kim Valenzia for their efforts with the LiveScans implementation process. Judge Green stated that the Committee continues to monitor the release of individuals with open warrants, addresses additional issues involving numerous types of warrants and citations, and disseminates information to all involved criminal justice agencies and stakeholders. Judge Green thanked the Council for the terrific work their representatives on the Committee are doing.

Judge Green shared that during this past year, due to the diligence of the Warrant Committee in monitoring the progress of its Warrant Service Protocol to expedite the service of outstanding warrants and facilitating communication between the member agencies involved, the number of individuals released from CBIF with open warrants continues to be miniscule. He reported that from November 5, 2014 through September 24, 2015, only one warrant or .00006% of the 14,467 warrants served during that period was unserved. He explained that warrants which are not served are invariably old and cannot be located, or are needed on a weekend when a true test copy cannot be obtained from the Court. Judge Green also discussed ongoing expungement reconciliation efforts which continue to be highly successful due to the coordination facilitated by the Warrant Committee. He reported that a Warrant Committee workgroup was established to address the decriminalization of marijuana effective October 2014 which met numerous times with many stakeholders who were not members of the Committee, including representatives from local colleges and other allied law enforcement agency personnel.

Judge Green concluded his report by stating that moving forward, the Warrant Committee would be establishing a protocol for attached statements of charges on Failure to Appear Bench Warrants to assist the Court and Commissioners in their bail decisions. He further stated that the Committee would continue to monitor the warrant service protocol, encourage warrant backlog reduction efforts, and address issues and concerns raised by members.

Judge Pierson thanked Judge Green for his report.

X. Presentation On The Baltimore City Schools Police Force- Chief Marshall Goodwin

Chief Marshall Goodwin gave a PowerPoint presentation on the Baltimore City Public Schools Police Force. He shared that the mission of the Baltimore City School Police

Force is to "ensure that students and staff have a safe and secure learning environment in which to learn and teach, enabling each student to achieve his or her maximum potential and future success." Chief Goodwin reported on the BCPS police history and authority. He stated that in the fall of 1984 the security division was redesigned as the Baltimore School Police Force and in 1991, The Maryland General Assembly passed legislation effective July 1, 1991 making the Force sworn and certified Police Officers in accordance with the Maryland Police Training Commission. Chief Goodwin elaborated how the Baltimore School Police Force has continued to grow and evolve over the years and currently has a force of approximately 126 sworn personnel, which consists of a Chief; a Major; a Captain; two Lieutenants; nine Sergeants; eight Corporals; and 104 Officers. Chief Goodwin advised that Baltimore City School Police Officers have all the powers of any peace or police officer in the State of Maryland and in addition, is the primary agency responsible for policing property owned, leased, operated or controlled by the Baltimore City Public School System. Chief Goodwin highlighted that the School Police has entered into a "Concurrent Jurisdiction Agreement" with the Baltimore Police Department, with efforts to better serve the School System and community. He further highlighted that under this Agreement, in addition to the Baltimore School Police Force's statutory jurisdiction and authority, the Baltimore Police Commissioner has given the School Police "City-Wide" authority to enforce the law within the limits of the City of Baltimore.

Chief Goodwin reported that the role of the School Police Officer is to improve school safety and the educational climate at the school, not to enforce school discipline or punish students. He further reported that the presence of School Police Officers on school campuses is essential in preventing and/or confiscating weapons and drugs, and preventing and/or disabling individuals who have the intent to commit harm from entering campus premises. Chief Goodwin noted the role of the School Police Officer consists of (1) Developing positive relationships; (2) Preventing crime through proactive patrol (omni-presence); (3) Responding to calls for service; (4) Securing crime scene(s); (5) Collecting evidence; (6) Conducting investigations; (7) Writing reports; (8) Arresting offenders (as a last resort); and (9) Testifying in court. Chief Goodwin further noted that the School Police Officer routinely takes on the role of being a positive role model, mentoring young students as soon as they enter the high school curricula, and counseling, and coaching. He shared how one officer coaches at Dunbar High School and they strongly encourage officers to become involved with school coaching.

Chief Goodwin discussed that all personnel must successfully complete entry level police officer training and field training, which is approximately 12 weeks as certified by

the Maryland Police Training Commission (MPTC). He further discussed that certification by MPTC as a Police Officer vested with full authority must be completed within 18 months of employment. Chief Goodwin informed that the department is required to perform annual state mandated in-service training hours that consist of classroom and firing range courses. He described that trauma informed care training allows School Police Officers to recognize the signs and symptoms of trauma in families and youth. He further described that this training offers an understanding of the impact of traumatic events on brain development, and teaches how to integrate trauma informed practices and how to resist re-traumatizing. Chief Goodwin shared that the Inner Project Training, a student-lead cultural competency training focuses on communications, empathy, and respect and handles situations with teens. He further shared that training at CASA de MD focuses on cultural competency involving ESOL students and trains school police officers in building trust in the Hispanic community, and that the MD Disability Law Center also educates staff on laws regarding students with disabilities. Chief Goodwin said that there is also training on the handling of students with disabilities from the punitive path to support path. He further stated that this training is focused on students with disabilities, recognizing signs, symptoms, behaviors, medications and side effects, crisis resolution skills, and de-escalation to calm and assist a child in crisis.

Chief Goodwin reported on the Baltimore School Police Diversion Program. He stated that the School Police designed a program that would alter the manner in which students are engaged externally to the classroom. He further stated that Teen Court, Community Mediation, the McElderry Project, the Inner Harbor Project, Mediation in Mission, and the GEMS Program and School Police Mediation are programs that are a part of the diversion process.

Chief Goodwin concluded his report by identifying the partnerships with the School Police. He reported that presently, School Police has partnered with BPD, MTAPD, CASA de MD, Inner Harbor Projects, SAO, DJS, and the Maryland Center for School Safety. He referred Council members to page 8 of the handout, which listed the Board of School Commissioners and Senior Management Team and provided his contact information.

Judge Pierson thanked Chief Goodwin for his presentation.

Judge Pierson adjourned the meeting at 1:34 p.m. The next meeting will be held on Wednesday, December 9, 2015 at 12:30 p.m., Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the October 14, 2015 meeting
- 2) Central Region Statistics Report
- 3) Baltimore Police Department Report
- 4) Department of Public Safety & Correctional Services Report-PowerPoint
- 5) Presentation on the Baltimore City Schools Police Force-PowerPoint

Respectfully submitted,

Kimberly Smalkin Barranco CJCC Executive Director