

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE MAY 11, 2016 MEETING

Council Members In Attendance*: Chair Judge Charles Peters, Circuit Court; Mary Abrams, Administrative Clerk for District I, District Court; Lavinia Alexander, Clerk of Circuit Court; Warren Alperstein, Bar Association of Baltimore City; Kimberly S. Barranco, CJCC Executive Director; Assistant Sheriff Sam Cogen for John Anderson, Sheriff of Baltimore City; Steve Hess for Rod J. Rosenstein, U.S. Attorney for the District of Maryland; Donald Hogan, GOCCP, for Lawrence J. Hogan, Jr., Governor of Maryland; Neal Janey, Jr. for Mayor Stephanie Rawlings-Blake; Elizabeth Julian, Baltimore City Public Defender; Judge George Lipman, District Court; Walter Nolley, Regional Administrator, Central Region- Parole and Probation, Department of Public Safety and Correctional Services; Paul Plymouth for Bernard C. "Jack" Young, President of the Baltimore City Council; Ty Queen for Kathleen Westcoat, Behavioral Health Services Baltimore; Rachel Sessa for Stephen Moyer, Secretary, Department of Public Safety and Correctional Services; Lisa Smith for Marilyn Mosby, State's Attorney; Betsy Tolentino for Sam Abed, Secretary, Department of Juvenile Services; Drew Vetter for Commissioner Kevin Davis, Baltimore Police Department; Thiru Vignarajah for Brian Frosh, Attorney General of Maryland; Judge Barbara Baer Waxman, Administrative Judge, District Court; John S. Wolfe, Commissioner, Division of Pretrial Detention and Services, Department of Public Safety and Correctional Services.

Others in Attendance*: Margaret Boyd-Anderson, CJCC; Doug Colbert, University of Maryland School of Law; Ricardo Flores, OPD; Deirdre Gardner, Roberta's House; Commissioner Linda Lewis, Court Commissioners; Pauline Mandel, Maryland Crime Victims Resource Center; Charles Inness, Consulting Services; Carolyn Scruggs, DPSCS; Robert Weisengoff, DPSCS-Pretrial Services; Baynard Woods, Guardian Newspaper; and Michael Zeigler, DPSCS.

***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 12:33 p.m. and Judge Charles Peters greeted the Council members and their representatives. Judge Peters stated that the meeting was being held at Eastside District Court due to the recent electrical fire at the Clarence M. Mitchell, Jr. Courthouse and he thanked Judge Barbara Waxman for providing the meeting space in the Ben C. Clyburn conference room for the CJCC.

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I. CHAIR'S REPORT – JUDGE CHARLES PETERS

Judge Peters requested a motion to approve the April 13, 2016 meeting minutes and they were adopted unanimously. Judge Peters advised that there will be no June meeting due to the Maryland State Bar Association Annual Meeting and he further advised that the next meeting will be held on July 13, 2016. Judge Peters stated that the Court hoped to be able to resume normal operations in the Mitchell Courthouse next week. On behalf of Administrative Judge Michel Pierson, he expressed his thanks to the Department of General Services, which has been very responsive, and he thanked all stakeholders for their assistance in keeping Court operations functioning.

He advised the Council that he is considering inviting the Secretary of the Department of Health and Mental Hygiene to join the Council. He asked members to contact him directly with any objections. He stated that absent any objections he expected to send a letter to Secretary Van Mitchell asking him to join the Council.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco advised Council members that an updated report rotation and contact list was available in their packets with new contact information for GOCCP Executive Director Glenn Hogan. She requested that members discard previous versions and she stated that an electronic version of the report rotation and contact list would be disseminated shortly. Ms. Barranco reported on the Community Services Program. She identified that Council members' packets contained a copy of a support letter on behalf of the CJCC for the Community Services Program in support of their GOCCP grant funding. Ms. Barranco further identified that the CJCC has historically provided a support letter for the Community Services Program annually. Ms. Barranco shared that for FY17, the Community Services Program grant has been reduced by a third, with an additional third to be reduced in FY18. She further shared that the program will no longer be funded by GOCCP in FY19. Ms. Barranco stated that Community Services Program Director Ann Elliott has been seeking multiple funding options and that she will be applying for available grants. Ms. Barranco conveyed that she would provide a copy of any additional support letters to the Council at future meetings.

Ms. Barranco thanked members for their support and she said that she would be looking forward to sharing future Committee accomplishments with Council

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members at upcoming CJCC meetings.

Judge Peters thanked Ms. Barranco for her report.

III. CENTRAL REGION REPORT – JOHN S. WOLFE, COMMISSIONER, DIVISION OF PRETRIAL DETENTION AND SERVICES, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Commissioner Wolfe advised Council members that a copy of the Division of Pretrial Detention and Services Statistics Report was included in their meeting packets. Commissioner Wolfe reported that FY16 bookings processed during the month of March were 2,905 and year-to-date 24,393. He further reported that releases on own recognizance during the month of March were 1,004 and year-to-date 8,744. Commissioner Wolfe shared FY16 year-to-date totals for the following: 1,575 arrestee DNA samples collected; 12 sentenced DNA samples collected; 11,198 police warrants; 1,217 out-of-jurisdiction warrants (detainers); 192 released without charge; and 119 released to citation.

Judge Peters thanked Commissioner Wolfe for his report.

IV. BALTIMORE POLICE DEPARTMENT REPORT – DREW VETTER, DIRECTOR OF GOVERNMENT AFFAIRS

Drew Vetter advised Council members that the Police Commissioner's Report was included in their packets. Mr. Vetter reported that as of May 7, 2016 homicides year-to-date were up 9%; non-fatal shootings year-to-date were up 32%; and the Total Part I Crime was down 3%. Mr. Vetter further reported that they continue to see an increase in gun arrests, which are up 63%. He stated that BPD continues to concentrate on their strategy of focusing on violent and repeat offenders. He further stated that they have compiled a "trigger puller" list of over 400 individuals who are known to be connected to violence and they have aligned this list with geographic data. Mr. Vetter advised that they continue to leverage law enforcement partners and he thanked them for their support. He also discussed their community outreach as well as their new foot patrol and history of Baltimore curriculum.

Judge Peters thanked Mr. Vetter for his report.

V. GOVERNOR OF THE STATE OF MARYLAND'S REPORT- DONALD HOGAN, DIRECTOR OF LEGISLATION, GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION

Donald Hogan directed member to the GOCCP Legislation handout that was included

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in their packets. Mr. Hogan identified that the Legislature overrode the Governor's Veto of the 2015 Marijuana bill at the beginning of the 2016 session, which decriminalized marijuana paraphernalia but did not make changes to public use and use in a motor vehicle. He stated that in 2016, GOCCP supported legislation to make use of marijuana in public a crime instead of a civil offense and to make use of marijuana in a vehicle a criminal offense; however, the legislation failed. Mr. Hogan reported on the following Legislation:

- **SB 864- Public Safety – Internet Crimes Against Children Task Force Fund Establishment (Alicia's Law)** – GOCCP will administer a new fund that will go to local law enforcement, the State Police, and child advocacy centers to help fight internet crimes against children. Two million dollars in mandated appropriations will begin FY 2018.
- **Chs. 80/81- Workgroup to Study Safe Harbor Policy for Youth Victims of Human Trafficking-Sunset Extension-** This workgroup reported last December but the General Assembly decided to give it another year to do its work. Immunity from prosecution for youth victims is a major issue.
- **SB 83- Public Safety- School Safety Enforcement Fund-** Current fund expanded beyond dealing with drivers who pass school buses to any school public safety need and allows overtime to officers to ticket drivers. Local boards of education can now apply and the total fund is \$550,000.
- **SB 161/HB 336- Criminal Procedure- Seizure and Forfeiture-** Law enforcement agencies must report certain information related to drug seizures (or if there were no seizures) to GOCCP by March 1 of each year. GOCCP would be required to prepare an annual report based on this information by September 1, 2017, which is when the first reports are due. This bill also made other changes to the forfeiture law.
- **SB 425- Maryland Income Tax Refunds- Warrant Intercept Program-Statewide -** This bill allows any county in the State to use the warrant intercept program which now only Baltimore City, Washington County, and Anne Arundel County are using. On notification from a county that a person has an outstanding warrant the Comptroller withholds any tax refund from a person until the person complies with the warrant. GOCCP is required to consult with the Comptroller and report on the effectiveness of the program.

Mr. Hogan reported that Baltimore City will receive \$10,070,744 in state funds. He shared that funding was redirected from the Community Services Program into the Safe Streets Program, which is designed to fight violent crime. He elaborated that

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GOCCP would fund two-thirds of the Community Service Grants Program for fiscal year 2017 (approximately \$163,000), fund one-third in fiscal year 2018 (approximately \$81,500), which is approximately 81,500 but would not provide funding for the Community Service Grants Program in fiscal year 2019. Mr. Hogan reported that funding for the Baltimore City State's Attorney's Office was reduced by \$500,000 and that in fiscal year 2013 the State made an agreement to pay \$500,000 annually for three years to assist the State's Attorney in moving into new offices. He further reported that the State has paid for four years, but would be eliminating this funding in fiscal year 2017.

Mr. Hogan also extensively discussed the Justice Reinvestment Act. He noted that the major provisions include:

- Eliminating mandatory minimums for subsequent CDS felonies but 3rd and subsequent offenses are paroleable at 50%.
- One year lookback for subsequent drug offenders serving a mandatory minimum sentence, allowing a judge to revise the sentence.
- Sentence doubles for CDS felonies where there is a prior crime of violence.
- RICO Gang statute allows prosecutors to target high level drug traffickers.
- Sentence enhancements
 - Second degree murder maximum sentence increased from 30 to 40 years.
 - Child Abuse which results in death allows for a life sentence.
- Treatment under Section 8-507 requires the Department of Health and Mental Hygiene to facilitate the immediate treatment of a defendant ordered to 8-507 treatment unless the court finds exigent circumstances to delay commitment for treatment longer than 30 days. If the defendant has not been placed within 21 days, the Court may order DHMH to appear and explain the lack of placement.
- Revise Drug possession penalties: First is up to one year, second or third, up to 18 months; fourth and subsequent – up to 2 years. Marijuana over 10 grams has a maximum 6 month sentence.
- For all inmates ordered to pay restitution to a victim, 25% of any inmate earnings will be withheld for restitution payments.
- Technical revocation caps for parole and probation violations are limited to 15 days for the first violation, 30 days for the second, and 45 days for the third offense. This presumption may be rebutted if the Court and Parole Commission find that adhering to the limits on the period of incarceration would create a risk to public safety, a victim or a witness.
- Administrative release from incarceration for offenders convicted of CDS and minor theft and property related offenses.

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- Raises the felony theft threshold from \$1000 to \$1500 and creates a separate offense for theft under \$100.
 - Expungement: an individual may file a petition for expungement if convicted of certain misdemeanor offenses 10 years after satisfaction of the sentence (15 years for second degree assault) and has not committed a new crime.

Mr. Hogan further reported that this bill is effective October 1, 2017 but that the Oversight Board will be formed in October 1, 2016. He advised that the Board is required to report back to the General Assembly January 1, 2017. Mr. Hogan concluded his report by informing that Federal VOCA funding had substantially increased from approximately \$8 million dollars to \$36 million. He stated that they are currently awaiting a report on how best to spend the funds, with the issue of sustainability being significant, but that there should be more money available for victim assistance programs. He further stated that applications for funding are due in July.

Judge Peters thanked Mr. Hogan for his report.

VI. OFFICE OF THE PUBLIC DEFENDER REPORT – ELIZABETH JULIAN, BALTIMORE CITY PUBLIC DEFENDER

Elizabeth Julian advised Council members that a copy of the Office of the Public Defender Annual Report was included in their packets. She reported on post uprising, Know Your Rights Seminars, Back to the Neighborhood, stingray, moving towards one client/one attorney, and advocating for release of individuals with low bails and non-violent misdemeanor charges. Ms. Julian identified that during the post uprising, the OPD handled an influx of cases and many were in the Early Resolution Court. She further identified that there was also an increase in misdemeanors in the Western and Southern Districts as well as felony matters. Ms. Julian stated that the OPD collaborated with community organizations and other legal providers to provide information on the booking process to protestors who were detained in CBIF. She further stated that the OPD worked with legal observers to coordinate potential witnesses for charged individuals. Ms. Julian conveyed that the OPD's community outreach activities such as the Know Your Rights Seminars continue to provide community presentations and panel discussions particularly in West Baltimore and Cherry Hill. She further conveyed that Back to the Neighborhood held its fifth annual event with over 200 individuals who were provided with expungement representation and legal consultation in housing, child support, and immigration matters. Ms. Julian identified that this event is held at the American Brewery with the support of the Abell

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Foundation and is planned in coordination with the Justice Policy Institute. Ms. Julian further identified that lawyers, support staff and interns volunteer time to plan and staff the event. Ms. Julian mentioned that the OPD discovered the widespread use of cell sites simulators (“Stingrays”). She said that the OPD is working with the SAO to review Stingray cases after discovery of the widespread use of cell site simulators in cases that were not disclosed. She stated that the OPD had been proponents of successful legislation requiring a warrant for their use. Ms. Julian further stated that the OPD is moving towards one client/one attorney representation and that attorneys assigned open felony matters will also handle Circuit Court violation of probation matters for the same client. Ms. Julian concluded by discussing the advocacy for release of individuals with low bails and non-violent misdemeanor charges. She said that the OPD continues to work on a more systematic mechanism to identify clients with low bails that should be released and are working with Pretrial, Public Safety, and the SAO to identify individuals with low bails and make joint recommendations for release. Ms. Julian further stated that she is hopeful that the OPD will have a formal process in place soon.

Judge Peters thanked Ms. Julian for the Office of the Public Defender’s report.

VII. COMMITTEE REPORT– MENTAL HEALTH COMMITTEE –JUDGE GEORGE LIPMAN, CHAIR

Judge George Lipman reported that the Mental Health Committee was 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. Judge Lipman further reported that he has served as Chair since its inception. Judge Lipman advised that 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 protocols between member agencies. He further advised that the Committee meets quarterly 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: Parole and Probation, Pretrial Release, and the Baltimore City Booking and Intake Center; the Sheriff’s Office, Behavioral Health Systems Baltimore, Spring Grove Hospital, MHM Services, the Mayor’s Office, Wexford Health, and the Department of Health and Mental Hygiene. Judge Lipman thanked Council members for the terrific work that their representatives to the Committee were doing. He mentioned that while DHMH is not a CJCC member, their active participation on the

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Committee has been invaluable.

Judge Lipman shared that in an effort to improve the criminal justice system's response to mentally ill defendants, the Committee has looked at how and when defendants are assessed at BCBIC and the Baltimore Pretrial Detention Complex. He further shared that the Committee has discussed ways in which the current processes could be improved. Judge Lipman mentioned that through discussions with Mental Health Committee members, communication has improved regarding referrals to the FAST program to assess defendants in need of mental health services. Judge Lipman stated that additionally, the Committee discussed access to mentally ill defendants in the general population and in the medical unit, particularly after the closing of the jail and the movement of many defendants. Judge Lipman conveyed that the Mental Health Committee has added health care and mental health care providers from the BCBIC and the Pretrial Detention Complex to the Committee membership since their input is invaluable in solving problems that arise. He further conveyed that with the appropriate people at the table, real discussions are being held regarding continuity of medication for Mental Health Court defendants, as well as medication upon release and other medication issues. Judge Lipman stated that the Committee has also discussed 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 further stated that the Committee formed a Hospital Warrants workgroup and established a Hospital Warrant service protocol which prioritizes the service of the warrants by BPD and delineates responsibility for service. He mentioned that this workgroup is actively working on memorializing this protocol as a general order for BPD. Judge Lipman identified that the level of coordination between law enforcement agencies and other partners, particularly in the service of warrants, has been greatly enhanced by the communication facilitated at Committee and workgroup meetings, and the Committee has been instrumental in fostering excellent working relationships. He further identified that the Baltimore Police Department has assumed service of hospital warrants to assist the stakeholders on the Committee, and they have done an excellent job in locating and serving mentally ill defendants in need of treatment since the protocol was created.

Judge Lipman addressed the Justice Reinvestment Act (JRI) and stated that the Judiciary has consistently addressed the need for mental health beds. He noted the time frame for 8-507 commitments and thanked the Governor's Office for their commitment towards allocating money for this important piece of the JRI. He further noted that delays in Baltimore City are less than in other parts of the state. Judge Lipman said that as part of the JRI, assessors will be available statewide to the Judges,

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but that in Baltimore there are already social workers who assess defendants through the FAST program in District Court, and assessments are done in Circuit Court through the Court Medical Office.

Judge Lipman concluded his report by stating that the Mental Health Committee members agree that data collection is a valuable tool and that there is a need to be able to share information with other agencies, but there is much improvement which needs to be made in order to be able to capture the whole picture regarding mentally ill defendants and analyze and distribute that data to agency representatives. He said that this issue continues to be addressed by the Committee at each meeting in an effort to improve data collection which will benefit all stakeholders. Judge Lipman shared that a Mental Health Coordinator has been onboard for the past year and has been working hard on this issue. Judge Lipman further shared that the Committee is also actively addressing issues concerning prompt admission and prompt return to the Court, and meetings provide an opportunity for members to share their concerns and suggestions for improvement on these issues as well as transportation and security concerns. He advised that the Mental Health Committee has been instrumental this year in facilitating improvements and in fostering greater communication between member agencies, and that he is looking forward to reporting continued accomplishments to the Council next year.

Judge Peters thanked Judge Lipman for his report.

VIII. Legislative Updates

Judge Peters informed the Council that the Office of the Public Defender (OPD), Baltimore Police Department (BPD), Department of Public Safety and Correctional Services (DPSCS), Office of the State's Attorney (SAO), the Department of Juvenile Services (DJS), and the Baltimore City Council would share legislative updates. Judge Peters further informed that there was a written report on DVCC Domestic Violence Bills included in Council members' packets.

Ms. Julian introduced Ricardo Flores from the OPD, who referred Council members to the SB 1005 (2016) Justice Reinvestment Act Summary of Criminal Penalty Charges chart which categorized the criminal offenses, statutes, current penalties, and new penalties effective October 1, 2017 under the Justice Reinvestment Act. Mr. Flores encouraged Council members to review the above-mentioned chart. Judge Peters thanked Ms. Julian and Mr. Flores for their report.

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Drew Vetter, Director of Government Affairs, Baltimore Police Department reported on the following legislation that was supported by BPD:

Property Tax Credit – Disabled or Fallen Law Enforcement Officers and Rescue Workers and Public Safety Officers (SB 552/HB 146) – This bill was part of the Mayor’s Administration package and it provides a \$2,500 property tax credit to public safety officers in Baltimore City. A public safety officer is defined as a firefighter, an emergency medical technician, or a law enforcement officer who is a sworn member of and employed full time by the 1) Baltimore City Fire Department, 2) Baltimore City Police Department; or 3) Baltimore City Sheriff’s Office. This legislation was put forward by Mayor Stephanie Rawlings-Blake as an incentive to encourage more Baltimore City public safety officers to live in the City.

Criminal Law – Pretrial Release – Prior Crimes (SB 603/HB 374) – This bill was also part of the Mayor’s Administration Package and it places two new restrictions on the ability of a District Court commissioner to release individuals on bail:

- A District Court commissioner may not authorize the pretrial release of a defendant charged with a crime of violence if the defendant has been previously convicted of various specified gun offenses, and
- A District Court commissioner may not authorize the pretrial release of a defendant charged with various specified gun offenses if the defendant has previously been convicted of a crime of violence.

A judge still has the authority to authorize the pretrial release of a defendant on suitable bail; any other condition that will reasonably ensure that the defendant will not flee or pose a danger to another person or the community; or both bail and other conditions imposed. There is a rebuttable presumption that these defendants will flee and pose a danger to another person or the community.

Public Safety and Policing Workgroup – Recommendations (SB 1026/HB 1016) – This bill was sponsored by the General Assembly leadership and resulted from the recommendations of the Public Safety and Policing Workgroup that met during the 2015 interim. The bill makes a number of changes to the Law Enforcement Officer’s Bill of Rights (LEOBR), establishes the Maryland Police Training and Standards Commission (MPTSC), and contains a number of other provisions related to transparency and improving relations between communities and police departments. Mr. Vetter noted that the bill extends the timeline to file a complaint alleging brutality

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to 366 days from 90 days, and he referred members to the report for additional information.

Judge Peters thanked Mr. Vetter for BPD's legislative report.

Rachel Sessa, Director of Legislative Affairs for the Department of Public Safety and Correctional Services advised that the Governor's fiscal year 2017 budget funded all mandated spending and increased the Rainy Day Fund. She further advised that overall, the FY17 budget grows by 4.9% to \$42.2 billion; the general cash fund would total approximately \$364.6 million by the end of FY17; and, the Rainy Day Fund totals approximately \$1.0 billion. She discussed that Section 20 of the FY17 budget reflects a statewide abolition of approximately 657 and \$25.0 million. Ms. Sessa further discussed that while there is no funding for general salary increases for most employees, there is funding for full merit increases. She stated that additionally, law enforcement officers would receive retroactive merit increases and, in FY17, they would receive both a general salary increase and merit increases. Ms. Sessa further mentioned that the FY17 budget includes several new allowances for the Department. She stated that the Department would receive approximately \$500,000 – out of a total of \$4.5 million statewide – to implement recommendations of the Heroin and Opioid Emergency Task Force. Ms. Sessa further stated that out of \$500,000 nearly \$360,000 would go toward the creation of a transition process in Baltimore City to link inmates with known substance abuse disorders to treatment services in the community prior to release, and the remainder of the \$500,000 would go toward the expansion of the Segregation Addictions Program. She discussed that the FY17 Operating Budget also includes \$1 million to install drone detection software at two correctional facilities.

Ms. Sessa reported that in terms of the FY17 Capital budget, the legislature approved funding for the demolition of the Baltimore City Pretrial Complex. She further reported that in order to fund the demolition, the Legislature fenced off approximately \$6.6 million of the FY17 Reserve Fund and preauthorized nearly \$27 million in the FY18 Capital Budget. She discussed that additionally, the Department is slated to receive approximately \$7.7 million in other capital projects for various facility improvements.

Ms. Sessa provided information on **HB 1016/SB 1026 - Public Safety and Policing Workgroup**. She conveyed that the bill reconstitutes the Police Training Commission as the Maryland Police Training and Standards Commission (MPTSC), an independent commission within DPSCS. Ms. Sessa further conveyed that the bill establishes provisions relating to membership and terms, and it allows the Commission to elect its own chair. She

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stated that the bill also expands the powers and duties for the PTC by requiring the MPTSC to modernize recruitment; develop standards for the mandatory psychological review; develop an annual reporting system; establish a confidential hotline; develop best practices for a community policing program; establish a Police Complaint Mediation Program; and other various duties. Ms. Sessa further stated that the bill also makes a number of changes to the complaint process under LEOBR. Ms. Sessa referred members to the DPSCS handout for additional information.

Judge Peters thanked Ms. Sessa for the DPSCS legislative report.

Lisa Smith, Director of Legislative Affairs and Policy for the State's Attorney's Office reported on three priority legislations championed by the SAO:

- **Enhanced Penalties for Repeat Drunk Drivers who Injure or Kill (SB160/HB157):** These bills increase the maximum penalties for repeat offenders who kill or seriously injure someone while driving under the influence or impaired by alcohol or drugs. The new penalties will apply to offenders with prior drunk driving convictions. Legislators heard testimony during the Legislative Session from Jim Wade -- family representative for Thomas Palermo who was killed tragically in North Baltimore in December 2014 by Heather Cook. She drove drunk and struck the cyclist and father of two. This legislation was sponsored by Delegate Valentino-Smith and Senator Cassilly.
- **Increased Maximum Penalty for Second Degree Murder (Justice Reinvestment Act):** Originally presented as separate bills (SB159 and SB177 sponsored by Senators Cassilly and Brochin respectively and HB96 sponsored by Delegate B. Wilson), the final Justice Reinvestment Act bill (SB1005) passed by the General Assembly includes a provision to increase the maximum penalty for second degree murder from 30 to 40 years. This bill will impact future second degree murder cases like that of Gabrielle Smith who was convicted late last year in the stabbing death of Latreisha Gowdy. She was sentenced to 33 years- the current maximum sentence for second degree murder and use of a deadly weapon during the commission of a crime of violence. Once this bill is signed into law, the state will be able to seek a maximum of 40 years for second degree murder. The SAO lobbied for this increase two years in a row with the help of prosecutors statewide.
- **Admission of Evidence in Cases against Repeat Sexual Offenders (SB235/HB218):** For the third year in a row, State's Attorney Mosby personally lobbied for critical

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legislation that would allow prosecutors to introduce evidence of a defendant's other relevant sex crimes and bring the state's sexual assault laws closer to federal rules. SB235, sponsored by Senator Brochin, passed the Senate unanimously, marking the legislation's most significant progress to date. Ultimately SB235 and HB218, sponsored by Delegate Wilson, died in the House. The legislation had widespread support from service providers, prosecutors and concerned citizens throughout Maryland. State's Attorney Matt Maciarelo and Deputy Sheriff Dave Owens from Wicomico County joined the SAO in Annapolis to share the story of 11-year-old Sarah Foxwell who was raped and murdered by a serial sex offender who had won multiple prior acquittals. Shatia Lansdowne also shared her story of survival. Several advocacy groups including the Baltimore Child Abuse Center, Phynyx Ministries, the Women's Law Center and the Maryland Coalition Against Sexual Abuse lobbied for the bill. Over 3,300 people signed a petition urging legislators to pass it. The SAO will be working with stakeholders throughout the summer to increase this legislation's future chances of passage.

Ms. Smith also highlighted several other legislative bills.

- **Definition of Stalking and Harassment (SB278/HB155):** Maryland victims of abuse are unable to petition for and receive a protective order based on harassment and malicious destruction of property. Harassment and malicious destruction of property are often precursors to heightened physical abuse and violence. These bills will enable Maryland judges to treat harassment and destruction of property like other abuse and protect victims from potentially escalating abusers. This bill was sponsored by Senator Lee and Delegate Dumais.
- **Pretrial Release for Convicted Offenders (SB603/HB374):** This important bill introduced by the Baltimore City Police Department will prohibit District Court Commissioners from authorizing the pretrial release of a defendant charged with certain firearm crimes if the defendant has previously been convicted of a crime of violence. Last March, Randy Jones was arrested for first degree assault and several handgun charges in March 2015. Despite the state's recommendation of no bail and several previous violent crime convictions including a 2007 robbery conviction, Jones was released on a \$350,000 bail. Just a few months later, on July 7th, Jones murdered Antonio Anderson. This bill, once signed into law, will ensure convicted felons are detained pretrial. This bill was sponsored by Senator Pugh and Delegate Anderson.

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- **Animal Fighting Paraphernalia (SB283):** This bill prohibits the possession of an implement of dogfighting and is similar to the Baltimore City version of this legislation passed by the Mayor and City Council in 2015. ASA Wesley Corning, the SAO's animal abuse prosecutor, testified in support of this legislation. This bill was sponsored by Senator Lee and Delegate Lam.

Ms. Smith encouraged Council members to review the State's Attorney's Office Fighting for Tougher Laws to Protect Our City handout for additional relevant criminal justice legislation. Judge Peters thanked Ms. Smith for the SAO's legislative report.

Betsy Tolentino, Director of Legislation, Policy and Reform for the Department of Juvenile Services reported that the William Donald Schaefer House in Baltimore City will be closing on July 1, 2016. She advised that the 19 youth capacity program would be moving to the Meadow Mountain Youth Camp in Western Maryland. She further advised that there have been no changes to the law regarding the use of searches and restraints, but that a task force has been formed to review policies. She advised that the Department will be reporting back to the legislature on this issue in December. Judge Peters thanked Ms. Tolentino for her report.

Paul Plymouth reported on legislation supported by Baltimore City Council President Bernard C. "Jack" Young and the other members of the City Council.

HB 290 / SB 545 - Labor and Employment - Apprenticeship Career Training in Our Neighborhoods (ACTION) Program – Establishment- This bill improves the lives of City residents previously convicted of non-violent crimes and will provide grants to encourage employers to employ apprentices. This bill will further develop a skilled workforce through the use of apprentice programs, which could help lift economically challenged neighborhoods.

HB 898- Property Tax Credit – Elderly Individuals and Veterans - This bill is aimed at increasing citizens' quality of life and will grant a five year property tax credit to seniors, retired veterans, and returning citizens who moved out of state less than 10 years ago. This bill will also provide a tax relief opportunity for current residents and encourage new residents to move to Baltimore City.

HB 108 - Capital Budget - Construction Projects - Apprenticeship Requirements - This bill would have required contractors or subcontractors that receive funds from the State

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capital budget to use apprentices in the construction project; however, this bill did not pass. Mr. Plymouth stated that Council President Young and members of the City Council remain optimistic on the bill's future outlook.

Judge Peters thanked Mr. Plymouth for the City Council President's legislative report.

Kimberly Barranco informed Council members that a handout with a list of passed Domestic Violence bills was included in their packets and she encouraged Council members to review the Domestic Violence legislation handout.

Judge Peters adjourned the meeting at 1:13 p.m. The next meeting will be held on Wednesday, July 13, 2016 at 12:30 p.m., Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from the April 13, 2016 meeting
- 2) Baltimore City Criminal Justice Coordinating Council Contact List
- 3) CJCC Report Rotation for 2016
- 4) CJCC Letter of Support for the Baltimore Community Service Program
- 5) Central Region Statistics Report
- 6) Baltimore Police Department Report
- 7) Governor of the State of Maryland's Report
- 8) Office of the Public Defender Report
- 9) Legislative Updates:
 - a) Governor's Office of Crime Control & Prevention, Glenn Hogan
 - b) Office of the Public Defender, Elizabeth Julian
 - c) Baltimore Police Department, Drew Vetter
 - d) Department of Public Safety and Correctional Services, Rachel Sessa
 - e) Office of the State's Attorney for Baltimore City, Lisa Smith
 - f) Baltimore City Council, Paul Plymouth
 - g) Domestic Violence Bills, Kimberly Barranco

Respectfully submitted,

Kimberly Smalkin Barranco
CJCC Executive Director