

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE SEPTEMBER 14, 2016 MEETING

Council Members In Attendance*: Chair Judge Charles Peters, Circuit Court; Lavinia Alexander, Clerk of Circuit Court; Warren Alperstein, Bar Association of Baltimore City; Kimberly S. Barranco, CJCC Executive Director; Jay Cleary for Sam Abed, Secretary, Department of Juvenile Services; Assistant Sheriff Sam Cogen for John Anderson, Sheriff of Baltimore City; Commissioner Kevin Davis, Baltimore Police Department; Glenn Fueston, GOCCP, for Lawrence J. Hogan, Jr., Governor of Maryland; Elizabeth Julian, Baltimore City Public Defender; Marilyn Mosby, State's Attorney; Judge W. Michel Pierson, Administrative Judge, Circuit Court; Michael R. Resnick, Commissioner, Division of Pretrial Detention and Services, Department of Public Safety and Correctional Services; Carolyn J. Scruggs for Secretary Stephen Moyer, Department of Public Safety and Correctional Services; Sunny Schnitzer for Mayor Stephanie Rawlings-Blake; Crista Taylor for Kathleen Westcoat, Behavioral Health Services Baltimore; Thiru Vignarajah for Brian Frosh, Attorney General of Maryland; Judge Barbara Baer Waxman, Administrative Judge, District Court; and Bernard C. "Jack" Young, City Council President.

Others in Attendance*: Margaret Boyd-Anderson, CJCC Project Coordinator; Judge Emanuel Brown, Baltimore City Circuit Court; Doug Colbert, University of Maryland School of Law; Robert Embry, Abell Foundation; Justin Fenton, Baltimore Sun; Charles Innes; Judge Robert Kershaw, Baltimore City Circuit Court; Leon King, DPDS; Zina Makar, University of Baltimore Law School; Deputy Luke Montgomery, Baltimore City Sheriff's Office; Lionel Moore, Circuit Court Administrator, Circuit Court; Eboni Pearson, Baltimore City Circuit Court; Paul Plymouth, Baltimore City Council President's Office; Claire Rossmark, DLS; Tasha Smith-Douglas, DPSCS; and Colin Starger, University of Baltimore Law School.

***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 Council members and their representatives.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

I. CHAIR'S REPORT – JUDGE CHARLES PETERS

Judge Peters welcomed Michael Resnick, the new Commissioner of the Department of Pretrial Detention and Services. He requested a motion to approve the July 13, 2016 meeting minutes and they were unanimously adopted. Judge Peters advised that the next Baltimore City Criminal Justice Coordinating Council meeting will be held on October 19, 2016, which is one week later due to Yom Kippur. He further advised that a vote will be taken at the next meeting to amend the CJCC MOU to add the Commissioner of the Baltimore City Health Department as a member.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco advised Council members that an updated report rotation and contact list was in their packets with new contact information for the Division of Pretrial Detention and Services Commissioner Michael Resnick and Deputy Commissioner Leon King. Ms. Barranco further advised that an electronic version would be disseminated. Ms. Barranco reported that the next Circuit Court Adult Drug Treatment Court Graduation Ceremony will be held on Friday, September 16, 2016 in Courtroom 234 of Courthouse East, 111 N. Calvert Street. She further reported that the ceremony begins promptly at 9:30 a.m. and lasts approximately one and a half hours. Ms. Barranco stated that the keynote speaker is Marilyn Mosby, State's Attorney for Baltimore City. Ms. Barranco encouraged Council members to attend the drug court graduation ceremony and stated that it is very moving to hear the graduates speak from their hearts about their journey to becoming drug-free. Ms. Barranco said that a memo with information regarding the ceremony was in the members' packets. Ms. Barranco thanked everyone for their support.

Judge Peters thanked Ms. Barranco for her report.

III. CENTRAL REGION REPORT – MICHAEL R. RESNICK, COMMISSIONER, DIVISION OF PRETRIAL DETENTION AND SERVICES, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Commissioner Resnick advised Council members that a copy of the Division of Pretrial Detention and Services Statistics Report was included in their meeting packets. Commissioner Resnick reported that FY16 bookings processed during the month of June were 2,588 and year-to-date 32,164. He further reported that releases on own recognizance during the month of June were 939 and year-to-date 11,551. Commissioner Resnick advised that 56% of all bookings were intakes to jail, and 36% of defendants were released on their own recognizance. He mentioned that the breakdowns for the next reporting cycle will be more detailed according to the length of stay and charges.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Judge Peters thanked Commissioner Resnick for his report.

IV. BALTIMORE POLICE DEPARTMENT REPORT – POLICE COMMISSIONER KEVIN DAVIS

Commissioner Kevin Davis commented on the U.S. Department of Justice Report on the Baltimore Police Department. Commissioner Davis explained that the City and the Department have entered into an agreement in principle to work together, with community input, to create a federal court-enforceable consent decree, which will address deficiencies found during DOJ's investigation. He reported that BPD has been very cooperative with DOJ and that Ganesha Martin, Chief of Compliance, Accountability, and External Affairs Division and her staff have interacted with DOJ on a full-time basis. He stated that the report is very long due to the cooperation of the Department. Commissioner Davis conveyed that the report identifies violations by city police officers of residents, but that the report was not an indictment of every officer. He further conveyed that through the agreement, the parties commit to negotiate reforms to ensure sustainable, constitutional, and effective policing and that input on the reforms would come from various constituencies that make up Baltimore to include its residents, community groups, city leaders, local businesses, and BPD officers. Commissioner Davis explained that BPD would not resist change or reform and that the parties are committed to working together to negotiate and seek court approval of a consent decree in order to implement reforms and proceed to the next level.

Commissioner Davis stated that the negotiations are between the City and the DOJ, and that he was glad to have the experience of serving in Prince George's County under a consent decree. He said that the parties will be looking at training, technology, and criminal investigation techniques as part of the negotiations. Commissioner Davis explained that he sent staff to other jurisdictions under consent decrees to assist in the process. He further explained that he would like to have the consent decree in place before the next Mayor is sworn into office. Commissioner Davis advised that once the consent decree is in place, a monitor will be appointed. He stated that he would like to see a monitor named who has East Coast big city policing experience, and that the monitor will report to a Federal Judge as to compliance. Commissioner Davis reiterated that the City will not resist change, but that the negotiation process is designed to achieve realistic goals.

Judge Charles Peters asked Council members if there were questions or comments. Elizabeth Julian advised that the Office of the Public Defender had submitted 50

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

recommendations for BPD, which could be found on the OPD's website: <http://www.opd.state.md.us/>. Ms. Julian further advised that the OPD published the recommendations last week, and that she looked forward to working with the BPD as an external partner. Commissioner Davis explained that bench marks will be negotiated, and that once compliance is achieved in one area, it needs to be sustained for a period of months. He further explained that ultimately the Department will need to be in full compliance. Commissioner Davis advised that the Police Commissioner's Report was included in their packets. He reported that as of September 10, 2016 homicides year-to-date were down 6%; non-fatal shootings year-to-date were up 3%; and the Total Part I Crime was down 5%. Commissioner Davis stated that there was a lot to do and that progress has to be steady. He further stated that his motto is "relentless pressure gently applied."

Judge Peters thanked Commissioner Davis for his report and Ms. Julian for her comments.

V. DEPARTMENT OF JUVENILE SERVICES' REPORT- JAY CLEARY FOR SECRETARY SAM ABED

Jay Cleary reported on Maryland Juvenile Services long term trends from FY 2006 through FY 2016. He stated this has been a collective effort to impact the Juvenile Justice system and that Secretary Sam Abed appreciates the cooperation received from all stakeholders. Mr. Cleary further reported that statewide juvenile complaints have declined 56% and complaints referred to Baltimore City DJS intake have declined 73.2% over the past ten years. Mr. Cleary mentioned that the proportion of Maryland complaints referred to the Court have been declining since FY 2014. He further mentioned that 48.2% of complaints were referred to court by DJS in FY 2016 and 15.8% of complaints were diverted to an informal (pre-court) DJS case, and 36.0% were resolved or determined to have no jurisdiction. He commented that the trend in a decrease in formalized complaints was a good one, as DJS is actively trying to divert juveniles from the Court. Mr. Cleary detailed that the average daily population (ADP) in DJS detention under juvenile court jurisdiction statewide declined 55.0% in ten years to 205.6 in FY 2016. He further detailed that pre-disposition ADP declined 46.8% in ten years to 145.8 youth in FY 2016. Mr. Cleary discussed that pending placement population declined 67.3% in ten years to 59.8 youth in FY 2016. He further discussed that cases detained for the Adult Court now make up 26.1% of the DJS detained population.

Mr. Cleary informed that the average population of Baltimore City youth in DJS detention under juvenile court jurisdiction declined 67.3% in ten years, to 53.9 in

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

FY2016. He further informed that the pre-disposition ADP declined 62.4% in ten years to 36.8 youth in FY 2016. He said that pending placement population declined 74.4% in ten years to just 17.1 youth in FY 2016 and that cases detained for the Adult Court now make up 45% of the Baltimore City DJS detained population. Mr. Cleary advised that the juvenile probation and commitment orders have declined, and that Maryland juvenile probation orders declined 51.9% in ten years. He further advised that juvenile commitments declined 48.2% in ten years. Mr. Cleary conveyed that committed youth population has declined sharply. He further conveyed that the total ADP of Maryland youth committed by the juvenile court to out-of-home placement declined 43.6% over ten years, from 1,018.0 in FY 2007 to 573.9 in FY 2016. Mr. Cleary identified that in just the past two years, the committed population dropped 36.1% from 898.1 in FY 2014 to 573.9 in FY 2016. Mr. Cleary concluded his report by detailing the ADP of Baltimore City youth committed by the Juvenile Court to out of home placement declined 44.2% over ten years, from 186.0 in FY 2007 to 103.7 in FY 2016. He further concluded that since the peak in FY 2011, the committed population has dropped 57.5%.

Mr. Cleary discussed research on adolescent brain development and stated that the Department's goal is to hold youths accountable and balance public safety with their development. He also discussed the Accountability and Incentive Management program, which is a standardized response to technical violations. He stated that this was implemented statewide on July 1, 2015, and that there are now fewer petitions to revoke probations, resulting in less youth committed to Baltimore City. Mr. Cleary recognized Judge Robert Kershaw, Judge-in-Charge of the Juvenile Division as a partner in their efforts and thanked him for his assistance.

Judge Peters thanked Mr. Cleary for the Department of Juvenile Services' report.

VI. ATTORNEY GENERAL OF MARYLAND'S REPORT – THIRU VIGNARAJAH FOR ATTORNEY GENERAL BRIAN FROSH

Thiru Vignarajah announced that he would be departing effective at the end of the month. Mr. Vignarajah reported on several of the Maryland Office of the Attorney General's significant initiatives. He conveyed that the Attorney General launched task forces to address four areas: Crimes of Exploitation, Environmental Enforcement, Fraud and Corruption, and Organized Crime. Mr. Vignarajah identified that the Attorney General joined a Regional Heroin Task Force which includes Maryland, Maine, Massachusetts, New York, New Jersey, and Pennsylvania. He further identified that the Attorney General launched the Regional Gun Trafficking Task Force which includes Maryland, the District of Columbia, and Virginia. Mr. Vignarajah

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

reported that some significant cases have involved violent drug organizations operating near Greenmount Avenue as well as violent drug organizations using juveniles, selling near elementary schools, and operating in the area of Park Heights Avenue and West Belvedere Avenue. He stated that the Attorney General is very focused on combatting violent drug organizations and that he is grateful for partnerships with the stakeholders. Mr. Vignarajah explained that the Attorney General's Office has been involved in a number of significant cases, including one involving fraudulent tax filing schemes targeting the homeless and exploiting earned income credit, as well as a multi-jurisdictional human trafficking enterprise, running from North Carolina and New Jersey to Maryland. He recognized partnerships established between local prosecutors, local law enforcement and federal law enforcement.

Mr. Vignarajah concluded his report by mentioning additional priorities including combatting the heroin epidemic and he elaborated that their focus has been on heroin-related overdose deaths, investigating pill mill physicians, and making life-saving medicines more available. He further elaborated that Baltimore City has received grant funding from GOCCP to focus on the heroin epidemic. Mr. Vignarajah noted that additional priorities also include human trafficking and gun trafficking; continuing the fight against prison corruption; and ending discriminatory profiling in Maryland. Mr. Vignarajah thanked all of the stakeholders involved, including Secretary Moyer. He concluded that one of Attorney General Frosh's top priorities is crime-fighting in Baltimore and his ultimate message is, "We are here to help."

Judge Peters thanked Mr. Vignarajah for the Attorney General of Maryland's report.

VII. COMMITTEE REPORT– TRANSPORTATION COMMITTEE –JUDGE EMANUEL BROWN, CHAIR

Judge Emanuel 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 and Baltimore City Detention Center facilities as well as movement within the courthouses. Judge Brown further reported that the Committee was previously chaired by Judge John Hargrove and Judge Barry Williams, and that he has served as Chair since January 2012. Judge Brown informed that after December, he would be stepping down as Chair and that Judge Shannon Avery would serve as the new Committee Chair. Judge Brown further informed that the Committee meets approximately four times a year in order to provide a forum to discuss policy and procedure as it relates to inmate transportation in addition to identifying areas in

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

which improvement is needed. Judge Brown advised that the Committee is comprised of representatives from the Judiciary, the Circuit Court Clerk's Office, the District Court Clerk's Office, the State's Attorney's Office, the Office of the Public Defender, the private bar, the Sheriff's Office, the Baltimore City Department of Transportation and Parking Authority, and the Department of Public Safety and Correctional Services. Judge Brown identified that the Committee was again instrumental this year in facilitating improvements to prisoner transportation and assisted in fostering greater communication between member agencies.

Judge Brown reported that the CJCC Transportation Committee continues to address concerns with delays in the transportation of inmates to Circuit Court and District Court. He further reported that the Committee most recently met in June and that he was pleased to report that there have been few problems with the transportation of inmates from the Pretrial Detention Complex since BCDC closed last year. Judge Brown conveyed that in the past year, the Committee monitored the success of a protocol to remove indicted defendants from the preliminary hearing transportation list, which eliminated the need for transportation. Judge Brown further conveyed that the establishment of an arraignment docket in Circuit Court has also eliminated the need to transport many defendants to court. Judge Brown shared how the meetings provide an opportunity to coordinate the receipt of transportation lists from the DPSCS Transportation Unit to the Office of the Public Defender to allow them to confer with their clients more rapidly. He outlined how Committee members successfully addressed issues with booting and ticketing of public safety vehicles. Judge Brown stated that the Committee continued to monitor the effectiveness of the weekend reporting protocol and has been working with the Division of Pretrial Detention and Services to revise the eligibility parameters of the protocol. He further mentioned that the Committee also has been instrumental in establishing a protocol to provide for the safe transportation of Mental Health Docket defendants in Circuit Court by Department of Health and Mental Hygiene police.

Judge Brown stated that the Transportation Committee continues to address issues regarding challenges with contraband in the lock-up as well as protocols surrounding inmates' courtroom clothing. He further stated that the Committee has also addressed issues with the transportation of 8-507 defendants. Judge Brown advised that the Committee would continue to collaboratively work on solutions to shared concerns and provide an opportunity for members to meet regularly with updates and information of interest and importance. Judge Brown thanked the CJCC members for their continued support and efforts with the Committee as well as their representatives' collaboration.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Judge Peters thanked Judge Brown for his report.

VIII. PRESENTATION ON THE JUVENILE COURT - JUDGE ROBERT B. KERSHAW, JUDGE IN CHARGE OF THE JUVENILE DIVISION

Judge Peters introduced Judge Robert B. Kershaw, Judge-In-Charge of the Baltimore City Circuit Court Juvenile Division who reported on the Juvenile Court in Baltimore City. Judge Kershaw stated that he was very grateful for the collaborative efforts of the Department of Juvenile Services, Secretary Abed, Gavin Patashnick of the State's Attorney's Office, and Melanie Shapiro of the Office of the Public Defender. He explained that there is solid evidence that hardware secure detention is not effective, and is encouraged that many juvenile defendants charged as adults are now housed in the Juvenile Justice Center. Judge Kershaw stated that the decline in juvenile arrests has allowed the court to hear the challenging cases that should be heard. Judge Kershaw read an excerpt from a New York Times article about teen behavior and noted that the brains of adolescents are wired to be receptive to short term rewards and peer approval, and that social justice is very important to them. He discussed the Operation Safe Kids program, which was designed for high risk youth who were likely to shoot or be shot. He stated that this program has been replaced by a system of graduated responses and community based placements with services in the community. He noted that there can often be a good treatment plan in place, but then there is a lag time until services become available. Judge Kershaw reported that he would like to establish a Family Empowerment Court, similar to the family recovery model for Children in Need of Assistance. He advised that he eliminated the Juvenile Drug Court since it was not effective in changing the behavior of youth. Judge Kershaw discussed the use of shackling of youth and stated that all of the judges and magistrates were in support of an administrative order to be able to use shackling in their discretion, and he further stated that he is glad Secretary Abed is re-examining DJS' restraint policy. He also discussed juvenile sex and labor trafficking issues, and noted that Baltimore City is ground zero for sex trafficking. He stated that he expects there to be many changes in the works on this issue.

Judge Kershaw concluded his presentation by referring the Council to his PowerPoint presentation on the Juvenile Court for additional information, and he thanked his law clerk Sheena Williams for her hard work and effort in preparing it.

Judge Peters thanked Judge Kershaw for his presentation.

THE BALTIMORE CITY
CRIMINAL JUSTICE COORDINATING COUNCIL

Judge Peters adjourned the meeting at 1:30 p.m. The next meeting will be held on Wednesday, October 19, 2016 at 12:30 p.m., Courthouse East, Room 510.

MEETING HANDOUTS

- 1) CJCC September 14, 2016 Meeting Agenda
- 2) Minutes from the July 13, 2016 Meeting
- 3) Central Region Statistics Report
- 4) Baltimore Police Department Report
- 5) Department of Juvenile Service's Report
- 6) Attorney General of Maryland's Report
- 7) Presentation on the Juvenile Court - **PowerPoint**

Respectfully submitted,

Kimberly Smalkin Barranco
CJCC Executive Director