

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE DECEMBER 14, 2016 MEETING

Council Members In Attendance*: Chair Judge Charles Peters, Circuit Court; Mary Abrams, Clerk of the District Court; Kimberly S. Barranco, CJCC Executive Director; Assistant Sheriff Samuel Cogen for John Anderson, Sheriff of Baltimore City; Clinton Fuchs for Rod Rosenstein, U.S. Attorney; Glenn Fueston, Executive Director, Governor's Office of Crime Control and Prevention for Governor Lawrence J. Hogan, Jr.; Elizabeth Julian, Baltimore City Public Defender; Kevin Davis, Baltimore City Police Commissioner; Marilyn Mosby, State's Attorney for Baltimore City; Kathleen Murphy for Brian Frosh, Attorney General of Maryland; Walter Nolley, Regional Administrator, Division of Parole and Probation, Department of Public Safety and Correctional Services; Judge W. Michel Pierson, Administrative Judge, Circuit Court; Paul Plymouth for Bernard C. "Jack" Young, City Council President; Catherine E. Pugh, Mayor of Baltimore City; Michael R. Resnick, Commissioner, Division of Pretrial Detention and Services, Department of Public Safety and Correctional Services; Crista Taylor for Kathleen Westcoat, President and CEO, Behavioral Health System Baltimore; Judge Barbara Baer Waxman, Administrative Judge, District Court; and Dr. Leana Wen, Commissioner of Health, Baltimore City.

Others in Attendance*: Margaret Boyd-Anderson, Criminal Justice Coordinating Council; Judge Martin Dorsey, District Court; Tisha Edwards, Office of the Mayor; Deirdre Gardner, Roberta's House; Natalie Finegar, Office of the Public Defender; Kelly Hurtt, Community Services; Lori Lickstein, Mayor Office on Criminal Justice; Sean Miller, Baltimore Police Department; Tyrone Roper Behavioral Health System Baltimore; Claire Rossmark, DLS; Renee Ware, Baltimore City Sheriff's Office; Daniel Webster, Johns Hopkins University; and J. Michael Zeigler, Department of Public Safety and Correctional Services.

***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. and Judge Charles Peters greeted Council members and their representatives. Judge Peters welcomed The Honorable Catherine E. Pugh to the Council and he asked members to introduce themselves.

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I. CHAIR'S REPORT – JUDGE CHARLES PETERS

Judge Peters requested a motion to approve the November 9, 2016 meeting minutes and they were unanimously adopted. Judge Peters conveyed that there was no January meeting due to the opening day of the General Assembly. He further conveyed the next meeting was scheduled for February 8, 2017 and that Commissioner David Blumberg from the Maryland Parole Commission would be presenting.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco advised Council members that an updated contact list was included in their packets with new contact information for Mayor Catherine E. Pugh. She stated that she had also been advised that Gary McLhinney, Director of the Office of Professional Standards at DPSCS would be Secretary Stephen Moyer's representative. Ms. Barranco further stated that an electronic version would be disseminated.

Ms. Barranco shared that after many meetings and a great deal of coordination, the FTA Warrant Second Chance program would be conducted. She identified that the program offers individuals with eligible active failure-to-appear (FTA) misdemeanor arrest warrants the opportunity to have the warrants recalled and receive a new trial date to resolve the pending matter. Ms. Barranco further identified that from January 9 to January 31, 2017, interested participants can stop by the Office of the Public Defender's office in one of the three Baltimore City Criminal District Courts: the Borgerding District Court Building, 5800 Wabash Avenue, the Eastside District Court Building, 1400 E. North Avenue, or the John R. Hargrove, Sr. Building, 700 E. Patapsco Avenue. She said that at the courthouse, participants meet with a Public Defender or office representative who confirms eligibility for their services as well as eligibility for the program. Ms. Barranco further stated that if the Public Defender determines an individual is not eligible to participate, the individual is free to return home. Ms. Barranco advised if the Public Defender qualifies the individual for representation and participation, and the defendant consents, the Public Defender will send the individual's information to the Prosecutor. Ms. Barranco further advised that the Prosecutor would confirm eligibility and notify the Public Defender to submit a motion to the Clerk of the District Court to recall the FTA warrant. Ms. Barranco conveyed that the Clerk will log-in the motion to recall and forward it to a reviewing Judge. Ms. Barranco further conveyed that within 10 court days, the Clerk would inform the Public Defender of the Judge's ruling. Ms. Barranco identified that if the Court grants the motion, the warrant would be recalled and a new trial date

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scheduled. She said that in the event that the FTA warrant is not recalled, the individual would remain in the same open warrant status as when they failed to appear. Ms. Barranco further stated that any individual with an active Baltimore FTA warrant for a qualifying misdemeanor offense is eligible to participate in the program, irrespective of place of residence.

Ms. Barranco stated that the program is supported by the Judiciary, the Office of the Public Defender, the State's Attorney's Office, the Baltimore Police Department, the Sheriff's Office, and the CJCC. She further stated that Council members' packets contained a flyer and a brochure about the program with a link to the FTA Warrants Second Chance website, created by the University of Maryland Law School's Access to Justice Law Clinic, Professor Doug Colbert, and his students. Ms. Barranco commented that more than 100 misdemeanor offenses qualify for participation in the Second Chance program, and that there was a link to the enumerated offenses on the website. Ms. Barranco further commented that she would send an electronic version of the brochure and the flyer so that Council members and their representatives could make copies and distribute to their networks. Ms. Barranco said she greatly appreciated the Council's support in spreading the word in the community to individuals with outstanding warrants. Ms. Barranco further advised that the stakeholders plan to track the number of individuals who participate and that she would report back the outcomes at a future CJCC meeting. Ms. Barranco thanked members for their support.

Judge Peters thanked Ms. Barranco for the CJCC Executive Director's report.

III. DIVISION OF PRETRIAL DETENTION AND SERVICES REPORT – MICHAEL R. RESNICK, COMMISSIONER, DIVISION OF PRETRIAL DETENTION AND 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. He reported that during the month of November there had been a decrease in bookings processed and that this was a decline since August 2016. He noted that the average length of stay was slightly higher this month. Commissioner Resnick referred Council members to page three of the report, which included detainee demographics such as end of month gender distribution, end of month age distribution, and end of month race distribution information.

Judge Peters thanked Commissioner Resnick for his report.

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IV. BALTIMORE POLICE DEPARTMENT REPORT – POLICE COMMISSIONER KEVIN DAVIS

Commissioner Kevin Davis referred Council members to the Commissioner's report, which was included in their packets. Commissioner Davis stated that policing has to change and use data, and that the focus needs to stay on people who are known to harm us. He then introduced Chief Sean Miller, Baltimore Police Department Operational Investigations Division, and Dr. Daniel Webster, the Director of the Johns Hopkins Center for Gun Policy and Research who were presenting on Trigger Pullers. Dr. Webster reported that the Johns Hopkins Center for Gun Policy and Research has studied shootings and gun violence since 2003 on a micro level. He further reported that the ratio of gun arrests to drug arrests is higher when more progress is made in reducing gun violence. Dr. Webster advised that the ceasefire program model had not been successful in Baltimore, although it has worked in other cities. He further advised that there was a 27% reduction in shootings in areas in which Safe Streets had been implemented. Chief Miller provided a presentation on the Trigger Pullers list, a dynamic list of individuals who are believed to be the most likely to become a victim of violence or be responsible for violence in Baltimore City. He stated that individuals were identified if they met at least two criteria, including Identified association of a drug organization (criminal enterprise); Suspect/Person of interest of a homicide; Victim/Suspect/Person of interest in a non-fatal shooting; Intelligence directly connecting the subject to a homicide / Non-Fatal shooting, (for example: fingerprint evidence); Previous gun arrest / Registered gun offender; and Current open Parole and Probation status and supervision level depending on charge. He reported that this is a strategic data driven way to go after people who harm and harm again. He further reported that there were currently 598 Trigger Pullers and that the number of Trigger Pullers arrested within a 28-day period was 29. He further reported that year-to-date there were 436 Trigger Puller arrests. Chief Miller further identified that there were 898 cases reviewed for federal prosecution in 2016 and 233 of these cases (26%) were adopted. He conveyed that the cumulative sentence given for the 229 individuals found guilty of a gun offense was 924 years, three months and 21 days. Chief Miller further conveyed that the cumulative suspended sentence for the 229 individuals found guilty of a gun offense was 592 years, seven months and 20 days. He stated that the total actual jail time handed down for the 229 convictions was 331 years, eight months and one day. Chief Miller concluded by stating that the approximate average jail time for gun offenders was one year and five months, which does not include time for good behavior. Mayor Catherine E. Pugh asked Chief Miller about the average age of trigger pullers. Chief Miller replied that trigger pullers are males ranging in ages 18 to 25. He stated that they are working with the State's Attorney's Office and Dr. Daniel Webster on this initiative and that they expect to continue making progress on

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arrests and crime reduction.

Judge Peters thanked Commissioner Davis, Dr. Webster, and Chief Miller for their report.

V. CENTRAL REGION PAROLE & PROBATION REPORT – WALTER NOLLEY, DIRECTOR

Walter Nolley, Regional Administrator provided a PowerPoint on the Department of Public Safety and Correctional Services Central Region Parole and Probation. He reported that General Supervision is provided for those cases that are not assigned to DPSCS's specialized units which include VPI, Sex Offenders, Drug Court, DV, Reentry/PSC, Mental Health Court, and the Veterans Treatment Docket. Mr. Nolley further reported that the supervision in DPSCS's general caseloads is broken out by supervision level which includes Review (6%); Low (14%); Low Moderate (24%); High (23%); and Moderate (33%). Mr. Nolley reported on the Violence Prevention Initiative. He advised that as of December 1, 2016 there were 1,029 active cases and 37 agents. Mr. Nolley further advised that year-to-date there were 509 violation warrants issued. He stated that 410 cases were revoked year-to-date for either technical violations or for committing a new offense. Mr. Nolley further stated that DPSCS was revamping their VPI supervision in advance of JRA and that they were looking to become less focused on the zero tolerance model for minor technical violations. Mr. Nolley conveyed that DPSCS was increasing their focus on members of known violent organizations, violent repeat offenders, offenders with past gun offenses and violent histories, and gang leaders. Mr. Nolley reported on the Family Assault Supervision Team (FAST). He further reported that FAST has 745 active cases and 12 agents. Mr. Nolley identified that FAST collaborates with the House of Ruth Maryland, Harbel Prevention and Recovery, Baltimore City Police Department's Family Violence Unit, and Baltimore City State's Attorney's Office.

Mr. Nolley reported on the Drug Treatment Court Felony Diversion Initiative (FDI). He shared that as of December 1, 2016 there were 209 active drug treatment court cases with eight agents. Mr. Nolley further shared that there were 103 active FDI cases with five agents. Mr. Nolley stated that there were increases in successful completions and that 82% of defendants successfully completed Drug Treatment Court in 2015. He stated that these successes are through the cooperative efforts of the Courts, Baltimore City State's Attorney's Office, the Office of the Public Defender, DPSCS, and Behavioral Health System Baltimore. Mr. Nolley further stated that the FDI had a 79% successful completion rate in 2015. Mr. Nolley reported on the Re-Entry Unit and Public Safety Compact. He further reported that there were 426 active cases and nine agents. Mr.

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Nolley advised that Re-Entry Agents meet with assigned offenders and their correctional case managers up to six months prior to their release. He further advised that the streamlined process allows the agent to build rapport with the offender prior to release and have knowledge of their immediate needs prior to release. He conveyed that the agent then designs an effective case plan building upon what Corrections began while they were incarcerated. Mr. Nolley stated that this creates a seamless continuity of care focused on the individual. Mayor Pugh questioned where returning citizens were going upon release and Mr. Nolley stated that they usually go to the home of a family member, but that an investigation is done prior to release. Mayor Pugh asked if Parole and Probation knew how many people are released from incarceration annually and Mr. Nolley advised that he would provide that information. Mayor Pugh expressed concern that too many people were released into homelessness and she identified that there is a need to follow-up regarding the specifics of where the individuals are being released.

Mr. Nolley reported that the Mental Health Court has 115 active cases and four agents. He further reported on the Collaborative Offender Management and Enforced Treatment (COMET). He stated that COMET had 601 active cases and 16 agents. Mr. Nolley elaborated that the child sex offenders are issued "No Candy" signs to post by noon on October 31st and that agents conduct home visits to child sexual offenders with the Baltimore Police Department. He further elaborated that curfew for offenders on Halloween are from 12:00 p.m. until the next day at 6:00 a.m. Mr. Nolley reported that year-to-date 17 investigators have completed 2,261 investigations for Pretrial, Pre-sentence, as well as Post-sentence purposes. Mr. Nolley further reported that recent collaborations have included the "Knock and Talk" Home Visit Initiative, Aim to B'More, Baltimore City Veterans Treatment Docket, Baltimore City Fentanyl Task Force and Ceasefire. Mr. Nolley discussed how the "Knock and Talk" was an initiative between BPD and DPP in which agents ride along with police officers to visit the homes of trigger pullers, those known to law enforcement to be involved with violent organizations that are under Division of Parole and Probation (DPP) supervision. Mr. Nolley further discussed how Aim to B'More is a collaborative effort focusing on non-violent first time felony drug offenders with dedicated agents to supervise them. Mr. Nolley further shared how the agent is partnered with the Center for Urban Families, which provides the programming and allows them to collaborate on the next steps regarding the participant. Mayor Pugh asked how the success of these programs is determined. Mr. Nolley replied that there are home visits and DPSCS has taken immediate action if there are violations. He further replied that with Aim to B'More the arrest and recidivism rates are tracked along with compliance with supervision.

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Mr. Nolley reported that the Baltimore City Veterans Docket attempts to address the unique needs of veterans involved in the criminal justice system. He further reported that veterans charged with misdemeanor offenses are screened for eligibility and that there is collaborative input from all the stakeholders in order to determine the appropriate individualized plan for each participant.

Mr. Nolley discussed Re-Entry and why it matters. He advised that the number of people released from prison in the US has increased 350% over the last 20 years. He further advised that three out of four inmates have a substance abuse problem; however, only 10% in state prisons have had formal treatment prior to release. Mr. Nolley identified how two out of three inmates lack a high school diploma and 40% have neither a diploma nor a GED. He further identified that more than one out of three jail detainees reported some physical or mental disability and approximately one out of five prisoners are released without community supervision. Mr. Nolley advised that approximately two out of every three people released from prison in the U.S are re-arrested within three years. Mr. Nolley reported on The Justice Reinvestment Act (JRA), which aims to reduce the prison population while reinvesting dollars into services and prevention. Mr. Nolley commented how JRA directly impacts the DPP in four areas including (1) Graduated Sanctions; (2) Earned Compliance Credits; (3) Certificate of Rehabilitation; and (4) Assessment and Case Planning. He further commented how they would like to use more electronic monitoring but would need collaboration with the court. Mr. Nolley advised that DPP formed four Innovation Teams to develop policies and procedures. He further advised how the Department has formed an additional eight teams to address the non-DPP portions of the law and where relevant, DPP employees were serving on these other teams. Council members discussed processes regarding applying for certificates of rehabilitation and legislation at the state level to remove barriers. Glenn Fueston stated that they are just finishing a report on collateral consequences, and that there is an educational component that needs to be implemented for employers to educate them on hiring returning citizens. Mayor Pugh informed that there was legislation done to remove some of the licensing barriers. Judge Peters asked about DPP referring defendants for services in the absence of a court order. Mr. Nolley replied that they are referred but they cannot hold the individuals accountable. He advised that they need the court to approve graduated sanctions. Mayor Pugh commented that we should know exactly where mentally ill individuals are and that they need a supply of medication upon release. Ms. Barranco advised that the CJCC has a Mental Health Committee that addresses these issues. Mr. Nolley advised that they have established protocols and when a person has been released, DPSCS contacts them and then agents follow-up. Mayor Pugh expressed

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great concern about this issue and said that we are not experiencing success that we would like to have in Baltimore City. Ms. Barranco conveyed that she would coordinate a meeting to discuss the work of the CJCC and its eight committees with the Mayor's Office. Mayor Pugh reiterated her concerns about mentally ill individuals being released into the streets without medication.

Judge Peters thanked Mr. Nolley for the DPP report.

VI. BEHAVIORAL HEALTH SYSTEM BALTIMORE REPORT– CRISTA TAYLOR, VICE PRESIDENT OF PROGRAMS

Crista Taylor presented a PowerPoint on the Intersection of Behavioral Health and Criminal Justice and she referred Council members to the Behavioral Health System Baltimore (BHSB) handout materials. Ms. Taylor reported that BHSB serves as the local behavioral health authority for Baltimore City. Ms. Taylor further reported that BHSB (1) Improves access to a full range of quality behavioral health services; (2) Advocates for innovative approaches to prevention, early prevention, and treatment and recovery; (3) Improves quality in service delivery; and (4) Promotes public education. Ms. Taylor conveyed that BHSB works with a variety of system partners such as BPD and schools in order to reach into the systems and collaborate and support with them to address behavioral health and wellness. Ms. Taylor reported on the estimated population with any type of mental health need and Public Mental Health System service utilization. She shared that nationally, 43% of adults with any mental illness receive treatment. Ms. Taylor further shared that approximately 54,000 Baltimore City residents have a substance use disorder. Ms. Taylor stated that with the residential treatment dollars moving to the Administrative Services Only model, they hope to have access to better data on service utilization for this level of care. She further stated that better data would also allow an understanding of service utilization and movement between different levels of care. Ms. Taylor elaborated that the estimated Baltimore City population of heroin users was 18,916 and opioid users was 24,887. Ms. Taylor commented that there were a lot of resources going into mental health services. She explained that although the system is largely funded by Medicaid, BHSB funds services for the uninsured and services not reimbursable by Medicaid and Medicare. Ms. Taylor reported that of those individuals with a substance use disorder who were arrested within the past six months, only 13.3 were receiving outpatient substance abuse treatment. She commented that individuals are cycling in and out of jail and prison without access to care.

Ms. Taylor concluded her presentation by describing some of the system challenges

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that BHSB has identified, including preventing arrest for people better served by a public behavioral health system through Crisis Intervention Training (CIT) and the LEAD program; gaps in the crisis service system through a stabilization center; barriers to access services through a crisis, information and referral line; and reducing stigmas associated with mental illness and substance abuse.

Judge Peters thanked Ms. Taylor for her report.

VI. CONTINUITY OF OPERATIONS PLANNING (COOP) COMMITTEE REPORT– JUDGE MARTIN DORSEY, CHAIR

Judge Peters introduced Judge Martin Dorsey, District Court Judge and COOP Committee Chair. Judge Peters thanked Judge Dorsey for attending the meeting and asked him if he would be willing to submit the COOP Committee report so that the meeting could adjourn. Judge Dorsey graciously agreed. Ms. Barranco advised the Council she would disseminate the following COOP Committee report to the members electronically.

The Continuity of Operations Planning (COOP) Committee was formed in May 2009 by CJCC Chair Judge John Philip Miller to address issues concerning emergency preparedness and continuity of operations for Council members. Previously chaired by Judge Nathan Braverman and Judge John Hargrove, District Court Judge Martin Dorsey has served as Chair since January of 2014.

The purpose of the COOP Committee is to provide a forum for the exchange of information and allow member representatives to work collaboratively on issues of common concern regarding emergency preparedness. The Committee facilitates the sharing of existing stakeholder continuity of operations plans and encourages agencies that do not yet have COOP plans to take a coordinated approach with other criminal justice agencies when drafting their plans. The Committee also works to ensure ongoing communication and training to prepare for the implementation of COOP plans.

The Committee meets quarterly and is comprised of representatives from the Judiciary, the Baltimore Police Department, the Circuit and District Court Clerks, the Mayor's Office of Emergency Management, the State's Attorney's Office, the Office of the Public Defender, the Department of Public Safety and Correctional Services, the Department of Juvenile Services, the Mayor's Office of Information Technology, the Circuit Court Administration, the Sheriff's Office, and the Maryland Emergency Management Agency.

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The Committee has been instrumental in fostering communication between criminal justice agencies and reminding members that we all must work together in preparing for emergency responses. The Committee has improved communication between stakeholders during emergency and weather related event closures by reviewing communications between criminal justice agencies after actual closures to determine where improvements could be made. Stakeholders also collaborated to resume normal court operations after a fire in the Clarence M. Mitchell, Jr. Courthouse earlier this year. The Committee facilitated improved communication between members by their addition to the Baltimore City Watch List Notifications Distribution List. The Committee also investigated possible methods of emergency broadcasts to ensure a coordinated response for the dissemination of information to stakeholders, and supported the Circuit Court's use of the RAVE notification system.

The COOP Committee continued to provide vital information for inclusion in the Court's Continuity of Operations Plan this year and Committee members were reminded that contact information should be reviewed and revised regularly. The Committee also discussed dissemination of integral parts of the plan to stakeholders. The level of coordination between all stakeholders has been greatly enhanced by the communication facilitated at Committee meetings, and the Committee has been instrumental in fostering excellent working relationships.

One of the greatest challenges facing the Committee is the lack of time and resources which agencies have available to spend on emergency preparedness. Although some member agencies have COOP plans, others are still in the planning stage. The Committee will continue to stress that collaboration and communication are key when planning for an emergency, because the criminal justice system's operations are essential and all agencies must work together in the event disaster strikes.

Judge Peters adjourned the meeting at 1:44 p.m. The next meeting will be held on Wednesday, February 8, 2017 at 12:30 p.m., Courthouse East, Room 510.

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MEETING HANDOUTS

- 1) CJCC December 14, 2016 Meeting Agenda
- 2) Minutes from the November 9, 2016 meeting
- 3) 2017 CJCC Meeting Dates
- 4) Division of Pretrial Detention and Services Statistics Report
- 5) Baltimore Police Department Report
- 6) Department of Public Safety and Correctional Services Central Region Parole and Probation- PowerPoint
- 7) Behavioral Health System Baltimore Be Responsible Flyer
- 8) Behavioral Health System Baltimore 2017 Policy Priorities Flyer
- 9) Behavioral Health System Baltimore LEAD Program Flyer
- 10) Behavioral Health System Baltimore Crisis Intervention Team Flyer
- 11) Failure to Appear Warrant Second Chance Flyer
- 12) Failure to Appear Warrant Second Chance Brochure

Respectfully submitted,

Kimberly Smalkin Barranco
CJCC Executive Director

KSB/mba