

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE FEBRUARY 12, 2014 MEETING

Council Members In Attendance*: Chair Judge Barry Williams; Mary Abrams, District Court; Warren S. Alperstein, Bar Association of Baltimore; Kimberly Barranco, CJCC Executive Director; Gregg Bernstein, State's Attorney; Tammy M. Brown, Governor's Office; Jay Cleary for Secretary Sam Abed, Department of Juvenile Services; Joe Clocker, Director, Community Supervision, Department of Public Safety and Correctional Services; Wendell M. France, Director, Central Region, Department of Public Safety and Correctional Services; Gregg Hershberger, Secretary, Department of Public Safety and Correctional Services; Elizabeth Julian, District Public Defender; Brian Kleinbord for Attorney General Doug Gansler; Ganesha Martin for Commissioner Anthony Batts, Baltimore Police Department; Bernard J. McBride, President, Behavioral Health System Baltimore; Judge W. Michel Pierson, Administrative Judge for Circuit Court; Mayor Stephanie Rawlings-Blake; Rod Rosenstein, U.S. Attorney; Judge Barbara Baer Waxman, Administrative Judge for District Court; Bernard C. "Jack" Young, President, Baltimore City Council.

Others in Attendance*: Eric Beane, Governor's Office; Margaret Boyd-Anderson, CJCC; Kieran Dowdy, DPSCS; Ian Duncan, *The Baltimore Sun*; Deirdre Gardner, MCVRC; Michael Hanlon, USAO; Carroll Parrish, DPSCS; Major Sabrina Tapp-Harper, Sheriff's Office; Crista Taylor, Behavioral Health System Baltimore; Bob Weisengoff, DPSCS; Stephanie Young-Medina, Circuit Court.

***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 12:30 p.m. and Judge Barry Williams greeted the Council.

I. CHAIR'S REPORT – JUDGE BARRY WILLIAMS

Judge Williams welcomed and introduced Gregg Hershberger, the new Secretary of the Department of Public Safety and Correctional Services. Secretary Hershberger introduced Eric Beane, the new Deputy Chief of Staff for Governor Martin O'Malley. He also introduced his Special Assistant Kieran Dowdy and Carroll Parrish, Deputy Secretary of Operations for DPSCS. Judge Williams requested a motion to approve the December 11, 2013 meeting minutes and they were unanimously adopted. He announced that there will be no March meeting due to the Legislative session. He advised that the next meeting will be held on April 9, 2014 at which time Commissioner Batts will present on the BPD Strategic Plan.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco introduced Margaret Boyd-Anderson, the new CJCC Project Coordinator. She stated Ms. Boyd-Anderson has extensive experience working for the Army Corps of

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Engineers and Baltimore City government as a paralegal and administrative assistant, and she holds an Associate of Arts degree in Paralegal Studies from Stevenson University. Ms. Barranco advised that Ms. Boyd-Anderson assumed her position in late January.

Ms. Barranco announced that an updated contact list was in the packets and that an electronic version would be provided. She stated that the CJCC is funded as a local law enforcement grant under GOCCP, and that she will be attending the Senate and House subcommittee budget hearings in late February when the CJCC budget is considered as part of GOCCP's budget. She reported that the CJCC budget was not targeted for any cuts in funding and that she will provide an update if there are any changes to the level funding request.

Ms. Barranco further reported that while attending the budget hearings, the CJCC will provide support letters on behalf of full funding for the War Room which has been the custom since the War Room's inception. She stated that the War Room is a joint initiative of the State's Attorney's Office, the Department of Public Safety and Correctional Services, and the Baltimore Police Department, and was originally a CJCC initiative. She advised that the War Room allows for a comprehensive information sharing system identifying the most violent offenders arrested in Baltimore. Ms. Barranco directed members to the letters in their meeting packets written to the House and Senate Subcommittee Chairs by Judge Williams on behalf of the CJCC supporting full funding of the War Room. Ms. Barranco advised the Council that their packets also contained a copy of a support letter signed by Judge Williams on behalf of the CJCC for the Community Services Program in support of their GOCCP grant funding.

Ms. Barranco highlighted a recent accomplishment achieved through great collaboration by the Domestic Violence Coordinating Committee members. She stated that one evening several weeks ago she received an email from a DVCC member seeking assistance for a domestic violence victim and that she forwarded the request to numerous DVCC members. Ms. Barranco advised that she received multiple responses with suggestions and offers of assistance and by the next day, the victim had been contacted and services were arranged. She informed the Council that two of the stated goals of the DVCC are to improve the criminal justice system's response to the crime of domestic violence and to improve direct and support services to victims. She stated that the coordinated response provided by Council members' representatives to the DVCC achieved both and is a concrete example of the ability of the CJCC to effectively address criminal justice issues in a collaborative fashion.

Judge Williams called on Director Wendell "Pete" France for the Central Region report.

III. CENTRAL REGION REPORT – WENDELL M. FRANCE, DIRECTOR, CENTRAL REGION, DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Mr. France advised that a copy of the Central Region Statistics Report was provided in the meeting packets for the Council's review and stated he would answer any questions the Council may have about the report.

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He introduced Olivia Farrow, Director of the Mayor's Office of Human Services and Kate Wolfson, Esq., Director of the Public Safety Compact for the Safe and Sound Campaign. Ms. Farrow thanked Director France and the Council for the invitation to speak on MERIT (Maximizing Education Reaching Individual Transformation), the Los Angeles County Sheriff's Department adult detention model which provides pretrial detainees and individuals serving very short sentences in jail an opportunity to develop life skills and further their education in preparation for their release while in a safe and segregated facility.

Ms. Farrow explained that the Los Angeles County Sheriff's Department is currently operating MERIT in seven of their jails and that the program is designed to bring each participant to the point where they recognize the necessity of a personal commitment to reaching their goals, accept responsibility for their actions, and are accountable for their life choices. Ms. Farrow discussed how the "Life Skills" phase is MERIT's main emphasis and during an initial 12 weeks of this phase, students primarily focus on anger management, relationships, parenting, drug education, and spiritual growth, and are also given opportunities to obtain their GED and further their formal education once this phase is completed. She described the five step MERIT progression: MERIT Beginnings for six weeks; MERIT Life Skills for twelve weeks; MERIT Graduation Dorm while inmates work on their education; MERIT Masters for graduates of the program who serve as teachers and mentors; and MERIT Continuum for those graduates released who wish to continue their studies. Ms. Farrow stressed that inmates can participate for a short time and that those released prior to program completion may still participate in MERIT Continuum programming upon release.

Ms. Farrow reported that the re-arrest rate for MERIT students in Los Angeles is dramatically lower than the state rate, incidents of violence among pretrial detainees and inmates have decreased at all Los Angeles County jails with the MERIT program, and that inmate on staff assaults in the Los Angeles County jails decreased from 309 in 2009 to 57 in 2012. She stated that the MERIT program has fundamentally improved the culture and nature of detention and imprisonment within the LA County Sheriff's Department. Ms. Farrow concluded by stating that staff from the Los Angeles MERIT program has offered to come to Baltimore to provide training to the DPSCS training officers, DPSCS has acquired teachers in various subject areas to teach the life skills and GED classes, and DPSCS, the Mayor's Office of Human Services, and the Safe and Sound Campaign will partner together to contract with service providers and recruit volunteers for the program.

Ms. Wolfson reported that therapeutic dorms are one of the biggest reasons that MERIT is so successful and that DPSCS already has the structure in place at BCDC to dedicate these safe spaces to house MERIT participants. She further reported that DPSCS already has programming in place that fits with the MERIT curriculum. Ms. Wolfson advised that the reduction in violence behind the fence as well as the programming and support that MERIT provides in preparation for release should in turn reduce the level of violence in Baltimore City neighborhoods and communities.

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Director France advised that he recently spent time in Los Angeles and fully reviewed MERIT's education based incarceration program, and he recommends piloting this program in the Baltimore City Detention Center. Ms. Farrow stated that the program would dovetail well with the re-entry strategies for the City. Mr. France said that MERIT will support DPSCS initiatives and offer the opportunity for a great partnership between the City, State, and private sector. Judge Williams thanked Director France for his presentation.

IV. BALTIMORE POLICE DEPARTMENT REPORT – GANESHA MARTIN

Ms. Martin advised that she was attending the meeting on behalf of Commissioner Batts. She referred the Council to the Police Commissioner's Report included in the Council's packet. She stated that she had up-to-date seven-day data which showed two homicides during the past seven days. She reported five shootings for the seven day period and 61 robberies during the same period. She further reported that they are aware of the increases in commercial and street robberies which they are targeting and are beginning to make progress. She advised that Part I crime is down 21% over a seven day period and noted significant reductions in carjackings, arsons, and aggravated assaults over the seven day period compared to 2013.

V. STATE'S ATTORNEY'S OFFICE – GREGG L. BERNSTEIN, STATE'S ATTORNEY

Gregg Bernstein introduced Cristie Cole, Operations Research Analyst for the State's Attorney's Office and informed the Council that Ms. Cole was doing a wonderful job. He stated that data is only the beginning of their analysis, not the end. Mr. Bernstein gave a PowerPoint presentation reviewing 2013 statistical data and the initiatives of the State's Attorney's Office. He reported that in years 2010 through 2013, with the exception of 2011, newly initiated circuit court felony cases totaled approximately 6,000 cases each year. He stated that they have seen an increase in the felony conviction rate beginning in 2011.

Mr. Bernstein stated that since its creation, the Major Investigations Unit (MIU) has secured prison time for 200 violent criminals, repeat offenders, drug traffickers, and gang members, and over 30% of them have received sentences of 10 years or more. He discussed how the MIU is in partnership with allied law enforcement agencies and in 2013 the MIU executed 49 wiretaps across 5 separate investigations and 23 cases have been indicted federally. Mr. Bernstein stressed how important their partnership with Rod Rosenstein and the U.S. Attorney's Office is to these successes and he thanked Mr. Rosenstein and Michael Hanlon for the many resources they designate toward prosecution. He highlighted that throughout 2013, the MIU and the Baltimore Police Department have partnered to target violent drug organizations in criminal hotspots in East and West Baltimore including Coppin Heights, Gilmore Homes, Lafayette, Greenmount, and Oliver Street. Mr. Bernstein stated that the investigations focusing on these particular areas led to the dismantling of five significant criminal organizations and the indictment of 97 gang members and drug traffickers, and he noted that these arrests have disrupted criminal activity in these areas.

Mr. Bernstein discussed the data on newly initiated marijuana misdemeanor jury trials and stated there were a wide range of reasons for the drop since October 2012, including the recent misdemeanor marijuana possession charge designed to keep these cases in District

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Court as well as the use of citations. He noted that there has been a significant impact which is a positive. Mr. Bernstein also discussed the SAO District Court conviction rate and advised that it is steady. He stated that their nolle prosequere rate is high but steady and that it is one of his goals to lower that number. He said there were a number of issues as to why the nolle prosequere rate was high in District Court and that he would be happy to discuss this complex matter with members further. He noted that a significant percentage of those cases nolle prosequere were for defendants in diversion programs. Mr. Bernstein said that he was proud of the annual diversion participation figures from 2010 through 2013 and that there was a dramatic jump in 2012 and 2013, with increases each year. Mr. Bernstein also discussed the progress of the Civilian Review Unit (CRU) which was created three years ago. He explained that the CRU has proven successful with 3,872 cases reviewed in 2013 allowing many cases that would normally clog the system to be diverted into mediation and resolved swiftly.

Mr. Bernstein concluded his presentation with a discussion of the dramatic reduction in the number of individuals arrested and released without charge and advised there has been a steady decrease since 2005. He noted that individuals released without charge hit an all-time low of 2% in 2013 and stated that the BPD is much more focused and strategic in making arrests. He further stated that the decline is also due in part to an increase in the use of citations. Judge Williams thanked Mr. Bernstein for his presentation and called upon Rod Rosenstein, United States Attorney for his report.

VI. UNITED STATES ATTORNEY'S REPORT- ROD J. ROSENSTEIN

Mr. Rosenstein gave a PowerPoint presentation on Maryland Exile and stated that they focus on violent crimes and armed criminals since federal resources are limited. He explained that the four principles of Maryland Exile are that every child deserves a safe neighborhood, every armed criminal belongs in jail, reducing violent crime is everyone's job, and local, state, and federal coordination is essential. He reported that the benefits of federal prosecution include the ability to try multiple defendants in a single case and use mandatory minimum sentences which further enables them to gain cooperation from defendants. He noted that in the federal system there is truth in sentencing and felons can be sent out of state to serve their sentences.

Mr. Rosenstein discussed the EXILE strategies which include gun crime prosecutions and proactive investigations for violent repeat offenders (VRO). He stated that they can also use federal RICO statutes against violent criminal organizations. Mr. Rosenstein reported that 236 Baltimore City defendants were indicted federally in 2013 and that these Baltimore EXILE cases constitute 27% of all federal defendants prosecuted in Maryland in 2013, an increase from 24% in 2012. He further reported that there was significant progress in 2013 with an increased number of gang prosecutions, VRO cases in partnership with the SAO, and increased call-in meetings. He explained that the USAO works closely with the SAO Major Investigations Unit and that they are equally committed to getting violent offenders off the street. Mr. Rosenstein stated that although there has been a reduction in the number of federal prosecutors he expects that he will be able to fill most of the vacancies that he has. He informed the Council that there are now four full-time Assistant State's Attorneys

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provided by the City and GOCCP who are working in the USAO. He explained that additional challenges he expects to face in 2014 include collateral challenges to prior state convictions and changes in federal sentencing law and policies. Mr. Rosenstein concluded by outlining the 2014 goals for Maryland EXILE which are to increase the number of gang prosecutions, enhance the VRO Program, prosecute more armed robbery cases, prosecute more gun trafficking cases, and increase public outreach efforts. Mayor Rawlings-Blake thanked Mr. Rosenstein for his collaboration to affect targeted prosecution. She stated that she believes Operation Ceasefire will enhance the goals of the USAO, and she further stated that increases in reward money will help increase calls to law enforcement. Mayor Rawlings-Blake added that she looked forward to assisting Mr. Rosenstein reach his goals. Judge Williams thanked Mr. Rosenstein for his presentation.

VII. COMMITTEE REPORT – THE TECHNOLOGY COMMITTEE - DARREN O’BRIEN, CHAIR

Mr. O’Brien thanked the Council for the opportunity to explain how the Technology Committee provides a forum for discussion on shared issues and facilitates collaboration regarding fiber and connectivity for Council members and other criminal justice partners. He also thanked the CJCC for funding a number of technology projects designed for the benefit of multiple members. Mr. O’Brien stated that the CJCC Technology Committee has fostered the creation of a fiber committee in Baltimore City which will help agencies save money as they move forward in establishing their fiber infrastructure and reach. He explained that the Technology Committee has been very successful at accomplishing needed technology projects and was now turning its attention to applications and business processes. Mr. O’Brien encouraged Council members to utilize their IT staff to help improve their own business processes. He concluded by commending the collaboration between members which has been facilitated by the Committee. Judge Williams thanked Mr. O’Brien for his report and introduced Judge Albert Matricciani and Antonia Fasanelli, Executive Director of the Homeless Persons Representation Project.

VIII. PRESENTATION ON THE DISTRICT COURT HOMELESS DOCKET –

JUDGE ALBERT MATRICCIANI AND ANTONIA K. FASANELLI

Judge Matricciani explained that he serves on the Advisory Group for the Mayor’s Journey Home and that it had come to his attention that a homeless court had been established in San Diego to take nonviolent homeless persons accused of nuisance crimes and introduce them to service providers. He stated that after a number of meetings it was apparent that the best place to locate this program was in the District Court, and after receiving approval from Chief Judge Ben Clyburn and Judge John Hargrove, a committee was formed to work out the details with all stakeholders. Judge Matricciani thanked David Aldouby from the Office of the Public Defender and Tricia Deros from the State’s Attorney’s Office for their hard work on the program. He stated that he would like to do a grant proposal for the United Way to obtain a part-time coordinator to assist with the program. Antonia Fasanelli thanked Judge Williams for the opportunity to present to the Council and directed members to the PowerPoint presentation provided in the meeting packets. She reported that the Docket for Homeless Persons (DHP) is a specialized court docket within Baltimore City’s Early Resolution Court for individuals experiencing homelessness who have been accused of nonviolent misdemeanors. She explained that defendants arrive at court prior to the docket

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to meet with homeless service providers and if the parties are in agreement, a plan is proposed which includes receiving 30, 60 or 90 days of services. She said that any homeless person is eligible for DHP and that DHP responds by offering a variety of services including health, mental health, and substance abuse services through Healthcare for the Homeless and Wrap Around MD; shelter or housing through Catholic Charities, St. Vincent de Paul, McVets, and Project PLASE; and employment through Our Daily Bread and Goodwill Industries.

Ms. Fasanelli explained that DHP is a partnership between the City's legal system and local nonprofits who work with homeless persons and that its focus is to help people experiencing homelessness receive the supportive services they need as an alternative to criminal penalties. She said that the goal of the DHP is to help these individuals attain self-sufficiency by moving past minor legal issues that prevent them from obtaining housing and jobs. She reported that from June 26, 2013 through January 8, 2014, 72 defendants have appeared for 81 cases. She further reported that 44 defendants completed their services and their cases were nolle prossed, while two defendants received a stet. Ms. Fasanelli advised that only five of the defendants failed to complete their services. She stated that upon their return to Court, the client completes expungement paperwork on-site with the Homeless Persons Representation Project to prevent the case from being a barrier to employment and housing.

Ms. Fasanelli reported that service providers are encouraged to refer their clients experiencing homelessness who may have outstanding warrants or upcoming cases in District Court since they are also eligible for the DHP. She said that referrals can be made through the Homeless Persons Representation Project's Expungement Program and that service providers can attend the bi-monthly court dockets and meet with possible DHP participants to offer relevant services. In closing, Ms. Fasanelli informed the Council that the first case on the first docket was a defendant with a ten year old warrant who had been homeless and unable to move into permanent housing due to the open warrant. She explained that the defendant was working with a service provider and after Ms. Deros recalled the warrant, the defendant was processed for permanent housing. She further stated that after the defendant satisfied the conditions of his case, it was dismissed and he is now in permanent housing. Tammy Brown asked how defendants are screened. Ms. Fasanelli replied that some are identified by the State's Attorney's Office, some are identified by the Office of the Public Defender, and some are identified by service providers. Judge Williams thanked Judge Matricciani and Ms. Fasanelli for their report.

Judge Williams adjourned the meeting at 1:40 p.m. The next meeting will be held on Wednesday, April 9, 2014 at 12:30 p.m., Courthouse East, Room 510.

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MEETING HANDOUTS

- 1) Minutes from the December 11, 2013 meeting
- 2) Central Region Statistics Report
- 3) Department of Public Safety and Correctional Services Central Region Community Supervision PowerPoint Presentation
- 4) The Police Commissioner's Report
- 5) State's Attorney's Office PowerPoint Presentation
- 6) United States Attorney's PowerPoint Presentation
- 7) District Court Homeless Docket PowerPoint Presentation

Respectfully submitted,

Kimberly Smalkin Barranco
Executive Director