

# THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

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## MINUTES FROM THE SEPTEMBER 13, 2017 MEETING

**Council Members In Attendance\*:** Chair Judge Charles Peters, Circuit Court; Sam Abed, Secretary, Department of Juvenile Services; Mary Abrams, Clerk of the District Court; Warren Alperstein, Baltimore City Bar Association; Gabriel Auteri for Dr. Leana Wen, Commissioner of Health, Baltimore City; Kimberly S. Barranco, Executive Director, Criminal Justice Coordinating Council; Marilyn Bentley, Clerk of the Circuit Court for Baltimore City; Lenora Dawson for Sheriff John Anderson, Baltimore City Sheriff's Office; Kirsten G. Downs, Baltimore City Public Defender; Brian Frosh, Attorney General of Maryland; Clinton Fuchs for Stephen M. Schenning, Acting U.S. Attorney for the District of Maryland; Glenn Fueston for Lawrence J. Hogan, Jr., Governor of the State of Maryland; Judge Althea M. Handy for Judge W. Michel Pierson, Administrative Judge, Circuit Court; Marilyn Mosby, State's Attorney for Baltimore City; Walter Nolley, Regional Administrator, Division of Parole and Probation, Department of Public Safety and Correctional Services; Dean Palmere for Commissioner Kevin Davis, Baltimore Police Department; Paul Plymouth for Bernard C. "Jack" Young, City Council President; Tyrone Roper for Crista Taylor, President and CEO Behavioral Health System Baltimore; Drew Vetter for Catherine E. Pugh, Mayor of Baltimore City; Robert Weisengoff for Michael R. Resnick, Commissioner, Division of Pretrial Detention and Services, Department of Public Safety and Correctional Services; Judge Barbara Baer Waxman, Administrative Judge, District Court; and Michael Ziegler for Secretary Stephen Moyer, Department of Public Safety and Correctional Services.

**Others in Attendance\*:** Bilal Ali, Maryland State Delegate; Judge Shannon Avery, Circuit Court; Margaret Boyd-Anderson, Project Coordinator, Criminal Justice Coordinating Council; Jay Cleary, Department of Juvenile Services; Meredith Cohn, The Baltimore Sun; Raquel Coombs, Office of the Attorney General of Maryland; Elizabeth Embry, Office of the Attorney General of Maryland; Dr. David R. Fowler, Office of the Chief Medical Examiner; Morgan Franklin, Baltimore City Health Department; Deirdre Gardner, Roberta's House; Kelly R. Hurtt, Community Services; Commissioner Linda Lewis, District Court Commissioners Office; Vanessa Lyon, Governor's Office of Crime Control and Prevention; Paul McGrew, WBFF Fox45; Suzanne Pelt, Judiciary; Claire Rossmark, DLS; Judge Devi Russell, District Court; Lisa Smith, Office of the State's Attorney for Baltimore City; Shelley Spruill, Office of the State's Attorney for Baltimore City; Christine Tobar, Office of the Attorney General; Andrew Tress, Judiciary.

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

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## MEETING DIALOGUE

The meeting was called to order at 12:36 p.m. Judge Charles Peters greeted Council members and their representatives. Judge Peters advised that pursuant to MD Rule 16-110 (b) and administrative order, no audio recording is permitted in the Courthouse.

### **I. CHAIR'S REPORT – JUDGE CHARLES PETERS**

Judge Peters requested a motion to approve the July 12, 2017 meeting minutes and they were unanimously adopted. He advised that the next meeting is scheduled for October 11, 2017 and that the Domestic Violence Fatality Review Team will present the 2017 Recommendations. Judge Peters stated that he would be addressing the Council with a statement in lieu of the CJCC Executive Director's Report.

Judge Peters stated that judges in Baltimore City address individuals charged with violent crime every day, and that they hear from victims of violent crime and their families every day. He further stated that just this year alone in the Circuit Court, judges have presided over 100 trials involving murder, attempted murder, or rape, and that judges are acutely aware of the violent crime in Baltimore City and the impact such violent crime has on the citizens of Baltimore. He conveyed that members of the judiciary care about the City of Baltimore and the serious problems it faces, and are duty bound to carry out their jobs fairly and impartially. Judge Peters explained that they must be scrupulously careful not to be, or even appear to be, involved in events or activities that would create the impression that a judge is biased or prejudiced for or against anyone. Judge Peters further explained that although they are an integral part of the criminal justice system, they are not part of law enforcement and cannot be perceived to be on the same team with or allies of law enforcement.

Judge Peters stated that for the criminal justice system to work properly and fairly, it is critical that the Judiciary maintains its independence. Judge Peters further stated that they were not prepared to compromise their independence, or sacrifice their impartiality. Judge Peters shared that every citizen who appears in the courts in Baltimore City needs to know that they will receive a fair trial, and if found guilty, a fair sentencing, before any judge in Baltimore City. He stated that without a fair and impartial Judiciary, society would not have a criminal justice system.

Judge Peters stated that the Council has been asked to engage in efforts to combat

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violent crime in Baltimore City and stated that the desire for solutions to these very serious problems is understandable. Judge Peters stated that before the Council could even address such a task, it is necessary to understand the structure and history of the Council. Judge Peters reported that the CJCC is a body with representation from law enforcement, the Baltimore City Circuit and District courts, the Office of the Public Defender, the Bar Association, and numerous other agencies. He further reported that the Council was originally convened by the Circuit Court for Baltimore City in early 1999 as an ad hoc group to address systemic problems related to the processing of a backlog of criminal cases in the Baltimore City criminal justice system. He further identified that these initial group meetings ultimately led to an agreement to continue the Council in order to improve communication and coordination among the agencies involved in the Baltimore City criminal justice system. Judge Peters outlined that as a result, in August 2001, a Memorandum of Understanding was entered into by Council members and the Council continues to operate today under the terms of that MOU. Judge Peters identified that the MOU states that the function of the CJCC is to “address issues affecting the administration of criminal justice in Baltimore City for the purpose of addressing systemic problems and improving the performance of the criminal justice system.” He further identified that the MOU further describes the Council’s duties as “recommend[ing] ways to facilitate and expedite the management of criminal cases in Baltimore City; recommend[ing] improvements to information technology; [and] provid[ing] a forum to encourage meaningful communication among the criminal justice institutions and agencies.”

Judge Peters said that the Council’s work has always involved improvements to the criminal justice process, including facilitation of transportation of inmates to court, coordination of the processing of defendants with outstanding warrants, and programs for more efficient service of protective orders in domestic violence cases. Judge Peters highlighted that these improvements have indeed had a positive impact on the administration of criminal justice in Baltimore City and may also have enhanced public safety by removing impediments to the effective operation of the system. Judge Peters stated the direct interdiction of crime has never been an objective that the Council has undertaken, nor could realistically effectuate, for a variety of reasons.

Judge Peters further stated that as he previously noted, because the court system is responsible for the impartial adjudication of criminal charges, a council that includes members of the judiciary and other non-law enforcement agencies cannot participate in policing or law enforcement. He advised that although the mission statement

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adopted in 2001 includes a goal of respective agencies “work[ing] cooperatively to enhance public safety and reduce crime in Baltimore City,” it has never been thought that this directly involved the Council in law enforcement. He stated that a committee to address violent crime was actually proposed in 2007, and then State’s Attorney Patricia Jessamy stated her belief that the Council should not be in the business of creating and implementing law enforcement strategies “because of the potential conflict of interest that this may present to our joint membership.”

Judge Peters stated that members of the Council have significant mandates and resources to interdict crime; however, the purpose of the Council itself is to furnish a forum for communication among the agencies that make up the Council. He further stated that beyond that, it has no additional authority. Judge Peters conveyed that the Council’s budget funds a staff of two persons. He further conveyed that nonetheless, even with this limited budget, staff and authority, the Council has accomplished much for the criminal justice system in Baltimore City, all without direct involvement in law enforcement. Judge Peters advised that there had been a request by Governor Hogan for the Council to address violent crime in the City. He stated he would call upon the Baltimore Police Department for their report and then proceed to the discussion.

Glenn Fueston, Executive Director, Governor’s Office of Crime Control and Prevention (GOCCP) made a motion for the Council to address the issue of violent crime in Baltimore City.

### **II. BALTIMORE POLICE DEPARTMENT REPORT – DEPUTY POLICE COMMISSIONER DEAN PALMERE**

Deputy Commissioner Dean Palmere referred Council members to the Commissioner’s report which was included in their packets. He reported that homicides were up 15% and that non-fatal shootings were slightly up. Deputy Commissioner Palmere further reported that the clearance rates were holding steady. Judge Peters thanked Deputy Commissioner Palmere for the Commissioner’s report.

Mr. Fueston stated that he disagreed with Judge Peters’ statement and that violent crime in the city is everyone’s problem. He further stated that the Governor wants an all hands on deck approach and is hopeful everyone can come together. Mr. Fueston advised that the Governor wants the Council to come up with a unified plan to reduce crime and homicides in Baltimore City. Tyrone Roper, Behavioral Health Systems Baltimore, asked Mr. Fueston when he wants the plan to be created and Mr.

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Fueston replied now.

### **III. DEPARTMENT OF JUVENILE SERVICES REPORT—SECRETARY SAM ABED**

Secretary Sam Abed advised that he supports the Governor's plan to reduce crime and that there should be discussion about strategy that can be employed. He further advised that a memorandum had been drafted on juvenile crime, later school start times, staggered start times, and year-round school, which was in support of the Governor's position to address the violent crime issue. He further advised that DJS has been working with both Governor Hogan and Mayor Pugh. He discussed juvenile crimes and the time periods in which juveniles are committing crimes. Secretary Abed further discussed that between the hours of 3:00 p.m. to 7:00 p.m. children are not supervised and he proposed to move the school hours to start later and end later. Secretary Abed advised that studies have been compiled on the subject detailing a child's academic performance and attendance in school. Secretary Abed asked Ms. Barranco to electronically disseminate the memorandum to Council members and Ms. Barranco affirmed. Marilyn Mosby asked Secretary Abed if he was in favor of extending the school year and he stated he may be in support of that concept. Ms. Mosby advised that the State's Attorney's Office reviewed data this past summer and facilitated pop-up events providing a safe haven on Friday evenings from 6:00 p.m. to 9:00 p.m. Ms. Mosby stated that there were approximately 2,400 students that participated and that they are contemplating continuing the program into the school year. Tyrone Roper advised that he was interested in facilitating a discussion on this topic. Mr. Fueston advised that he was seeking a unified holistic approach from everyone at the table. Judge Peters thanked Secretary Abed for his report.

### **IV. ATTORNEY GENERAL OF MARYLAND'S REPORT – ATTORNEY GENERAL BRIAN FROSH**

Elizabeth Embry, Director of the Criminal Division of the Office of the Attorney General (OAG) referred Council members to the Maryland Office of the Attorney General's report, which was included in their packets. Ms. Embry reported on the Criminal Division, which includes the Fraud and Corruption Task Force, Organized Crime Task Force, Environmental Crimes Task Force, and the Crimes of Exploitation Task Force. She further reported that there were seven prosecutors within the Organized Crime Unit that work across the state on gang violence, prison corruption, narcotics trafficking, gun trafficking, and human trafficking. Ms. Embry advised that they work together with the FBI and DEA on gun and human trafficking cases. Ms. Embry further advised that the Fraud and Corruption Task Force encompasses procurement fraud, Medicaid fraud, insurance fraud, tax fraud, securities fraud, and

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state employee misconduct. She conveyed that the Medicaid Fraud Control Unit has funding to do outreach and that the Fraud and Corruption Task Force handles cases in which the State is the victim. Ms. Embry further conveyed that the Environmental Crimes Task Force consists of air, land and water pollution, hazardous waste, natural resource crimes, and lead paint crimes. She identified that they were working with the Housing Department on unauthorized dumping sites across the city and lead paint cases in Baltimore County. Ms. Embry discussed that the Fraud and Corruption Task Force has fourteen indictments and she further discussed how they are focusing on tax preparers such as the Liberty Tax Service. She explained how the Liberty Tax Service schemes exploited the poor and homeless and she elaborated on the successful prosecution of the Liberty Tax Service. Ms. Embry concluded with reporting on the Crimes of Exploitation Task Force, which includes abuse and neglect of vulnerable adults, consumer protection, and identity theft cases. She identified how the task force works with prosecutors across the state. Ms. Embry further identified that they are focused on fighting crime in Baltimore City and have collaborated with the State's Attorney's Office in Baltimore City. She concluded by stating the opioid epidemic is the number one priority of the OAG. Judge Peters thanked Ms. Embry for her report.

### **V. COMMITTEE REPORT- TRANSPORTATION COMMITTEE- JUDGE SHANNON AVERY, CHAIR**

Judge Shannon Avery stated that the CJCC exists as a framework for members to come together and communicate effectively, and explained how the actual work gets done in the CJCC Committees. Judge Avery reported that transportation of inmates occurs every day and she advised that there had been no significant problems since she has been serving as Chair of the CJCC Transportation Committee. Judge Avery stated that Ms. Barranco facilitates the meetings and promptly addresses issues before they become significant problems and she thanked Ms. Barranco for everything that she has done for the CJCC. Judge Avery identified that in the interest of time the written report would be emailed to Council members and Ms. Barranco affirmed. Judge Peters thanked Judge Avery for her report.

### **VI. PRESENTATION ON THE OFFICE OF THE CHIEF MEDICAL EXAMINER - DAVID R. FOWLER, M.D., CHIEF MEDICAL EXAMINER**

Dr. Fowler presented a PowerPoint presentation on Death Investigation in Maryland. He reported that Maryland is the only state to have board certified medical examiners and that it requires thirteen years of training to become board certified, which includes eight years as a licensed physician; four years of full hospital pathology training; one year of forensic pathology training; and passing the anatomic and

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forensic pathology board examinations. Dr. Fowler further reported on the distinctions of a medical examiner and coroner. He stated that medical examiners are appointed forensic pathologists and are not limited to state, district, or county jurisdictions; whereas, coroners are elected, have variable qualifications, and are limited to a district or county jurisdiction. Dr. Fowler conveyed that in 1939, Maryland became the first statewide medical examiner system in the United States and a Post Mortem Commission was formed. He further conveyed how the Post Mortem Commission is defined in the statute as an independent agency with a budget set by the legislature annually. Dr. Fowler discussed how the Office of the Medical Examiner investigates deaths that occur in government facilities (chronic care facilities, mental health facilities, prisons, juvenile detention facilities, wards of the state); deaths that occur in custody (during police activity); and deaths that occur in private institutions (hospitals and nursing homes). He further discussed how they are located near the University of Maryland campus and how they have almost outgrown their current facility due to the opioid crisis.

Dr. Fowler stated that over 14,000 deaths were referred to the Office of the Medical Examiner last year; over 8,000 cases are accepted per year; and 5,640 autopsies were performed. He discussed the roles of emergency medical personnel, police, crime scene investigators and medicolegal forensic investigators and he described the different protocols for suspicious and non-suspicious deaths. Dr. Fowler stated that he personally reviews all homicides, which are approximately 850 cases a year. Dr. Fowler further stated that he also reviews all deaths of children less than two years old, and all undetermined manner of death reports. He reported that several of their CT scans have been used in court and have been a powerful tool. Dr. Fowler further reported that the OCME death investigation is accredited by the National Association of Medical Examiners and OCME Toxicology is accredited by the American Board of Forensic Toxicology. He concluded his presentation by identifying that all populations need a competent death investigation system to ensure appropriate care of the public's health and to ensure the justice system is well served. Dr. Fowler advised the CJCC members to contact him if anyone wanted to take a tour of the facility. Ms. Barranco asked Dr. Fowler what percentage of cases was due to drug overdoses and Dr. Fowler replied 50%. Judge Peters thanked Dr. Fowler for his report.

Mr. Fueston asked Council members if they were going to take any further action on the Governor's motion. Judge Peters asked Mr. Fueston to re-state his motion. Mr. Fueston made a motion for the CJCC to develop a unified comprehensive strategy to

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address violent crime and homicides in Baltimore City. He stated that he disagreed with the Chair on the purpose of the Council and his statement that the CJCC is not the appropriate body to address violent crime. Drew Vetter advised that the Mayor's Office on Criminal Justice (MOCJ) has regular contact and discussions with partners on strategies and working together. He further advised that he was not sure if this is the role of the CJCC to create this plan. Mr. Vetter stated that Mayor Pugh was not in attendance and he should discuss this with the Mayor. He said she has a crime plan in place and should have the opportunity to weigh in, and he suggested tabling the issue. He further suggested putting together a more formal motion to vote on in October at the next scheduled CJCC meeting. Mr. Fueston expressed concern that the CJCC's discussion on violent crime had only lasted for seven minutes and he reiterated that he wanted to move on his motion now since people were dying. Mr. Vetter made a motion to table the vote. Gabriel Auteri seconded Mr. Vetter's motion. Mr. Fueston questioned if the motion was to table the vote until October 11, 2017. Mr. Abed recommended that a subcommittee be formed to discuss the strategy. Mr. Fueston questioned if this was the correct body to come up with a plan. Warren Alperstein stated that the judiciary must be impartial. Mr. Alperstein further stated that he could not see why this body could not address the issue without the participation of the judiciary. Mr. Fueston asked what the role of this group is, and what its outcomes are.

Judge Peters referenced his opening statement and his comment about the history and involvement of the judiciary within the Council. He said that the judiciary could decide if they wanted to remain a part of the CJCC. Judge Peters further stated that it was up to the members which way they wanted to go forward. Mr. Auteri stated that it is important for the Mayor to participate and lead this conversation. Mr. Plymouth advised that he wanted Council President Young to also have a voice in the discussion. He further advised that the City Council can have hearings on this issue and the Public Safety Committee of the City Council also has a plan. Mr. Fueston said that he would report back that no progress has been made on the Governor's request. Mr. Vetter stated that he objected that there was no progress being made. Mr. Fueston clarified that there had been no progress on the governor's specific motion related to addressing the violent crime issues. Mr. Vetter stated that he thought a subset of members should convene to address collaborative crime strategies which did not include members with a conflict. Mr. Fueston asked what the outcomes of the CJCC were. Mr. Abed made a motion to vote on the subcommittee's creation. Judge Peters asked if the motion presented before the CJCC was to create a violent crime subcommittee. Mr. Fueston asked if the new motion



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was a third motion on the table. Judge Peters explained that the motion to form a Subcommittee on violent crime was a second motion presented before the CJCC. Mr. Alperstein questioned if there were any other agencies that would have a conflict. He further asked if it would satisfy the governor if the judiciary was excluded. Mr. Fueston replied that he believed so. Kirsten Downs stated that they all have different perspectives on what is causing the violent crime. Mr. Fueston stated that he would like to see everyone come together and he made a motion to retract his previous motion. He made another motion that those CJCC members who believe they are not in conflict develop a unified crime reduction plan for Baltimore. Mr. Alperstein seconded the motion.

Mr. Plymouth clarified the existing motions that were presented before the CJCC. Mr. Alperstein, Mr. Fueston and Mr. Abed voted for the motion and Ms. Downs voted against the motion. Mr. Vetter asked for clarification on the rules for voting as a designated alternate. Ms. Barranco replied that designated alternates could cast a vote on the motion presented before the CJCC. Mr. Fueston renewed his motion that those CJCC members who believe they are not in conflict develop a unified crime reduction plan for Baltimore. Mr. Alperstein seconded the motion.

Seven members voted in favor of the motion, one member opposed, and the other members abstained. Ms. Barranco read the CJCC bylaws, which require a quorum of the 21 members' votes in the affirmative for a motion to carry. Judge Peters stated that the motion presented before the CJCC had failed. Mr. Vetter stated that a subcommittee of the CJCC could be a powerful force, and he suggested setting up this committee to discuss a collaboration on violent crime at the next scheduled meeting.

Judge Peters adjourned the meeting at 1:59 p.m. The next meeting will be held on Wednesday, October 11, 2017 at 12:30 p.m., Courthouse East, Room 510.

### MEETING HANDOUTS

- 1) CJCC September 13, 2017 Meeting Agenda
- 2) Minutes from the July 12, 2017 meeting
- 3) Division of Pretrial Detention and Services Statistics Report
- 4) Baltimore Police Department Report
- 5) Attorney General of Maryland's Report
- 6) Chief Medical Examiner's Report – PowerPoint

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Respectfully submitted,

Kimberly Smalkin Barranco  
CJCC Executive Director

KSB/mba