



Marc Elrich
County Executive

Dr. Raymond Crowel
Director, DHHS

COMMISSION ON JUVENILE JUSTICE

Tuesday, June 16, 2020

7:00 p.m. to 8:30 p.m.

Teams Meeting

CITIZEN MEMBERS PRESENT: Kimberly Alfriend, Diana Barney, Chris Jennison, Erynn Penn, Joshua Pestaner, Kevin Redden, Melanie Rush, Vernon Scott, Ebony Stoutmiles, Thomas Squire, Angela Toliver, and Gwen Williams.

AGENCY MEMBERS PRESENT: Joanna Bonner, Amy Daum, Francha Davis, Frank Duncan, Susan Farag, Steve Miller, Steve Neff, Nathaniel Tipton, Carlotta Woodward, and Dalbin Osario for Elijah Wheeler.

EMERITUS MEMBERS PRESENT: Carole Brown, Chris Fogleman

ABSENT MEMBERS: Bonnie DeWitt, Dan Gaskill, Tracy Friedlander, Wendy Pulliam, Mary Siegfried, and Michael Subin

STAFF LIASON PRESENT: Diane Lininger

GUESTS: Honorable Cynthia Callahan, Family Judge in Charge, Honorable Ann K. Albright, Honorable Karla N. Smith, Honorable Michael J. McAuliffe, Special Magistrate Lena Kim, Jennifer Gauthier and Oneil Ormsby

- I. **Welcome** – Chris Jennison, Chair, introduced the judges at 7:05pm. Briefly discussed the Teams platform and how to ask questions.
- II. **Attendance** – Diane will take attendance. Please Mute your microphone unless you are speaking.
- III. **Topics/Questions/Discussion with the Circuit Court Judges**
 - a. One of our members noted an "overabundance" of peace orders that juveniles are obtaining against each other. Do you have any thoughts on this, or have you seen this in your chambers?
Answer: Special Magistrate Kim briefly discussed the juvenile peace orders. Judge Smith answered a question about School Resource Officers and whether they are responsible for significant referrals. She said they are more responsible for peace orders. It was also mentioned that most juvenile cases from schools are adjudicated at the school.

Magistrate Kim mentioned the need for a one stop shop for young people, to be really invested in kids through school, housing, mental health, public transportation.

- b. How have court operations been impacted with the virus and how do the judges foresee moving forward? Is there a significant back log and how were electronic hearings held and received?

Answer: Judge Callahan initially remarked on how court operations were during COVID and stated they were lucky it “wasn’t worse.” It was starting to settle down, but she predicts it will take four or five months to get back up to speed. It is a long, complicated process.

Judge McCullough commented on what hearings they conducted, including domestic violence, bond hearings, emergency commitments. There was one judge for adult emergencies and one judge for juvenile. There is a significant backlog in family law cases. They are trying to decide cases without a hearing or with remote hearings. They have approximately 4,500 open CINA cases. The Judges are now in the building. He indicated that in some cases they can resolve CINA cases with a consent order. Everyone is learning to do remote hearings, but they take 2-3 times as long. If an interpreter is needed, it is even more difficult. They are also using a new platform, Zoom for Government, beginning this week. He also mentioned mediations, and that Montgomery County is the only county that allows mediation before adjudication. Mediation gives parents more of a voice.

- C. Department of Juvenile Services just closed two more facilities. Do you agree with the growing trend that children should receive services in more community-based programs like home or group homes as opposed to these big facilities that are more like prisons? Or do you think they should try in contact with more large containment facilities?

Answer: Judge Callahan mentioned the closure of the DJS facilities, and said yes, two were closed as of May 29, Carter Center and Meadow Mountain. DJS is consolidating services and transferring kids and staff elsewhere. They prefer community- based programs if possible. She remarked that DJS has provided very good communication with the judges, providing a weekly call to provide updates. Judge Callahan asked Frank Duncan where the kids were going. He said for Meadow Mountain, two kids were going to Greenridge. The girls at Carter Center will be going to Back Bone Mountain.

- c. HB 0933 -

<http://mgaleg.maryland.gov/mgaweb/Legislation/Details/HB0933>

We had trouble deciphering the language of this bill and would like to know what would be the practical ramifications of this bill from your perspective? Would you make any changes and if so, what would they be?

Answer: Judge Callahan discussed HB933 and said she had trouble deciphering the intent of the bill. It did not pass. It intended to reduce the number of children

treated as adults. It was “not a good drafting job.” Some places in the state (not Montgomery County) are not sufficient for handling kids appropriately, and kids end up in adult facilities.

Chris Jennison discussed legislation stating we will submit written comments or testify, and asked if we have questions, may we reach out to the judges? Judge Callahan said yes, but that “we spend a lot of time trying to understand the bills.”

- d.** Can you tell us about what training you receive as a judge, particularly in the realm of implicit bias or racial equity?

Answer: Judge Smith mentioned implicit bias training, a full day course. And mentioned the importance of cultural competency. Judge McAuliffe mentioned bench cards, small laminated cheats in decision making to help fight implicit bias. He also mentioned “baby judge school” held one time a year. He has not been yet.

- e.** What mix do you see of private representation, public defender, or proceeding without representation? How do you see that affecting the outcome or process experience for defendants?

Answer: Judge Smith mentioned the need for legal representation. And stressed how important it was that even is a juvenile was not sure about eligibility, they needed to check with both a Public Defender and a private attorney. Even so, getting represented was a challenge. She gave an example of three kids charged with robbery. Only one child can be represented by the Public Defender’s Office.

Magistrate Kim mentioned the juvenile court bar, and that it is 18-month rotations. Attorneys are also well versed in juvenile proceedings and know how to manage kids. The State’s Attorney’s office is considering a permanent Juvenile team, which would be helpful. Magistrate Kim also mentioned that court-appointed attorney’s often do not get paid.

- f.** How can the Commission on Juvenile Justice support the judges and is there anything that they would like us to advocate for?

Answer: Judge Callahan stated that they really enjoy this meeting with the CJJ and that continuing with this format helps them to discuss the issues

VI. Meeting Adjourned

Commission on Juvenile Justice

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