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*County Executive*

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COMMISSION ON JUVENILE JUSTICE

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**Tuesday, May 17, 2022**

**7:00 p.m. - 8:30 p.m.**

**Virtual Microsoft Teams Meeting**

**CITIZEN MEMBERS PRESENT:** Kimberly Alfriend, Bonnie Beavers, Carol Cichowski, Bruce Clark, Don Chisholm, Eddie Ellis, Tracey Friedlander, Gerda Gallop-Goodman, Melissa Goemann, Chris Jennison, Ijeoma Okoro, Erynn Penn, Joshua Pestaner, Michael Pinard, Kevin Redden, Jonathan Scriven, Tom Smith, Ebony Stoutmiles, Heather Sweren, Shuaa Tajammul, and Erin Whaley.

**AGENCY MEMBERS PRESENT:** Joanna Bonner, Amy Daum, Francha Davis, Frank Duncan, Susan Farag, Steve Miller, Steve Neff, Mary Siegfried (Brett Lonker) Nathaniel Tipton, and Carlotta Woodward

**ABSENT MEMBERS:** Thomas Squire

**ABSENT EMERITUS MEMBERS:** Carole L. Brown, Chris Fogleman, and Wendy Pulliam.

**STAFF LIAISON PRESENT:** Diane Lininger

**GUESTS:** Elizabeth Emen, Captain Flynn, Nick Moroney, Rolando Santiago, and Tia Scott.

**SPEAKERS:** Carlos F. Acosta, Associate Judge; Michael J. McAuliffe, Associate Judge; Karla N. Smith, Associate Judge; and Lena Kim, Juvenile Magistrate

- I. **Welcome** – Chair, Christopher Jennison, welcomed members, called the meeting to order, and communicated the goals of the meeting to present members and guests.
- II. **Attendance** – Diane took attendance and asked all attendees to mute microphones unless speaking.
- III. **Speaker** - Carlos F. Acosta, Associate Judge, Michael J. McAuliffe, Associate Judge, Karla N. Smith, Associate Judge and Lena Kim, Juvenile Magistrate.

1. CJJ Question 1: By way of background, for newer members of the Commission who are less familiar with the process, could you explain the types of things judges consider when deciding whether a juvenile charged as an adult - who files a motion to be in the juvenile system, etc. - should have the request granted (assuming it is something more than just age, since they can be charged as adults at times)? Also, do judges give more weight to mental health, support system, etc., and what is your opinion of the capacity of the courts to make these determinations?
  - Judge Smith stated that the Department of Juvenile Services (DJS) will do a report on each youth prior to the hearing and will assess factors such as therapy, history, services, and nature of the charges.
  - Judge McAuliffe added that recently when a Judge waved a youth down from an adult charge to a juvenile charge and there was much anger from the community.
2. CJJ Question 2: Advocates are seeking to decriminalize minor offenses, particularly those occurring on school grounds that could be treated as violations of the school code of conduct and not criminalized. Have you been seeing many cases in which young people are being charged with offenses that could/should have been managed as disciplinary matters by school officials?
  - Magistrate Kim stated that this year they have not been seeing unnecessary charges (i.e., not as many peace orders) because the school has been overseeing these issues/offenses. However, assaults in schools have escalated to a higher level this year. She added that Tia Scott from MCPS works closely and collaboratively with the judges on setting up returns from youth who have been in a placement to the schools.
3. CJJ Question 3: How would you describe the key differences in the process of prosecutions in adult versus juvenile court, particularly with respect to what happens in the courtroom and the role of the judge? For example, what would a case, which involves a 15-year-old charged with murder look like in juvenile court versus adult court?
  - Judge Smith stated that the trial may look the same. However, after the conviction, the process will entail a difference between getting youth into rehabilitation and school versus the adult, where youth is jailed with no option for rehabilitation.
4. CJJ Question 4: It is said that the separate system of juvenile justice was established with the goal of focusing on the best interests of the child. Can you

explain whether this remains the focus of the juvenile justice system, and, if so, how is this operationalized in juvenile court proceedings?

- Magistrate Kim offered an example of different treatments of youth in the juvenile system. She discussed an experience about a hearing held for an 18-year-old adult, who did not arrive for the court session. Kim later learned reason for the juvenile missed the court appearance was his caseworker had him removed from his home, leaving him without transportation, making it difficult to attend the court appearance. The judge further explained that in an adult court, a warrant would have been issued based on the outcome of the hearing. However, in this case, it did not make sense to issue a warrant for the youth. Instead, it was important to get him the assistance he needed both around a safe place to stay, transportation, etc.
5. CJJ Question 5: We understand that sometimes sending a juvenile to a rehabilitation/mental health facility is challenging due to lack of availability/beds. Are there ways judges can address this when they are deciding a case?
- Judge Smith noted that the social work Intern Case program through the court has been helpful for helping with finding assistance/treatment for youth with mental health issues. The program has been able to assist families with great needs. In addition, Judge Smith also noted that appointing a Case advocate through Voices for Children has been helpful and that we need easy access to prescription medication and access to psychiatric evaluations to pre-empt potential situations.
6. CJJ Question 6: We understand that a disproportionate percentage of youth involved in the juvenile justice system have mental or emotional health issues. How are these issues sorted out in juvenile court to ensure that young people are not further traumatized or otherwise disadvantaged by the system? Also, what do you think of a mental health court as an option to reduce recidivism?
- Judges Smith and McAuliffe stated that more options are needed for kids with mental health problems. They reiterated that there is a lack of beds and that there are kids on suicide watch sitting in hospitals with nowhere to go for treatment.
7. CJJ Question 7: Could you describe the initial/ongoing training for juvenile court judges in Montgomery County on racial and intersectional biases specifically as they impact youth, including adultification bias?

- Judge Acosta stated that there are numerous training and educational courses for judges and there is an option to take an implicit bias course. He, for example, recently went to this type of training in addition to training in restorative justice. He noted that he has been impressed with the growth of the court to include training on these issues as he is a new judge.
8. CJJ Question 8: A substantial portion of cases involving juveniles are dismissed after being formally petitioned. What does it tell us, in your opinion, about the exercise of authority or discretion or Maryland law? For example, should we be concerned about over policing or over-charging, especially considering the research that shows that contact with the juvenile court is associated with negative life outcomes, regardless of the disposition?
- Judge Smith reported not too many juvenile cases that result in dismissal, especially if they have made it to court. Most youths enter a plea and rarely is there a trial. The court is not involved in police matters or charges; they address what is brought to them.
9. CJJ Question 9: Overall, what are some of the judges' main concerns regarding the administration of the juvenile justice system in the county?
- Judge Acosta – Delays for actions; delays telling the court about issues; sanctions; DJS needs to let judges know immediately when a youth has not followed the rules
  - Judge Smith – Juvenile version of the Family Justice Center. Montgomery County needs to advocate for tutoring services, mental health evaluations, therapy, drug treatment, after school services – there should be a one-stop shop for youth services.
  - Judge McAuliffe – More placements especially for mental health. Educate the community on youth being treated as youth. Therapeutic interventions.
10. CJJ Question 10: Do lawyers for children/youth seem familiar with all the options for diversion available to the court?
- Judge McAuliffe stated that the court is given information about diversion options, but it is challenging to be informed of all the most recent options.
11. Do judges think any additional specialized training in juvenile justice litigation/practices/statutory requirements might be needed for counsel in juvenile cases?
- Judge Smith - The bench bar meetings provide up to date trainings and information on different issues facing our families.

- Magistrate Kim – The bench bar meetings are great because they get up to date information on different service providers and try to stay on top of most recent services.

12. CJJ Question 12: Has the fact that Alfred D. Noyes detention facility (Noyes) has become an all-female commitment facility, resulted in the judges seeing any changes related to resources or treatment availability to female juveniles sent to Noyes in recent months?

- Magistrate Kim – not many female juveniles are placed in commitment. Magistrate Kim is concerned that male juveniles are being placed in Baltimore and Laurel which makes it hard for families to visit. Recently, a Montgomery County male youth was placed in Baltimore and attacked at Baltimore City Juvenile Justice Center. As a result of the head trauma, the youth is now having seizures. The County will miss having the Alfred D. Noyes detention facility, as it was a safer place for male juveniles.

13. CJJ Question 13: What is your opinion about restorative justice as an alternative to the more traditional disposition of juvenile offenses?

- Judge Acosta believes that the system is working hard to help kids and is very inspired by all the caseworkers and foster parents who work on behalf of the youth.

14. T CJJ Question 14: To what extent are you encountering cases in juvenile court in which the young person would have been a suitable candidate for participating in a diversion program that is not available? In other words, are there missed opportunities for diverting young people?

- Judge Smith – is not aware of youth having missed opportunities but always is wishing for more services for youth (which is affected by the Department of Juvenile Services budget). Judges do not have a say regarding the budget, and the lack of resources has been going on for years. We are lucky to be in Montgomery County where services for youth are supplemented.

#### IV. Old Business

- Vote to finalize April 22 minutes** – A commissioner made a motion to accept the minutes, followed by a second motion; then moved in favor by all commissioners.

#### V. New Business

- Elections for New Election Board
- July Work Plan for Fiscal Year 2023.

- VI. Announcements** – Neither Commissioners nor members of the public had any announcements.
- VII. Meeting Adjourned.**