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## COMMISSION ON JUVENILE JUSTICE

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**Tuesday, May 16, 2023**

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

### **Virtual Microsoft Teams Meeting**

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

**AGENCY MEMBERS PRESENT:** Joanna Bonner (Alycia Kokos), Francha Davis, Frank Duncan, Elizabeth Emen, Steve Neff, Jordan Satinsky (Kevin Parker), Mary Siegfried (Brett Lonker), Nathaniel Tipton and Carlotta Woodward

**ABSENT MEMBERS:** Carol Cichowski, Susan Farag, Melissa Goemann, and Ebony Stoutmiles,

**PRESENT EMERITUS MEMBERS:** Carole L. Brown.

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

**GUESTS:** Dr. Rolando Santiago and Tia Scott.

**STAFF LIAISON PRESENT:** Diane Lininger

**SPEAKER:** Judge Karla N. Smith and Magistrate Lena Kim

- I. **Welcome** – The meeting opened by Kevin Redden, Chair of the Montgomery County Commission on Juvenile Justice (CJJ). Kevin introduced Elizabeth Emen as the new ex officio member from Health and Human Services.
- II. **Attendance** – After taking attendance, Diane Lininger asked everyone to mute their microphones unless they were speaking.

**III. Topics/Questions for the Circuit Court Judges –**

**A. Please share ongoing training that judges receive on racial bias, particularly related to Black and Brown children or intersectional biases (i.e., race and gender, race, and disability)**

**Judge Smith**

- There is no requirement in Maryland that judges have racial bias or any other bias training.
- However, they must take full two days of courses each year through the Maryland Judicial Institute
- She took a class last year through the Judicial Institute about racial biases.
- Believes that the legislature passed a bill this most recent session mandating racial bias training for judges.
- Finds that the judges who ask to sit on juvenile court are really interested in juvenile justice and tend to recognize that lots of the children who come through system are Brown. They recognize the importance of learning about their own biases and the impact of biases on decision making.

**B. Are there programs and/or interventions you find to be particularly helpful and that you utilize?**

**Magistrate Kim**

- There are several programs she has good experience working with; Youth Advocate Program (YAP), Evening Reporting Center (ERC), MCPS Liaison, Social Work Intern Program – developed by Judge Smith.

**C. How can we build more community-based programs for children, so that they don't go to juvenile detention centers?**

**Judge Smith**

- DJS has the contracts they have, but it's not enough.
- The County needs to play a larger role figuring out services for children (e.g., if a child has lost interest in school)
- Need to figure out how to get to children before they get to Circuit Court

**D. Are you utilizing mentors to support these young people?**

**Magistrate Kim**

- There are several mentor programs that work with the Court, YAP, Choice Program and Advanced Clinical Solutions

- E. What are the two or three factors that weigh most heavily for you in a waiver hearing in judging whether a young person is not amenable to rehabilitation in the juvenile system and therefore should be tried in adult court?**

**Judge Smith**

- Cannot think of two or three factors that speak to her in this context. It's tricky because people can be in juvenile court until 21 years-old, but there are limited services for children once they reach 18 years of age.
- F. If a law is passed to repeal automatic charging of youth as if they were adults, do you think prosecutors will be unduly burdened in having to make the case for a waiver in cases that you think should be tried in adult court?**

**Judge Smith**

- Cannot really answer this question – cannot think of any cases where a child is charged in juvenile court and has been transferred to adult court.
  - Also thinks that a good number of cases charged in adult court go down to juvenile court.
  - Does not think prosecutors would be especially burdened.
- G. What kinds of complaints have come before you that you think should have been disposed of by DJS without formal petitioning by the State's Attorney? In that regard, have you taken advantage of the authority the court has been given to return a petition to DJS for informal adjustment rather than proceed with formal proceedings?**

**Magistrate Kim**

- Have not had many.
  - Considering juvenile justice reform laws, DJS has put a hyper-focus on resolving cases informally.
  - Cannot think of specific cases that she thinks should have been handled informally rather than brought to court.
  - However, there are a bunch of cases for driving without a license, where that is the only charge. If they get a license or permit, the case goes away.
  - Wishes there was a way for these cases not to be in court and that there was a separate procedure/process.
  - Enormously stressful for families to be in court for these cases.
- H. A significant portion of justice-involved youth have a disability. How is information on a young person's disability used in disposition proceedings, particularly in cases in which the behavior appears to be a manifestation of the youth's disability?**

### **Judge Smith**

- Largest number of children with a learning-related challenge have ADHD.
- In cases where education is an issue, Judge Smith gets parental consent and then reaches out to Ms. Scott or the school to implore investigation into the learning challenge and to possibly implement an IEP.
- Also, sees children with depression in court but who have not been evaluated.
- Will require that parents get the child evaluated.
- Will use social work interns to ensure that evaluations take place quickly.
- Will ensure that the child's therapist gets a copy of the Court's evaluation.

- I. For cases that have arisen out of offenses at school, how does the number of cases this academic year compare to previous years; what types of cases are you seeing primarily; are you seeing many minor disciplinary types of cases?**

### **Judge Smith**

- She was not able to get numbers for this meeting (was in trial)

### **Magistrate Kim**

- Thinks there was a time when significant numbers of peace orders were sent.
- As a byproduct of meetings with school officials, DJS, etc., a lot of these peace orders no longer make it to Court.

- J. What is your perspective regarding the availability of services for juveniles and are there any services you would like to see provided that are not currently provided?**

### **Magistrate Kim**

- There is no true drug treatment for children in Maryland – there is a real need for drug treatment.
- Need more resources across the board.
- Need more job training, employment readiness programs.
- For many children, school is not the path for them.
- Thomas Edison Program - to get into the program you must attend your home school (which eliminates many children), and you can only get in through a lottery.
- There are waitlists for many programs, so children sit in detention while waiting to get into programs.
- Need more mental health programs.
- Detention facilities are under-staffed.

**K. Do you think there would be any advantage to having specialized judges with specific qualifications assigned to juvenile court instead of the current system in which judges rotate in and out?**

**Judge Smith**

- Law requires that judges in juvenile court have an interest in juvenile court.
- In addition, the current administrative judge (Bonifant) has made it a point to ask judges if they are interested in going to juvenile court.

**L. In the past you have brought up the idea of a one stop shop for Juvenile services such as counseling and preventive services that could help kids before they get into the system. Could you elaborate on this idea?**

**Judge Smith**

- Has spoken about the one stop shop to John McCarthy
- Have had interns look at programs in other states.
- Would be great to have a one-stop shop for youth in Montgomery County
- Holistic, wrap-around services
- County needs to create a Center where everyone is together.
- A family justice center focused on youth.
- Says that the JJC could take on this issue of the need for a Family Justice Center for youth.
- We cannot keep having folks call 20 phone numbers and not be able to access services for their child.
- Says that the Montgomery County Family Justice Center (which focuses on individuals experiencing domestic violence) is a great model.

**M. Which of the changes made by the juvenile reform legislation that became effective in June 2022 have you found to be most helpful?**

**Magistrate Kim**

- DJS is trying to get referrals out ASAP.
- Mandatory probation period of 6 months to a year is a huge problem.
- Asking the Court, the Department, and everyone else to attach the trauma that started years before – impossible to resolve in 6 months.
- SASCA (Substance Abuse Services for Children & Adolescents)- Is now CASS through the Crisis Center.
- Even if the DJS makes referral for the evaluation, there is another intake process, etc. – too burdensome and inefficient.
- New laws have forced the courts to say, “you have to resolve your substance abuse within one year.”

**N. Is restitution an issue and, if so, how can it be handled differently?**

## **Magistrate Kim**

- If the child has done everything except for fulfill restitution, she used to convert the probation to unsupervised, to give time for restitution – however, with new juvenile justice laws cannot do so because youth are to complete services in 6 months.

### **IV. Old Business**

- Minutes of April 2023 Commission meeting- Motion to adopt April 2023 Minutes. Motion was seconded. The vote was unanimous.

### **V. New Business**

- **Nomination committee** - if you are not interested in serving on the executive committee and would be willing to be on the nomination committee, please let Diane know.
- **Upcoming Meetings**
  - **June** - In person meeting to discuss Annual work-plans and our mission for the upcoming fiscal year. We will be meeting from 7pm-9pm on June 20, 2023, at 401 Hungerford Drive, 1<sup>st</sup> floor conference room, Rockville, MD. Parking can be found around the building. We will be having pizza, salad, water, and cookies for dinner. We will also be holding elections for the executive committee. If you are interested in helping to plan the June meeting, please let Diane know.
  - **July** waiting to hear if Secretary Schiraldi can attend. If not, any other suggestions. The secretary was given dates of meetings for June, July, and September.
  - **August-** Do not meet.
  - **September** - In-person meeting again. Speakers will be Carlotta Woodward, Chief, Juvenile Court Division, Montgomery County State's Attorney's Office; Brett Lonker, Supervisor, Juvenile Division, Office of the Public Defender, Montgomery County; and Frank Duncan, Assistant Regional Director, Metro Region, Department of Juvenile Services

### **VI. Committee/Subcommittees**

- **Executive** – Kevin Redden- No updates.
- **Prevention** – Heather Sweren- No updated
- **Legislation** – Carol Cichowski and Bonnie Beavers- Met to discuss questions/topics for the meeting tonight.
- **Agencies** – Kevin Redden - the September 2023 meeting relates to the agency's subcommittee.

### **VII. Old Business**

- a. The minutes were approved and adopted for April 2023

**VIII. Announcements** - Neither Commissioners nor members of the public had any announcements.

**VIV. Adjournment** - The meeting adjourned at 8:29 pm.

