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COMMISSION ON JUVENILE JUSTICE

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**Tuesday, November 15, 2022**

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

**Virtual Microsoft Teams Meeting**

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

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

**ABSENT MEMBERS:** Tracey Friedlander, Joshua Pestaner, Mary Siegfried (Brett Lonker) Jonathan Scriven, Thomas Squire, and Ebony Stoutmiles.

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

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

**STAFF LIAISON PRESENT:** Diane Lininger

**GUESTS:** Arnav, Viviana Azar, Elizabeth Emen, Nick Moroney, Jeremy Pope, Dr. Rolando Santiago, Tia Scott, and Miftah Sualih.

**GUESTS:** Delegate Charlotte Crutchfield and Senator Will Smith

- I. **Welcome** – The meeting was officially opened by Kevin Redden, Chair of the Commission on Juvenile Justice (CJJ), who also greeted attendees and outlined its objectives.
- II. **Attendance** – After taking attendance, Diane Lininger asked everyone to mute their microphones unless they were speaking.

III. **Speakers** – The Commission invited Delegate Charlotte Crutchfield and Senator Will Smith to speak on upcoming Juvenile Justice Legislation in the Maryland Legislature for 2023.

A. Questions that were asked by the Legislative committee of the Commission on Juvenile Justice

1. What are your legislative priorities for the next session?

- Answer: Delegate Crutchfield – The need to delve deeper into several issues, including 1) the decriminalization of cannabis, 2) repealing the spousal defense to sexual assault, 3) development of civil remedies for hate crimes, and 4) the removal of the practice of prosecuting minors directly in adult court
- Senator Smith – He spoke on the Historic Progress Maryland Senate Judicial Proceedings Committee's work, which has been hailed as the committee's most forward-thinking output in the previous two and a half years. He included a link to a report that lists the Committee's accomplishments from 2020 to 2022. To set priorities, he advised individuals to consider what the criminal law ought to resemble in four years. He discussed "lines of endeavor." His top concerns include marijuana legalization, racial discrimination in the workplace, juvenile justice reform, safe storage for firearms, access to abortion, and women's privacy safeguards. [A Record of Historic Progress: 2020-2022](#).

2. What Maryland laws or practices relating to how we police, charge, sentence or treat people in the criminal justice system would you most like to see changed?

- Answers: Del. Crutchfield – Said we need more oversight of how the 24 jurisdictions are implementing police accountability reform. There have been delays in the rollout. Called for an ombudsman for criminal justice.
- Sen. Smith – There are not enough people in place to supervise people who are paroled or on probation.

3. What was your biggest disappointment during the 2022 session?

- Answer: Del. Crutchfield – Disappointed that the Maryland Legislature did not go as far as they could to finish juvenile justice reform. Also wished that they could have repealed the spousal defense to sexual assault, which was in a bill she introduced that did not make it through the legislature. Although the General Assembly passed HB837, she said that there is a lot more to do relating to the decriminalization of cannabis.
- Sen. Smith – He commented that the Senate, by design, is structured to frustrate progress on the enactment of legislation. The House can work at

a higher speed and quickly process more bills because of the structure of their committees. Would like to have passed Sen. Lee's bills on probation instead of deportation to our illegal immigrants, the repeal of the spousal defense, and the safe harbor bill for victims of sex trafficking.

4. The Democrats in the General Assembly have benefited from having a super majority that enabled them to override all 10 of Governor Hogan's vetoes, including the veto of the Child Interrogation Protection Act. How do you see the election of Wes Moore as Governor affecting the prospects for criminal justice reform in Maryland?
  - Answer: Del. Crutchfield – There will not be many detailed overrides of bills with Wes Moore as Governor and believes legislation will cross party lines to be passed.
  - Sen. Smith – Said Wes Moore is a game changer. Expects the agencies to work more collaboratively with the legislature. Feels optimistic.
5. What do you think are the primary misconceptions, false narratives, or myths about crime and public safety that have made reform difficult in Maryland and what are you doing as opinion leaders to address them?
  - Answer: Sen. Smith – He said we need to pay attention to the trend lines, not headlines. Juvenile crime is down, and we are a safer nation because of it. Only car jackings were up this year. The Governor's Office of Crime Control and Prevention (GOCCP) reports this year say that there was a decrease in crime between 1980 and 2022. The Senator said we needed an increase in funding for DJS.
  - Delegate Crutchfield – One of the myths has been a belief in the idea of juveniles as super predators. She said she was very concerned about the quality of the case managers in DJS and that some of the diversionary programs were not right for young people. She said to address crime we need wrap-around services and mental health services. There is no single solution. She saw crime as a cry for services.

#### 6. Questions about felony murder:

Delegate Crutchfield, you previously sponsored a bill to eliminate the application of the felony murder doctrine to juveniles. Could you explain why you believe Maryland should make this change? Do you have any plans to introduce or sponsor a felony murder bill in the 2023 session? If so, what are the prospects of favorable action in the Judiciary Committee?

- Answer: Del. Crutchfield – She mentioned that she had previously sponsored bill to eliminate the application of this antiquated rule of English law. She said its application to young people was at odds with brain science about development. She had not made a final decision on whether to bring back a bill in 2023.

Senator Smith, Experts, and advocates argue that the felony murder doctrine punishes people for crimes they have not committed. Do you agree that this doctrine is an affront to the principle of proportionality and

should be eliminated? What are the barriers to the elimination of this doctrine in Maryland?

- Answer: Sen. Smith – He agreed that it is a 17<sup>th</sup> century concept of murder that does not include the foreseeability element. He said that the State's Attorneys were a barrier to its elimination. He said that maybe Sen. Carter would have a bill.

7. Questions about automatic charging?

Del. Crutchfield, in 2022 you sponsored a bill to eliminate the automatic charging of youth as adults in all cases. Do you have plans to introduce this bill again? What do you see as the obstacles to getting this bill enacted this session?

- Answer: Del. Crutchfield – Said she is looking at reintroducing a bill this session. She mentioned the State's Attorneys as an obstacle to the enactment of a bill. She indicated that their primary issue seemed to be administrative. They did not want to have to seek waivers for 20 percent of the cases to move them to adult court.

Senator Smith: Do you support the enactment of a clean bill to end automatic charging as youth as adults without carving out any exceptions?

- Answer: Sen. Smith – He said he generally supports a clean bill and that there is judicial economy and efficiency to be had with the elimination of automatic charging. He also said he did not have the votes for a clean bill in 2022. He said Sen. Carter, the State's Attorneys, and OPD got close on a possible compromise that would have eliminated direct charges for 85 percent of the cases—starting all cases involving children under 16 in Juvenile court and only carving out exceptions for 16 and 17 years old who were accused of murder, rape, attempted murder and rape, and carjacking.

8. Senator Smith: The bill to provide a safe harbor for child victims of sex trafficking fell through the cracks at the close of the last session. How confident are you that it will pass in 2023?

- Answer: Sen. Smith – He said he would continue to work on getting it passed.

9. Delegate Crutchfield, we understand that the House may be taking action to authorize an audit of mental health services. Can you give us any more information about this proposed audit, particularly whether it would include a look at issues relating to services available to juveniles in detention or otherwise involved in the juvenile justice system? What concerns do you have about the identification and treatment of young people with mental health problems?

- Answer: Del. Crutchfield – The Delegate was not aware of this proposal.

10. Last year the House passed HB 23 which would have bolstered the use of restorative approaches in schools and required the collection of comprehensive, disaggregated, publicly accessible school disciplinary data. Unfortunately, it didn't move in the Senate.

For Del. Crutchfield - do you think the bill will be reintroduced in the House and will you support it?

- Answer: Del. Crutchfield – Did not know whether it would be reintroduced, but she mentioned that she did vote in favor of its passage previously.

For Sen. Smith - will you support this bill and help to advance it in the Senate?

- Answer: Sen. Smith – This bill was heard before the Education Committee in the Senate, not JPR.

11. What changes in policies, practices, or funding at the State or local level do you think have the most potential for preventing the involvement of youth in the juvenile justice system or improving outcomes for youth who are already involved?

- Answer: Del. Crutchfield – She mentioned the need for good diversionary programs and better case management, wrap-around services, and linkages with truancy.
- Sen. Smith – He emphasized the need for school budgets to include funding for security staff, counselors, social workers, nurses, mental health services, wellness centers, and more programming, not police officers.

12. How do you view The Juvenile Restoration Act after its one-year anniversary?

- Answer: Sen. Smith – posted the below link for his response.

[The Juvenile Restoration Act](#)

#### **IV. Old Business**

- a. **Vote to finalize October 2022, 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**

- a. Kevin Redden met with the Health and Human Services Committee of the County Council to present budget priorities for FY-24. The meeting was held on October 26.
- b. The visit to Cheltenham is scheduled for December 6<sup>th</sup>.

- c. Delegate Sandy Bartlett has agreed to speak at the January meeting. She expects to be joined by Krystal Williams from the Maryland Office of the Public Defender.
- d. Committee/subcommittee provides updates to the Commission.
  - The prevention subcommittee will next meet on Dec. 13<sup>th</sup> at 6 pm. 15 at 5pm.
  - The legislative subcommittee will meet on December 19<sup>th</sup> at 5 pm.

**VI. Announcements - none**

**VIII. Meeting Adjourned.**