



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE
Retreat Meeting Minutes
February 18, 2017

CITIZEN MEMBERS PRESENT: Shezhad Akhtar, Maria Blaeuer Bonnie DeWitt, Chris Fogleman, Karen Frances, Stacey Gurian-Sherman, Perry Paylor, Erynn Penn, Roberta Pieczenik, Carlean Ponder (Chair), Wendy Pulliam, Sierra Ross and Tisha Wiley.

AGENCY MEMBERS PRESENT: Amy Bills, Gloria Bowen, Francha Davis (Vice-Chair), Cary Fellows, Mary Siegfried, and Michael Subin.

ABSENT MEMBERS: Carole Brown, Frank Duncan, Susan Farag, Mike Gruenberg, Captain Jim Humphries, Christopher Jennison, Jessica Markham, Risa Mainprize, and Elijah Wheeler

STAFF LIAISON PRESENT: Diane Lininger

EMERITUS MEMBERS:

GUESTS: Karyn Gross and Marji Josh

Commission on Juvenile Justice

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facsimile

I. Introductions – Carlean Ponder, Chair

- A. All attendees introduced themselves and stated their position on the Commission on Juvenile Justice (CJJ)
- B. Ex-Officio/Agency Members – Discussed their job and how it relates to the Commission on Juvenile Justice

II. Government and Community Relations Committee (GCR)

- A. Discussion of pending legislation

HB1255/SB981- Juvenile Mechanical Restraints. Synopsis: “Requiring the Department of Juvenile Services to adopt regulations applicable to specified facilities that specify policies for the use of mechanical restraints on children; authorizing the transport of a child to or from a detention facility or hardware secure facility in mechanical restraints, except under specified circumstances and subject to specified conditions; prohibiting a child from being transported to or from a staff secure program in mechanical restraints, except under specified circumstances; etc.”

- GCR committee stated that they were in support of this bill. Restraints and strip-searching has been a critical discussion over last year. This bill is a solid step in the right direction.

CJJ member made a motion to support the bill. All members were in favor of supporting the bill.

Motion made to write a letter in support of the bill. Commission voted in favor of writing a letter to support the bill.

HB471/SB215- Juvenile Court Jurisdiction Synopsis: “Repealing provisions of law that exclude from the jurisdiction of the juvenile court a child of a specified age alleged to have committed specified offenses; repealing provisions of law governing the transfer of specified criminal cases to the juvenile court; etc.”

GCR committee stated that last year at the retreat the CJJ had voted in favor of supporting a similar bill. GCR committee wanted CJJ to have another discussion regarding this bill as there are many new members since last year’s retreat.

The bill had a proposed amendment and it is not certain if that amendment proposed was favorable/unfavorable.

CJJ voted to table discussion on the bill until further information can be obtained.

HB928/SB907 – Juvenile Law Procedure – Appearance by Video Conference Synopsis: “Authorizing the juvenile court to permit a child to appear by video conference in specified proceedings.”

- GCR committee stated that they are in opposition to this bill. This bill is ill-conceived and too far reaching in appearing to place the convenience of DJS so it does not have to transport youth above the rights and needs of youth.

(1) Given the limited language in the bill, it would allow for video conferencing to be used for any juvenile court proceeding, including the adjudication hearing (trial). There are no restrictions, no provisions at a hearing to object, and no bars to video conferencing even when the State's Attorney, defense attorney, or youth object.

(2) It could well violate the constitutional provision on effective assistance of counsel, as the youth's defense lawyer would not have access to the youth during the video conference to answer the youth's questions in a confidential manner, or likewise confidentially discuss evidence and strategies. Most youth, even with a good lawyer, which we know is not always provided, do not understand what happens in a courtroom. They need lawyers right next to them to explain the proceedings and what is going on, and also to provide support through comfort, i.e., the hand on the shoulder. This is especially true of those "50% to 75% of the youth entering the juvenile justice system [who] meet criteria for a mental health disorder" cited in the Fiscal and Policy Note to SB 35 (see below).

(3) It could also violate the youth's right to confront witnesses against her or him as video conferencing does not allow a whole picture, and again, would not allow the lawyer and youth to exchange information about what was said, demeanor and more.

(4) There is a real logistical problem about introducing evidence, including statements from witnesses or others. How is the evidence even introduced? For instance, is it held up to the screen? What if the youth cannot read or read well?

(5) Most – if not all courts in Maryland do not have video capability. So, again logistics become a real problem. What if youth are placed at group homes, youth camps, detention centers, or other facilities also without video capability? The bill should be withdrawn, and if anything, a study done on the legality and feasibility of video conferencing, and what proceedings it may be best suited for.

CJJ member made a motion to oppose the bill. All were in favor

CJJ member made a motion to send letter in opposition to the bill. All were in favor.

HB893/SB583 – Juvenile Law Probation - Synopsis: "Requiring the juvenile court to consider, when determining a term of probation for a juvenile, the purposes set forth in a specified provision of law; specifying that a term of probation may not exceed 1 year; etc."

GCR committee divided.

• **PROS:**

- Imposes a new time requirement on DJS to effectuate court ordered dispositions of youth, and will hasten providing needed services and support. Youth do not languish without court ordered dispositional services.

- In Child Welfare and other proceedings involving youth there are strict time requirements. For instance, in cases involving termination of parental rights where foster care, guardianship and adoption are being considered, there are time requirements of 6 months, 12 months, and no more than 18 months in which the court must make a decision based.
- The bill provides that a judge “for good cause” may mandate “an additional term of probation not to exceed 1 year.”
- Nothing in this provision restricts a court from imposing a disposition requiring open or locked facilities, which is distinct from probation.
- Supported by Democratic and Republicans in multiple jurisdictions.
- **CONS:**
 - Ties the hands of the judge in imposing a probationary period that is deemed necessary for delivery of dispositional services.
 - The bill is a response to one judge and one egregious case in Prince George’s County, which has been rectified.
 - The bill is an overreach, and not needed throughout the state.

CJJ member made a motion to support bill with “concept of confinements on bill, proposed adding an amendment 1yr probation at a time”. Commission members voted in favor of supporting the bill with an amendment. Two members were against. Two members abstained from voting.

CJJ member made a motion to write a letter and cc Montgomery County Juvenile Judges. Commission members voted in favor of writing a letter in support of the bill with an amendment regarding probation. Two members were against. Two members abstained from voting.

HB1256/SB982- Juveniles - Strip Search – Limitations - Synopsis: Requiring that the Department of Juvenile Services adopt regulations applicable to specified facilities that prohibit the strip search of a child except under specified circumstances; permitting the strip search of a child at a facility under specified circumstances; requiring facility staff to exhaust alternatives before the strip search of a child; authorizing the strip search of a child on admission to a specified facility under specified circumstances; etc.

GCR committee stated that the CJJ had already sent a letter in favor of this to the task force on strip searching and shackling.

CJJ members made a motion to support the bill. All were in favor

CJJ member made a motion to send a letter in support of the bill. All were in favor.

HB721/SB674- Juvenile Services- Services & Programs for females – Synopsis: “Requiring the Department of Juvenile Services to serve children in the juvenile services system with programming that provides females with services and programs substantially equivalent to those offered to males.”

CJJ member made a motion to support the bill. All were in favor. CJJ member made a motion to write letter in support of the bill. All were in favor.

SB035 - Juvenile Law - Informal Adjustment - Mental Health Program- Synopsis: Establishing that a juvenile informal adjustment process may exceed 90 days if a juvenile intake officer determines that additional time is necessary for a child to participate in a substance-related disorder treatment program or a mental health program that is part of the informal adjustment process.

CJJ member made a motion to support the bill. All were in favor. CJJ member made a motion to write letter in support of the bill. All were in favor.

Concerns About lack of Non-English interpreters to assist students in their education at the Alfred D. Noyes Juvenile Facility. – Bonnie DeWitt brought up concerns that there are no interpreters for non-English speakers during school to assist the students. Marji Josh, Juvenile Justice Monitoring unit stated that they had also brought this issue up to Maryland State Department of Education (MSDE).

II. Care, Custody and Placement committee

- a. Review of report on Education from Peter Leone – Mary Siegfried reported that MSDE is in charge of education at all juvenile facilities. Mary stated that they are having an extremely difficult time holding on to staff, interns and aides are the ones who are teaching the classes. Individual Education Programs (IEP’s) are not being honored and students who have been coded as having special needs are not receiving services. MSDE took over the education programs from DJS a few years ago to bring uniformity to kids in detention. Interpreters’ are not allowed to speak to kids during class instruction. Credits get lost because no one is keeping track of the hours spent in class. There are no electives given and kids have to have a certain amount of electives. Karyn Gross stated that there is a lack of educational equity in the Juvenile Justice system. Youth are being punished educationally during incarceration. The question was asked, what the CJJ can do. It was suggested that a letter be written to State Attorney General Brian Frosh. A motion was made to write a letter regarding this issue. All were in favor of writing a letter. Maria Blaeuer will write a letter which will be submitted to vote on at the March Commission meeting.

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- b. Shackling and Strip Searching update – Marji Josh, JJMU. Marji reported that the task force had been established in 2016 and met seven times. Information was given out from the task force reports.
 - c. Treatment of kids with Substance abuse in the Montgomery County Public school system (MCPS). Concerns that there is not a continuum of care for kids in recovery. Mike Subin suggested that CJJ members sit down with Council Members Marc Elrich and Craig Rice. Also they should meet with Special assistant to County Executive Leggett, Chuck Short.
 - d. Concerns regarding suspended kids not receiving educational services during suspension. Used to have a program called “Sharp Street”, where kids would go during their suspensions and be taught by teachers who had been updated on each child’s education time line. Program no longer exists. Motion was made to write a letter in support of a program for our suspended youth and for recovery continuum services. The letter will talk about both issues. All voted in favor of sending this letter.
 - e. Concern brought up regarding security and safety at the Alfred D. Noyes center. Discussed sending a letter to County executive and County council. Mike Subin stated that County will not subsidize State functions. CJJ had done a report a few years back on localization of services i.e. having DJS in Montgomery County be a Montgomery County agency instead of a State agency. Diane will email out that report.
 - f. Concern brought up regarding having the voice of youth on the Commission on Juvenile Justice. It was discussed that the CJJ will set up an ad-hoc subcommittee on youth engagement. Members signed up to be on the sub-committee and a teleconference will be set up. Some ideas that were discussed were;
 - 1. Youth who are not involved with DJS being appointed to the CJJ
 - 2. Ask Jennifer Gauthier from Lead4Life to give us the opinion of youth involved in DJS. Jennifer runs the Evening Reporting Center which is an alternative to detention.
 - 3. Have youth come to meetings as Community service hours
 - 4. Find a way to ask DJS involved youth to email us when they have graduated from the system on their concerns.
 - 5. Hold a meeting at a school when students are there to ask their opinions.
- III. Going over and editing letters that were written by Stacey for CJJ to send out regarding Legislation (CJJ voted to send letters in opposition or support of many bills at the beginning of the meeting). Letters were edited and will be given to Diane to send out.
- IV. Maria went over letters voted on during Care, Custody and Placement committee section of the meeting. Letters were edited and will be given to Diane to send out.

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V. Meeting was adjourned at 4pm.