



DEPARTMENT OF HEALTH AND HUMAN SERVICES

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COMMISSION ON JUVENILE JUSTICE
Annual meeting with the Juvenile Judges
7:30pm – 9:00pm
Circuit Court Building
Jury Lounge
50 Maryland Ave, Rockville, MD

Meeting Minutes
April 16, 2013

Francha Davis, Chairperson, Commission on Juvenile Justice, opened the meeting and welcomed the judges.

The following judges were introduced by Judge Savage.

Honorable Mary Ellen Barbera, Court of Appeals of Maryland

Honorable John W. Debelius, Chief Administrative Judge

Honorable Katherine D. Savage, Juvenile Judge in Charge

Honorable Joseph M. Quirk

Honorable Ann K. Albright

Honorable Gary E. Bair

Austine Long, Drug Court Coordinator, Juvenile Drug Court, was absent

The Commission members and audience introduced themselves.

A brief status of the court was given. There are two courts; the Adult Court presided by Judge Quirk. The Juvenile Court is run by Judge Savage and has 15 kids in process. It was closed to revamp the protocols and was up again in May. The court is voluntary

and so the numbers are down. Attorneys for the kids encourage Probation and this account for the low numbers. One juvenile graduated last November and another 3 will graduate on May 30.

The challenge is to build up the court docket. There is a transition going on and the objective is to have offenders graduate in a 4-month period.

The meeting proceeded to have the judges answer the Commission's questions. The following are the questions and answers:

1. Recently, younger and younger children are being brought into the juvenile courts. Do you take into consideration the child's age in making detention decisions? There was proposed legislation to prohibit the detention of any child under the age of 13 (unless charged with a crime punishable by life if he was an adult) ... How do you think this would impact how you handle younger children?

Answer:

Judge Quirk remarked that there were not many children below the age of fourteen who came before him. There were societal factors and protection issues that affect these cases. More weight is given to whether the individuals are 1st time offenders or repeat offenders. There are statutory considerations he looks for alternatives to detention in dealing with such cases.

Judge Savage observed that the legislation had a lot of loopholes and did not pass. Judges want to exercise discretion and consider the shelter alternative. Nobody wants to detain kids. Judges do have a committee that can make recommendations but they cannot do advocacy. Judges do give instructions on their own.

2. How do you determine whether to send kids to the adult system?

Answer:

It was observed that the States have about 1100 rules. At prosecution, there are many factors to consider. The judges have to make findings on each factor. There is a hearing and DJS has to perform an investigation of the factors and the treatment and other options. Every case is considered individually because every case is different.

Judge Bair indicated that child's best interests are considered and alternatives to detention are considered. However they rely on the DJS (state's Attorney) investigation.

Judge Savage saw the need to work closer with DJS in making the decisions on the cases. Judges make hands-on placements and consider core services that are available.

3. Is there an issue with the number of programs or the length of time it takes to place kids?

Answer:

Judge Quirk observed that the DJS provides detention options. There is a need for information on what is out there. Sometimes judges are at odds with the DJS and older kids have issues with placements. What are needed are local and county programs and more options

There are not many issues in timely placements. The Evening Reporting Center is good. Hearts and Homes are good... It was observed that placement in a detention center cannot be mandatory, is it possible to go outside the DJS recommendations? There are other county resources such as Journeys in Montgomery County. There is also the Landings (Club House) service and the Juvenile Drug Court is available.

4. DJS is supposed to serve kids till they are 21; DJS often says they have few programs for children who have turned 18. In this situation have you ordered DJS to find programs for these youth if they need services?

Answer:

Judge Bair indicated that in this age group there are often alcohol citations. The system needs help in this area because of diversion issues.

Judge Quirk referred to Teen Court as a diversion. Judges do not participate in the diversions. There are many serious cases.

Judge Savage stated that the Teen Court is often the choice for diversion... Second offenders are now found Teen Court. 90% have been diversion from the Police and a few for the DJS.

Judge Bair indicated that these groups of offenders make inquiries to get attorneys. There appears to be a disconnect between DJS and the State's Attorney's petitioners. A victim may be appealed a decision. DJS tries to resolve the issues.

Judge Debelius indicated that the judges are not involved with diversion. There is also a difference as to whether the offender uses a Public Defender versus a Private Attorney. The private attorney opts for probation.

Judges cannot undo the DJS determination. There is subpoena power for cases that drag on.

Judge Quirk indicated that Youth Camps have slowed down in their volume. Part of the reason is violence amongst kids. Camps are up and running, at present.

5. What if any impact does the Maryland gun legislation have on existing or new cases within the juvenile justice system?

Answer:

Judge Savage said that the gun legislation has no impact. Offenders 16 years and above are charged as adults. Determinations are always done in the child's interest. Judge Bair observed that it is a rare occurrence.

6. For the newer judges, is what you have experienced in the Juvenile Court what you expected or have there been surprises?

7. Do the judges have any ideas or concerns that they would like for the Commission to address?

Answer:

Judge Savage is concerned about excludable offenses being terminated. There is a huge change in Juvenile Law for 16+ juveniles. Can the commission study and weigh in on this issue? The action is likely to set back Juvenile Justice 20 years.

Dr. Haller raised the competency issue of under-aged offenders.

Judge Quirk sees many such cases.

Judge Bair sees the attorneys controlling everything. He indicated that there is not enough dialog with the kids. The DJS, State and victim considerations are taken into account.

Judge Quirk supports talking with the kids, but lawyers do not often allow this (kids do not take the stand) and the judges cannot force it.

The Judge Debelius stated that teen buy-in is important in dealing with the issue.

The meeting adjourned at 9:00 p.m.