



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett  
County Executive

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Director

**COMMISSION ON JUVENILE JUSTICE**

**Meeting Minutes**

**April 8, 2014**

**CITIZEN MEMBERS PRESENT:** Carole Brown, Chris Fogleman (Chair), Michael Gruenberg, Julian Haffner, Barbara Holtz, Christopher Jackson, Mehul Madia (Vice Chair), Julie Malloy, Roberta Pieczenik, Dana Pisanelli, Wendy Pulliam, Jasmine Shergill and Lisa Winer.

**AGENCY MEMBERS PRESENT:** Francha Davis, Frank Duncan, Risa Mainprize, George Simms, Mary Siegfried, Michael Subin, Jenny West-Porter, and Elijah Wheeler (Co-Chair Care, Custody and Placement).

**ABSENT MEMBERS:** Robert Carter, Blaine Clarke, Linda Currie, Susan Farag, Jennifer Gauthier, Gladstone Marcus (Co-Chair Government and Community Relations), Perry Paylor, Carlean Ponder (Co-Chair Care, Custody and Placement), Ira Thomas and Timothy Warner.

**STAFF LIAISON PRESENT:** Diane Lininger

**EMERITUS MEMBERS:** Lee Haller

**GUESTS:** Raymond Crowel, Regina Morales, Nick Moroney, Jose Saavedra and Rex Smith.

**Commission on Juvenile Justice**

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facsimile

**I. Announcements /Preliminary business**

Chris Fogleman, Chair called the meeting to order at 7:30 p.m. and introduced the Juvenile Judges- the Honorable Joseph M Quirk, the Honorable Cynthia Callahan, the Honorable Ann K. Albright, The Honorable Gary E. Bair, the Honorable John W. Debelius III, and the Honorable Chief Judge Mary Ellen Barbera.

**II. Introductions of Commission members and audience**

**III. Questions/Discussion with the Juvenile Judges**

**1. What types of information do you review before making your determinations?**

- Judge Callahan stated that there is a full report on each side, and a CASA advocate collects information and reports back so the judges get the whole story. They also rely on evaluations, service provider reports (such as from Hearts and Homes). On the delinquent side, there is always a DJS report and related documents.
- Judge Quirk said that on the delinquency side, they would go to a temporary disposition and request information, social history investigation, order psychiatric or psychology report. DJS provides in-depth information supplemented by attorneys. Sometimes they hear from parents/relatives.

**2. Is there any additional input you would like to receive that you currently are not getting?**

- Judge Callahan said that while the school system liaison is helpful, the judges sometimes have trouble getting school records or cooperation from schools. It would be helpful to have a liaison from the school.
- Judge Bair noted that because of resource issues with DJS, the probation agent with hands-on knowledge of the case often cannot be in court, and instead DJS sends representatives that rely on reports but don't have any additional information regarding cases. It would be helpful if the agents could be in court more often.

**3. What trends are noticeable in the cases that come before the juvenile courts and what remedies are being applied?**

- Judge Albright said that a new statute was enacted in October 2013 requiring a hearing and review of DJS case plans every 6 months in CINA(Children In Need of Assistance) cases. Montgomery County already had these hearings every 6 months as a best practice, but they are now mandatory.
- Judge Quirk has seen, on the delinquency side, an increase in sex offenses (especially in family settings). He attributes this trend to easy and unsupervised use of the Internet and potentially an increase in reporting.

**4. Are there any mental health trends that you've seen as of late in the cases that appear in your court?**

- Judge Quirk answered that diagnostic tools are fine, and he often sees diagnosed medical conditions that require medication. Often parents don't handle it. He saw a child who was diagnosed and hadn't been receiving meds; new trend is the implementation of medicine in those cases.
  - Judge Callahan has seen a trend in PTSD, given what children have been through. "Mood disorder." Children come from difficult backgrounds or get to teenage age and conflicting issues explode.
5. **Was there one defining moment in a case that caused you to change your outlook on the juvenile justice system positively or negatively? If not, was there a misconception that you yourself might have had about juvenile justice before this rotation?**
- Judge Quirk has a background doing juvenile work and was surprised when he started the rotation by the success of the court. Particularly, when victims would come to court and offer forgiveness to the juveniles. In such instances, he encourages dialogue between the parties.
  - Judge Bair had heard before becoming a juvenile judge that even though parents are flawed, their children love them and wants to be with them. Now he sees that on another level, every day. He had been on rotation 15 months, had been told it's the most important thing he'd do affecting young people. MoCo doesn't have juvenile masters unlike other counties, so some judges don't hear as much hands on stuff. He thinks it's a good thing, to get to see it all and hear the pain. Sometimes, he will see some kids 16 times in 10 months but still optimistic and thinks 90% of the kids can be successful.
6. **Can you talk about recidivism in the juvenile court system?**
- Judge Bair said there's a lot of recidivism unfortunately. 3 petitions per file, so when on 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> file, know the child has multiple petitions. Like violations of probation. Unsure on stats.
  - Frank said crimes are down about 50% in general. Large number of same youths committing crimes but most kids has 2-3 charges that come through.
7. **What do you see as a current area of need with regards to the services that DJS provides?**
- Judge Quirk said shelters for girls. Very limited resources for girls. Also in the 17-19 year old population, not many resources. Frustrating when judge knows defendant can benefit from something besides adult system but not a lot of resources.
  - Judge Callahan said shelter placements for all kids, place besides Noyes for kids with relatively low level offenses. Had meeting to talk with DJS about lack of services for girls, but all those things cost money. But no option for girls besides Noyes and home. Some great state resources are funded by outside resources. However, girls a small percentage.
8. **Can you talk about conditions of probation, conditions that judges can order?**
- Judge Callahan said usual conditions (go to school, class, home etc) but other things include community service, services, specific needs for situations

(i.e. restitution through employment and payments). Looks for combination of consequence and inspiration.

- Judge Quirk answered that sometimes therapy, pro-social activities, and teams/sports/church, really anything with positive influences for kids. Sometimes make them write essays. Apology letters mentors, pretty broad.
- Judge Bair said they can be creative but when he sees files with prior probation orders and sees patterns, he sometimes wonders about the variation in special services (i.e. community service can vary depending on judge and county).

**9. Disproportionate Minority Contact is a major issue in the County, as it is across the nation. What is being done by the court to address the issue?**

- Judge Callahan said they deal with it on a case-by-case basis. Important for them to be conscious of what's been charged and whether it's consistent across race and gender lines. I.e. boys more often get charged with second-degree assault while girls might not. Have to be vigilant in their views on recommendations.
- Judge Bair said it's a function of the process, but the court is the end point—they don't decide whether to arrest or not, or as a school whether to send to law enforcement or not. Judges only see it after all of those levels, so in a way don't know whether someone wasn't picked up in the first place. But he is conscious of it as judge.
- Judge Albright said try to be vigilant, to make reasonable efforts to prevent the child from being removed from home. Reasonable efforts made towards communication with parents.

**10. The Commission on Juvenile Justice sees employment as one of the goals of Juvenile court and that it helps youth become productive members of society. How does your role as a judge in juvenile court help to facilitate employment?**

- Judge Callahan said because of who they're dealing with it isn't primary concern.
- Judge Albright said kids, judges examine whether kid can be independent.

**11. Juvenile court decisions are supposed to promote character and competency, what types of dispositions do you see as effective with youth?**

- Judge Quirk said direct contact/honest exchange with the victim in the courtroom setting, finds it to be effective.
- Judge Bair said it depends on the case, sometimes child is at a basic level and just needs to "Get out of the situation" so have to tailor disposition to the child.
- Judge Callahan said apologizing is hard to say but good for adolescents to say.

**12. Several members of the Commission are interested in the concept of restorative or reparative justice. Are you familiar with the concept? What are your views on it? Do you think that it is effective as an approach to punishment or rehabilitation?**

- Judge Debelius said restorative justice is an ancient concept- offenses are committed against people or groups not government. Hard concept to apply in juvenile setting, but it does have an impact when victims confront offenders, almost a shaming. But in some contexts victims feel uncomfortable. Native American tribes often use a form of restorative justice. [Spoke on restorative justice conceptually.]
- Judge Callahan said there's a structure in Philadelphia where victim and perpetrator and facilitator come together. Can be emotional and volatile but immensely successful, can be a small tribe/neighborhood sorting out the problem so everyone can comfortably live there.

**13. We understand that the drug court program was recently shut down. What are your views on the program? Did you think it was effective? Do you think it should be re-instituted?**

- Judge Debelius said ultimately responsibility was his to shut down the program. Started with the adult model, applied to juveniles. In adult court often there are people with long history of drug use, bottom of the barrel, etc. deep seated, long term addictions. In juvenile setting, it could be genuine addiction, or social pressure. Drug court has a lot of discretion, requires a lot of resources, not effective use.

**14. Are there any current gaps in services that the CJJ can address?**

- Judge Bair said the 18-21 year old gap. DJS seems to be at a loss there.
- Judge Quirk asked what happened to trade schools? 100 kids from high school aren't 100 kids going to college, and the school systems should consider that.
- Judge Callahan doesn't understand zero tolerance policies. If those kids can't be in school what to do with them?
- CJ Barbera shared comments. Judges are at end of long chain of events, of many good people. Fortunate in county to have a wonderful bench, administrative judge, and the juvenile judges.

**IV. The meeting adjourned at 9:07 p.m.**