



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes

April 19, 2016

CITIZEN MEMBERS PRESENT: Shezhad Akhtar, Maria Blaeuer Carole Brown, Bonnie DeWitt, Chris Fogleman (Vice-Chair), Karen Frances, Mike Gruenberg, Stacey Gurian-Sherman, Mehul Madia, Jessica Markham, Roberta Pieczenik, Perry Paylor, Carlean Ponder (Chair), Wendy Pulliam, and Tisha Wiley.

AGENCY MEMBERS PRESENT: Amy Bills, Francha Davis, Frank Duncan, Captain Jim Humphries, Risa Mainprize, Michael Subin, and Elijah Wheeler

ABSENT MEMBERS: Susan Farag, Barbara Holtz, Julie Malloy, Erynn Penn, Mary Siegfried Ira Thomas and Jessica Wilcox.

STAFF LIAISON PRESENT: Diane Lininger

EMERITUS MEMBERS: Lee Haller

GUESTS: Gloria Bowen, Karyn Gross, Marji Josh and Regina Morales.

Commission on Juvenile Justice

7300 Calhoun Place, Suite 600, Rockville, Maryland 20855 • 240-777-3317 • 240-777-4447
facsimile

SPEAKERS: Honorable Cynthia Callahan, Family Judge in Charge, Honorable Ann K. Albright
Honorable Joan E. Ryon, and Honorable John M. Maloney

Questions for the Juvenile Judges

1. What are your most troublesome issues and how can the Commission support you?

Judge Maloney: No foster parents available for children on autism spectrum, or for medically fragile kids. It is economic issue backwards. The funding for being a foster parent is not attractive for population in this county. (CALLAHAN: The stipends are controlled by the state)

CALLAHAN: Same issue for group homes. Not popular necessarily but for certain kids it is what they need, so they can learn to live in a community. COMMENT: How do you monitor how effective the programs are to which you are referring the kids?

CALLAHAN: we see the kids on a regular basis. I cannot vet the programs that are selected by the executive, there are contracts, etc.

ANGELA BOWEN representative Child Welfare: A lot of it is about the money. The County pays \$800/mo for a foster child. We coordinate to find the best services.

2. Are you aware of the strip-search policy of juveniles in residential placements?

Judge Maloney: yes, Secretary Abed created this policy two years ago such that all juveniles are strip-searched after they have had visits from their family or lawyers and upon their return to the facility after an appointment, court date, etc. What are your views on this policy? He was a prosecutor and is very concerned about public safety but in his opinion is a broad brush. If you are worried about weapons, what can a wand do? If you have to choose between not preparing for trial or subject them to a strip-search... what a choice. There should be a more common sense approach. There has to be a better reason. This is just one person's opinion. We are just judges; we don't make the law. They say that drugs are a major issue but many don't need the searches. If you have ever seen a strip search, it is not humanizing.

Judge Callahan: These kids get charged and we don't have the resources to do what we need to do for them. There is another way to do it but no money. This population doesn't have a strong lobby. Many people in the public would say they are "bad kids."

Albright: There has been a lot of progress with regard to shackling. Children are not shackled statewide. Different counties are enforcing this in different ways... perhaps because how hallways and courtrooms are configured.

3. Are there areas that you would like to learn more about to help in your judicial decision-making? For example, more information about trauma informed care, autism, or other special populations? How do you stay informed on issues affecting juveniles?

Albright: One that has come up in my courtroom- most of my juvenile cases are CINA. I would like to learn more about what will happen to them when they age out. I don't mean "most kids" but the kids with disabilities. DDA is supposed to take over but don't have a good sense of what that really means on a day-to-day basis.

How to stay informed is the Foster Care Court Improvement Program. Annually they host a two- day conference with national experts re: topics of the day. Last time: talked about sex traffic substantially and how to recognize it. They learned about the myths about it. The main myth was that it happens with children from foreign countries. This is not the only way that it happens. Learned about how groups are trying to stop trafficking. Also learned about whether detention of juveniles is the best thing to do with reference to their developmental age. Previously learned about effect of trauma on the brain. Impact on children of being abused. Also the impact on children of witnessing domestic violence or even hearing it. They handle a lot of DV cases in the family division and the kids are not represented. This is the CANDO conference. The Courts do a wonderful job on this conference.

RYON: The conference helps you identify issues. Not necessarily what to do, but to be aware of issues. Never knew about trauma based therapy before. It was a great thing to know about that program.

4. Do you see trends in the types of crimes juveniles are committing?

RYON: Haven't been in rotation that long, so hard to identify trends. There are pack robberies. They identify someone who appears to be vulnerable, and prey on them as they leave metro, go on a path, etc. Not sure how prevalent in the past but now seeing a fair number. Fair number of second degree assaults, thefts, etc. Seems unique. Expected more shoplifting, fights at school, etc. Surprised how often seen. The victim tends to be smaller, vulnerable, perhaps not English speaking. The impact is difficult to balance against the need of the child.

CALLAHAN: Did two years at beginning of time on Court. One thing that was surprising was the number of places where there are cameras are surprising. Lots of crimes are caught on camera. Organizational aura in which they operate is surprising. They go in packs into department stores. It is hard for them to say they didn't do it, but they do regularly. They plan these things. Also distressing is the number of things they do in writing on devices, then they can get the proof.

5. Do you have an adequate array of resources and programs to refer to?

- a. If not, what kinds of programs to you need?

Judge Ryon: The ERC program is phenomenal. The kids who come in who have been seem to benefit. As soon as we get past disposition, they cannot keep going. They even like it. They want to go, grades start improving, they get structure. Evening reporting Center. They do HW and also fun stuff. 3pm to 8 pm. Keeps them busy in evenings. This would be great if they could go even if they are on probation. The only one in the county is in Rockville. It is funded by DJS. How do kids out of the area get there? They get taken by bus from school, and then taken home. This also takes pressure off the parents. Sometimes they even get a meal.

Elijah: This is technically also considered a form of detention. Need funding for it to be available after disposition. Also interest to have this be a day program as well.

Karen: US Department of Justice sometimes funds promising or model programs to evaluate outcomes. I am committed to try to see if we can get this funded. Seems like a model program, great candidate.

- b. What alternatives to detention do you have?
 - c. Do you have access to information to the effectiveness & appropriateness of the programs you refer juveniles to?
6. Do you want to bring back the mentoring program?
CALLAHAN: Nobody knows what that is.
7. Do you still see inequities in services for girls?
CALLAHAN: The population of girls is smaller, by a lot. There are always fewer services. Our biggest problems with girls is that she is pregnant and cannot go home. Because there are less of them we have ability to do specific placements. But the girls are also sometimes involved in the pack robberies Judge Ryon described. For longer out of home placements there are only two places they can go. They are not as good as we would like. One is on the eastern shore (Carter), and a pregnant girl has to leave at 32 weeks. Cannot think of a sex trafficking case I have seen outside of CINA. There is way more services for CINA than delinquency cases.
8. The DOJ is encouraging the Juvenile Justice System, including courts, to use a Developmental Approach in their work. Are you familiar with the 7 Hallmarks of the Developmental Approach, and where to do you see that reflected in your work and your decisions about disposition? What support and resources do you need to fully implement a Development Approach?

The 7 hallmarks are –

- I. Accountability without criminalization.
- ii. Alternatives to justice system involvement
- iii. Individualized response based on assessment of needs and risks.
- iv. Confinement only when necessary for public safety.
- v. A genuine commitment to fairness.

- vi. Sensitivity to disparate treatment.
- vii. Family engagement.

Judge Callahan: I think there are lots of ways for this type of initiative can happen. With the assistance of Georgetown University "Crossover Youth practice model" Just started this. Idea is to try to assess and then. When a child is in the child welfare system and they are out of the home, or they could be in home but have intensive services... they find themselves charged w/delinquency matter... in this state, there is the welfare side and delinquency side. This is effort to try to connect the two. Can often happen that CINA side doesn't know anything about charges. Kept 150 kids when she rotated and then kept both their CINA and delinquency cases. Crossover model is to identify the kids and help them better. Trying to treat kids that are charged as having a history that did not start with the assault. Finding a practical way for them to be accountable. To get the point that they didn't make a good choice and why it is a bad idea to do it not just for the other people but for yourself too. Try to keep them out of court or detention, to the extent possible. The trick is that it is hard for the judges to know... everyone does their best to tell us the child's mental health history, education, history.... You can get a picture pretty quickly about how they operate in his/her world. We cannot predict whether this child will do a very bad thing, and shouldn't maybe let them out of detention/monitoring. It is rarely a "she" mostly a "he" that is danger to himself or other people. I tend not to want to have them detained. Recognize that the community is in danger if she lets them go home and there is no monitoring at home.

Question by Jessica: Is there anything like the "one family one judge policy" that exists in Family Division?

JUDGE CALLAHAN: Yes, in CINA it is always the same judge. Yes, they try to do that so the kid always comes back to the same judge. Cannot always keep on a case if there is DV, divorce, CINA, delinquency, etc. It is better to try to keep consistent judge if possible.

JUDGE ALBRIGHT: Try to keep families together in CINA. Have had several cases of parents who were CINA, and then had their kids who were CINA, or there are siblings who are also CINA.

- 9. One of our members observed that many scheduled cases seem to be continued/not heard. Do you feel this is an issue? Do you have any suggestions for how to make things more efficient?

JUDGE CALLAHAN: This may not be what it looks like. In system we want to have a hearing when it is scheduled. But in these cases, we want the kids to go to school, get services, get transferred, etc. Their placement might be a family member who needs a lot of help. I do not think that these cases get continued because they cannot be

reached. Was on the bench until 8 pm recently. Sometimes issue is placement availability. One kid 5 years ago would not take her diabetes medicine so they had a hearing weekly, to be sure she was taking it. Also statute makes it that cases have to be heard by a certain time. There are times when we need to postpone. One is when the kids are trying to attain competency. Another is when there is a question about when a child might be moved up to adult court. An untreated mental health problem, perhaps hospitalization, could result in a continuance.

RYON: There might be a need for a psych eval. A kid might need to take driving test to rectify driving without a license, etc. Things like this can delay things. Not sure how someone defines continuance.

Risa Mainprize: There is a case management plan that the court follows. There are case managers that usher the case along. Legislation is driving when the hearings happen.

10. Restorative Justice model (question by Carlean):

Judge Callahan: We have done some training. It is probably a modality that has to happen before it gets to us. Department of Juvenile Services do a lot of things to keep kids out of the court system. Frank said that only around 30% of cases are referred to Court. Restorative Justice programs are very labor intensive and time intensive. DJJ doesn't have the \$ to do these programs. Lots of times in Court the victims are traumatized somewhat also by standing up in Court. It ends up being question about wear and tear on the victim. How many times do you make them come back? Also sometimes the victim and the child are not a part of the same community. So it is not the standard format for the restorative justice model which is that "we are all in the same community."

Judge Albright: Teen Court has a mediation program. Karen- there is mediation for assaults. This is different than restorative justice.

Karen- Community is defined many different ways. The mediation programs also have a component of confronting the other person. It is pre-arranged and pre-created. Pre-released center has programs to refer children with cognitive disabilities. May not be the resources, but how we use them.

Judge Maloney: The trends I saw in State Attorney's office was the alcohol parties, that don't get to Court. Also a lot of sexting cases. Need victims to be in the right place where they want to take part in restorative justice.

11. Stacey questions: Juvenile Detention Alternative Initiative. This has been very successful. Haven't seen this in this County. For federal funding, they tend to focus on

areas that have the most need (like Baltimore County). What do you think about this? And what do you know about JDAI?

CALLAHAN: We are one of the wealthiest counties and when you compare our resources to other areas in MD, they have fewer resources. The Casey and McArthur work in Baltimore is amazing. It isn't lack of interest. But also being involved in a grant process is very time consuming. We need to be practical about the energy. While we have really good resources, we have a relatively small population compared to the rest of the state. Our delinquency population is like 9th or 10th in the state. Our population in the state is near the top. There are lots of claims on the funds that the county has. There has to be both time and energy.

12. PERRY: Are assaults rising amongst teens?

They are most often charged as a sex offense. Not a lot of "DV" in the teen arena.

13. How big of an issue are hard drugs?

CALLAHAN: Mostly we see marijuana and alcohol.

14. Are there lifers? What do you do with them? In terms of resources?

RYON: They would be waived up to adult court.

CALLAHAN: Wouldn't consider anyone a lifer. Certainly there are some we are not successful with.

Meeting Adjourned at 9pm