



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes

January 20, 2015

CITIZEN MEMBERS PRESENT: Chris Fogleman (Chair), Jennifer Gauthier, Michael Gruenberg, Julian Haffner, Barbara Holtz, Mehul Madia, Julie Malloy, Perry Paylor, and Roberta (Birdie) Pieczenik.

AGENCY MEMBERS PRESENT: Blaine Clarke, Francha Davis, Frank Duncan, Susan Farag, Risa Mainprize, Mary Siegfried, George Simms, Michael Subin, Ira Thomas, and Elijah Wheeler

ABSENT MEMBERS: Carole Brown, Linda Currie, Christopher Jackson, Dana Pisanelli, Carlean Ponder, Wendy Pulliam, and Jenny West-Porter.

STAFF LIAISON PRESENT: Diane Lininger

EMERITUS MEMBERS: Dr. Lee Haller

GUESTS: Erynn Penn, Jeff Penn, Robyn Gross and Margi Josh

Commission on Juvenile Justice

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facsimile

- I. **Announcements /Preliminary business** - The meeting was called to order at 7:50 p.m. Members and guests introduced themselves.

- II. **Speaker** – Senator Jamie Raskin - Chris Fogelman introduced the evening’s speaker, State Senator Jamie Raskin and noted that he is a member of the Senate Judicial Proceedings Committee and the newly-elected chair of the Nominations Committee. Sen. Raskin thanked the Commission for inviting him to speak. Dr. Haller asked Sen. Raskin’s thoughts on the protection of juveniles against self-incrimination, i.e., does the Miranda warning suffice to protect a juvenile’s Constitutional rights. Sen. Raskin noted that the protection of juveniles’ Constitutional rights is not held to the same standard as with adults and that there is no legislation pending that he is aware of around this issue. He wondered whether other states have legislated on this issue and stated that he would research the matter. Mike Subin asked Sen. Raskin what action the legislature is taking in regard to Disproportionate Minority Contact reduction. Sen. Raskin pointed to recent legislation aimed at decriminalizing marijuana and noted that arrests for marijuana possession are down 65%. There are still some issues to be addressed around possession of paraphernalia. Sen. Raskin has received feedback from multiple county attorneys that heroin use is a significant problem in many jurisdictions. Sen. Raskin also pointed to legislation, called the Second Chance Act. This would remove small offenses from a young adult’s public record, if the individual remains “clean” for 3 years. Mike Subin responded with his strong feeling that more needs to be done earlier, to keep young people out of the juvenile and criminal justice systems altogether. Sen. Raskin indicated that he absolutely agreed, but that decriminalizing marijuana was an important first step. Sen. Raskin also spoke about legislative efforts that have been made to eliminate the death penalty, including the Racial Justice Act, which didn’t pass. Mehul asked if there were any major bills relating to juvenile justice before the legislature currently or pending. Sen. Raskin again mentioned the Second Chance Act. Although this Act pertains to adults, it might be possible that it could be extended to apply to juveniles charged as adults. There was also discussion about the Expungement Act. Mary asked if it was possible that the legislature would consider extending this Act to juveniles who are passed down to juvenile court and whether or not it could be automatic, i.e., that the court could order that expungement be automatic without requiring a fee. Mary noted that charges currently stay on a young adult’s record even if they are found not guilty and asked whether there might be a way to do a shield for charges for which the young person was found not guilty. Sen. Raskin noted that his colleagues have been very hesitant to do shielding when there have been charges involving violent offences. He invited Mary to testify to his committee. George asked if the legislature could look at those who plead as adults to juvenile offences. Sen. Raskin also invited George to testify before his committee.

Risa asked what steps the Commission could take to have input in the legislative process other than writing letters. Sen. Raskin voiced his opinion that writing letters carries weight, but that in-person testimony is better. Sen. Raskin said he will let us know as bills come up that he thinks might be of interest to the Commission.

There was then additional discussion about shielding versus expungement laws. Sen. Raskin agreed that there is a definite need to expand expungement.

Julian asked Sen. Raskin what kinds of bills he would like to see brought before the legislature that involve juvenile justice. Sen. Raskin indicated that the decriminalization of marijuana has been a priority for him because he believes that marijuana offenses are currently a gateway to the juvenile and criminal justice systems. He would like to see marijuana completely decriminalized. He would also like to see better programming for youth involved in the juvenile justice system, particularly parity for girls.

III. Announcements –

- A. Chris reminded Commission members that the annual Retreat was scheduled for February 21, with February 28 as a back-up in case of snow. Mehul described the Retreat agenda, which was revised, due to the fact that there did not appear to be many bills pending in the legislature that required discussion. It was decided that we would use some of the Retreat time to discuss issues that members would like to see addressed by the legislature. Chris asked that people send suggestions to Diane. Julie asked if we could check in to legislation in other jurisdictions. Mary indicated that her office may have some ideas.
- B. Chris Fogelman attended the annual meeting with the County Executive. Chris reported that there was projected to be a \$238 million shortfall in the County budget and that DHHS was asked to reduce their budget by 3%, or \$6.2 million. The Commission will do the best it can to advocate that programs stay in place.
- C. Diane reminded Commission members that the Commission does not meet if MCPS cancels evening activities due to weather.
- D. Frank Duncan discussed the Accountability Incentives Management (AIM) tool that will be implemented by DJS. He noted that DJS' goal is to be more balanced and consistent in implementing graduated sanctions across the board. Frank will let the Commission know when the "grid" is complete.

IV. Committee Reports

A. Government and Community Relations report: The committee discussed potential issues to present to the legislature. The committee agreed that pushing for funding for Noyes and the education trailers would be important. Questions were asked regarding the mechanism for funding the trailers. George Simms volunteered to contact the office of Senator Raskin to find out the mechanism for ensuring funding for the trailers through MSDE and whether testifying before the legislature would be effective. The second issue discussed was preparing

questions for Senator Raskin. The third issue discussed was Miranda rights and custodial interrogation of juveniles.

B. Care, Custody and Placement – They are focusing on the history/context of the education trailers at Noyes. They also talked about the procedure of testifying before legislature. They discussed the questions that could be asked about the education trailers such as liability. Would it be helpful to talk to Superintendent McCloud, head of Noyes, to understand the history of the trailers? It was suggested to have an itemized list of the deficiencies of the trailers. There are photos of the problems. Would it be helpful to get MSDE involved to tell DJS that the facilities are inadequate for their teachers since it is DJS' budget that buys the trailers? Does the State have the ability to dictate to an agency how they spend the money? Could it be done through a bond bill through Public Works? It was suggested that a coalition with the Noyes Advisory Committee and the teachers of MSDE could be formed to give testimony to the legislature on the Noyes facilities. Also there was discussion of the Lead4Life holiday parties and how to donate. The Commission achieved consensus (insufficient members to take a vote) that the Commission is in agreement to lobby the legislature on the issue of the providing better education trailers to Noyes.

V. The Meeting adjourned at 8:40 pm.