



Montgomery County, Maryland
Department of Health and Human Services

Commission on Juvenile Justice Annual Report 2016-2017

Mission Statement

Mission of the Juvenile Justice Commission

The thirty-four-member Commission on Juvenile Justice is tasked with:

Evaluating State and County-funded programs and services that serve juveniles and families involved in the juvenile justice system, to address capacity, utilization, and effectiveness;

Informing and advising the Juvenile Court, County Council members, the County Executive, and State legislators on the needs and requirements of juveniles and the juvenile justice system;

Studying and submitting recommendations, procedures, programs, or legislation concerning prevention of, and programs addressing, juvenile delinquency and child abuse or neglect;

Making periodic visits to juvenile facilities serving Montgomery County juveniles; and

Promoting understanding and knowledge in the community regarding juvenile needs and the effectiveness of programs.

History of the Commission on Juvenile Justice

The Montgomery County Juvenile Court was created by Maryland statute in 1931. The Juvenile Court Committee, along with its counterparts in other Maryland jurisdictions, was formed to support and assist an evolving juvenile justice system. Under County law enacted in 1981, the Juvenile Court Committee began serving in an advisory capacity to the Montgomery County Council and Executive. The Juvenile Justice Court Committee of Montgomery County served this role actively and effectively. On April 4, 2000, the Montgomery County Council passed legislation revising and expanding the functions of the Juvenile Court Committee, and transformed it from a committee into the Commission on Juvenile Justice, effective July 14, 2000. Thoughtful analyses and position papers on such far-reaching issues as judicial appointments, treatment alternatives, State legislation, local budget allocations, and disproportionate minority representation in the juvenile justice system have become associated with the work of the Juvenile Court Committee and the Commission on Juvenile Justice.

Meetings

The Commission on Juvenile Justice meets on the third Tuesday of each month, except for August and December. Committee meetings are held from 7:00pm-7:45pm. Commission meetings are held from 7:50pm - 9:00pm. Commission meetings are open to the public and are held at 401 Hungerford drive, tan conference room, Rockville, Maryland 20850. (meeting locations are subject to change) The work of the Commission is supported and staffed by the Department of Health and Human Services, Division of Behavior Health and Crisis Services, Juvenile Justice Services.

Contact Information

For more information about the Commission, please contact:
Diane Lininger, Program Manager
Montgomery County Department of Health and Human Services
Behavioral Health and Crisis Services
7300 Calhoun Place, Suite 600
Rockville, Maryland 20855
(240) 777-3317 Voice Mail
(240) 777-4665 Fax
E-mail: Diane.Lininger@montgomerycountymd.gov

Commission on Juvenile Justice Vision Statement and Objectives

Vision

The Commission envisions a partnership between the State and counties, in which the State is responsive to locally identified, data-driven service needs and creates a framework for optimal service to youths and their families. This partnership recognizes that the counties can identify and propose solutions, align and coordinate existing county-provided services to youths, and build on existing in-county relationships among local agencies, non-profit organizations and universities. This partnership will strengthen mutual accountability and support counties' responsibility to serve their local community. Finally, this partnership will enable the State to enact standards of practice and care that will ensure equity across counties.

Commission on Juvenile Justice Membership 2016-2017

Executive Committee

Executive Committee

Carlean Ponder, Chair

Francha Davis, Vice Chair

Vacant, Secretary

Shehzad Akhtar and Chris Fogleman - Government and Community Relations Co-Chairs

Maria Blaeuer and Karen Francis - Care, Custody and Placement Co-Chairs

Citizen Commissioners

Shehzad Akhtar

Maria Blaeuer

Carole Brown

Bonnie DeWitt

Christopher Fogleman

Karen Francis

Michael Gruenberg

Christopher Jennison

Jessica Markham

Perry Paylor

Erynn Penn

Carlean Ponder

Wendy Pulliam

Sierra Ross

Roberta Rovner Pieczenik

Tisha Willey

Program Manager

Diane M. Lininger, LCSW-C

Agency Members

Amy Bills, State's Attorney's Office

Cary Fellows - Department of Health and Human Services – Juvenile Justice

Francha Davis, Court Appointed Special Advocate (CASA) Program

Susan Farag, County Council

Vacant, Montgomery County Public Schools

Jennifer Littlejohn, Juvenile Court
Gloria Bowen, Department of Health and Human Services – Child Welfare
Vacant, Montgomery County Police Department – Special Victims Investigations
Division
Mary K. Siegfried, Office of the Public Defender
Michael Subin, County Executive’s Office
Frank Duncan, Department of Juvenile Services
Elijah Wheeler, Montgomery County DMC Reduction Coordinator, at the Collaboration
Council for Children, Youth and Families

Commission Structure 2016-2017

During FY-16, the Commission had three committees:

The **Executive Committee** represents the Commission at meetings with the Department of Health and Human Services Director, County Executive, and County Council; drafts and presents testimony on legislation of interest; and provides administrative support to the Commission. The Executive Committee organizes Commission membership, orientation, the annual work plan, and the annual report.

The **Government and Community Relations Committee** recommends the legislative agenda for the Commission. Its duties include lobbying and testifying before local and State legislators. The Committee monitors and tracks legislation that affects the juvenile justice system. The Government and Community Relations Committee also oversee the annual forum with the Juvenile Court judges.

The **Care, Custody, and Placement Committee** monitors and tracks the quality of care provided to Montgomery County juvenile justice youth who are in community placements or residential facilities, which may be located outside of the County. Its duties include examination of mental and physical health care, education, programming, and transportation.

The Commission also worked within *ad hoc* committees, as follows:

- **Retreat Committee**
- **Orientation Committee**
- **Nomination Committee for Executive Committee**

Members of the Commission served on the following County boards, commissions, committees, and task forces, and reported to the Commission on their activities:

- **Montgomery County Criminal Justice Coordinating Commission (CJCC)**
- **Montgomery County Gang Prevention Task Force**
- **Juvenile Justice Information System Task Force**
- **Collaboration Council for Children, Youth and Families – Disproportionate Minority Contact Reduction Committee**

- **Criminal Justice Behavioral Health Initiative.**
- **Operations Board for the Tree House (Montgomery County's Child Assessment Center)**
- **Teen Court Advisory Committee**
- **Family Justice Center Steering Committee**

In addition to its committees and the above referenced groups, the Commission worked closely with the Department of Health and Human Services (DHHS), Office of the Public Defender, State's Attorney's Office, Family Crimes Division of the Police, Montgomery County Circuit Court, Court Appointed Special Advocate (CASA) Program, Department of Juvenile Services (DJS), Criminal Justice Coordinating Committee, Montgomery County Public Schools, Collaboration Council for Children, Youth and Families and Office of the County Executive.

A Message from the Chair

By Carlean Ponder, Chair and Citizen Commissioner

The Commission on Juvenile Justice continued its work advocating for youth, their families, and the Alfred D. Noyes detention center. In conjunction with the non-profit, Lead4Life, members of the Commission continued the tradition of serving youth and their families a Thanksgiving meal. Commission member, Michael Gruenberg, served as liaison to the Noyes Advisory Board throughout the year, and updated the Commission on where we could best assist youth and employees at the facility.

To that end, the Care and Custody Committee, sent a letter to the Department of Juvenile Services encouraging the County/State to provide the Noyes facility with additional training opportunities, more funding to support hiring needs, and to stay abreast of changes at the facility based upon recent legal changes—such as the housing of youth age 18 or older as they await adjudication.

Also, this year, the Commission spent time tackling the issue of gender-specific needs at Noyes, and in the state's long-term rehabilitation facilities.

The Commission on Juvenile Justice will continue its work in support of programs that enhance life skills for youth, continue to monitor and collaborate with the Department of Juvenile Services, and publicly advocate for Commission priorities.

Montgomery County Commission on Juvenile Justice Gathers for its 2017 Annual Retreat

By Bonnie DeWitt and Roberta Rovener Pieczenik Citizen Commissioners

The Annual Retreat of the Commission on Juvenile Justice (CJJ) was held on February 18, 2017 at the Department of Health and Human Services in Rockville, MD. The retreat brought together Commission members for a day-long meeting: (1) to discuss

legislation proposed in the State legislature; (2) to examine the concerns of CJJ's Government and Community Relations Committee and the Care, Custody and Placement Committee; and, (3) to review letters the CJJ had voted on to send to the legislature which represented the Commission's recommendations on several bills under consideration.

The Government and Community Relations Committee (GCR) led a discussion on pending legislation related to:

(1) **HB1255/SB981 (Juvenile Mechanical Restraints)** – Policies for the use of mechanical restraints on children at facilities and while being transported (the CJJ voted in favor of writing a letter to support the bill);

(2) **HB471/SB215 (Juvenile Court Jurisdiction)** – Regarding the jurisdiction of the juvenile court over children of specified ages and their transfer from criminal cases to the juvenile court (the CJJ voted to table discussion on the bill pending additional information);

(3) **HB928/SB907 (Juvenile Law Procedure – Appearance by Video Conference)** – Authorizing the juvenile court to permit a child to appear by video conference in specified proceedings (the CJJ voted in favor of writing a letter in opposition to the bill);

(4) **HB893/SB583 (Juvenile Law Probation)** – Requiring the juvenile court, when determining probation, to limit the term of probation to one year (the CJJ was divided on the amendment and decided not to take a position);

(5) **HB1256/SB982 (Juvenile Strip Search Limitations)** – Requiring that the Department of Juvenile Services adopt regulations that prohibit the strip search of a child except under specified circumstances and in specified facilities (the CJJ voted in favor of writing a letter in support of the bill);

(6) **HB721/SB674 (Juvenile Services - Programs for Females)** – Requiring the Department of Juvenile Services to provide females with services and programs substantially equivalent to those offered to males. (the CJJ voted in favor of writing a letter in support of the bill);

(7) **SB035 (Juvenile Law –Informal Adjustment- Mental Health Program)** – Establishing that the informal adjustment process may exceed 90 days if an intake officer determines the additional time is necessary to participate in a program that is already part of the informal adjustment process. (the CJJ voted in favor of writing a letter in support of the bill.)

The group discussed members' concerns about the lack of English language classes to prepare the students in their life after Noyes, as well as the absence of non-English interpreters available to assist students in their education at the Alfred D Noyes Juvenile Facility.

The Care, Custody and Placement Committee (CCP) led a discussion of a range of issues, including:

(1) a report on education in juvenile facilities which outlines such problems as staff retention, special needs students not receiving services, poor bookkeeping regarding education credits, (the CJJ voted in favor of writing a letter to the State Attorney General);

- (2) an update on shackling and strip searches;
- (3) the treatment of children with substance abuse problems in the Montgomery County Public School System (e.g. lack of a continuum of care) (the CJJ voted in favor of writing a letter to council members and meeting with the Special Assistant to the county executive.);
- (4) concerns regarding suspended children not receiving educational services during supervision (the CJJ voted in favor of writing a letter in support of a program that would provide recovery continuum services);
- (5) concerns regarding security and safety at the Alfred D. Noyes center, (CJJ Staff emailed members of the CJJ a report written by CJJ several years ago on this topic); and,
- (6) concerns about youth having a voice on the CJJ (the CJJ set up an ad-hoc subcommittee which will focus on this topic).

The group reviewed and edited letters already written on many of the issues mentioned above.

Annual meeting with the Juvenile Court Judges

By Christopher Jennison, Citizen Commissioner

The Commission on Juvenile Justice meets each year with several of Montgomery County's Juvenile Court judges. The meeting affords an opportunity for commission members to ask questions and learn about the judges' biggest concerns. In this exchange, the Commission is better able to shape its goals and strategies to best address areas under its jurisdiction that are most pressing to the county's adjudicators. On April 18, 2017, the Commissioners met with Honorable Cynthia Callahan, Honorable Ann K. Albright, and Honorable Joan E. Ryon. The judges provided the Commissioners with an overview of the Juvenile Court's work.

The Judges explained that Montgomery County does not have magistrate judges, but rather instead only has judges who sit in an 18-month rotation. Judge Albright commented that if a child has a strong team for their court-related processes, they are more likely to do better. Additionally, Judges in Montgomery County may carry cases over with them into their next rotation. For example, Judge Callahan took 150 juvenile cases with her when she was off the rotation, which aids stability as the judge already knows the child's story, how to interact with them, and what issues they have. Education and the crossover between MCPS and the juvenile court system were discussed. The judges believe that recidivism is strongly correlated to delinquency, and commented that this is not the fault of DJS but is nonetheless a pressing legislative issue. Also mentioned was the Evening Reporting Center (ERC), and its helpfulness to the youth involved. Judge Ryon stated that it would be beneficial to get a program such as ERC for post-disposition. A commissioner inquired as to many cases regarding school discipline referrals come before the Juvenile Court, to which the judges replied none; instead, there are mediators from the States Attorney's Office (SAO) trained for juvenile issues. According to ASA, Amy Bills, there were two issues mediated by them in 2016.

Another alternative disposition method was discussed in the form of the Juvenile Drug Court. When asked if the judges felt it would be helpful to resurrect such a court, they advised that this was a hard sale to county and state legislators due to there not being enough constituents.

The Commission also engaged the judges on the topic of collaboration among Judges across jurisdictional lines. The Judges stated that collaboration is done both formally and informally. There is a 2-day conference offered in various locations within the state where experts are brought in from all over the country to discuss various topics, such as human trafficking, substance abuse, and trauma. The Judges get together and compare their notes on how to handle these issues. Another collaboration opportunity mentioned was the committees that the judges sit on. For example, Judge Albright sits on the Juvenile Law Committee, which meets weekly by telephone to discuss recommendations on legislatives.

The Judges uniformly noted that Montgomery County does not provide adequate services for girls and young women who are involved or at risk of involvement in the juvenile justice system. There are no resources out there because no one has really been advocating for these needs. Matt Paris from the ERC was present and added that available resources, such as the ERC, are not being fully utilized. According to Mr. Paris, only 3 youth are currently at the ERC. Judge Callahan made a point that there needs to be more visitation houses in the county as well, as it is a resource that is needed all throughout Montgomery County.

Finally, the Judges made it clear that the single biggest issue they faced was the lack of clarity on presidential and congressional action on immigration, and, relatedly, the lack of clarity between federal, state and local officials on immigration laws. Victims, most particularly of domestic violence, are not filing charges because they fear being deported. The language barrier, even with use of an interpreter, is also an issue.

The judges advised that the best thing the commission can do is to advocate and make noise for more resources, across the board. The Commission values this annual meeting with the judges and appreciates the judges' commitment to this county's juveniles.

Care, Custody and Placement Committee

By Karen Francis, Co-Chair of the Care, Custody and Placement Committee and Citizen Commissioner

During this reporting period, the CCP Sub-Committee worked to develop and implement its strategic two- year work plan. Consistent with the overall objectives of the sub-committee, the work plan included 4 objectives. Objectives 1 and 2 (as listed below) represent a continuation of focus from the sub-committees previous work and objectives 3 and 4 are direct responses to needs expressed to the sub-committee over the past year. Each objective within the work plan was developed with specific activities and associated timelines for implementation. Many of these objectives were established with the understanding that implementation would require collaboration with the wider Commission and the Government Relations Sub-committee.

Below is a listing of the work plan objectives:

- **Objective 1:** To advocate for effective vocational training programs for youth who have been detained.
- **Objective 2:** To advocate for effective re-entry opportunities for youth who have been detained and for at opportunity youth.
- **Objective 3:** Create a strong voice for CJJ & the children and the families we serve, within county and state government, and be a voice and a resource for state and county agencies.
- **Objective 4:** To strengthen and support the services for the Evening Reporting Center, which is currently grant funded and unavailable post-disposition.

Additionally, the Sub-Committee discussed the potential for youth engagement and youth involvement on the CJJ Commission. The sub-committee discussed strategies to engage youth and have representation of the voices of youth to inform the work of the CJJ Commission and its objectives. The sub-committee is continuing to engage in discussions to determine an effective framework and processes by which the Commission will be able to facilitate such youth engagement.

Government and Community Relations Committee **By Chris Fogleman Co-Chair of the Government and Community Relations Committee for FY-17 and Citizen Commissioner.**

The Commission on Juvenile Justice's Government and Community Relations Committee was very active with respect to important legislative developments during FY-17. Given the relatively brief legislative session, it was essential for the Committee to promptly identify the proposed bills in the state legislature that could directly or indirectly impact Montgomery County youths. The Committee facilitated the Commission's efforts at identifying such potential legislation.

On November 15, 2016, the Commission was honored to host and hear from Delegate Kathleen M. Dumais. Delegate Dumais updated the Commission on proposed legislation. She discussed with the Commission legislation that would alter the way in which juveniles could be charged as adults with certain criminal offenses. She also discussed with the Commission potential limitations on the use and duration of juvenile probation. Delegate Dumais noted that there has been a proposal to mandate hearings for juveniles incarcerated for life without the possibility of parole. There was also discussion of the impact upon juveniles of the assessment of certain court-related fees, particularly considering Attorney General Frosh's opinion regarding the unconstitutionality of Maryland's existing cash bail system. Finally, Delegate Dumais shared with the Commission the fact that the task force considering the issues of juvenile strip-searching and shackling was expected to soon release its report.

In January 2017, as the legislative session was beginning, the Committee reviewed three pre-filed bills. The first would prohibit the continued detention, beyond emergency

detention, of a child under the age of 12 years, unless the child is alleged to have committed murder in the first degree, attempted murder in the first degree, rape in the first degree, or sexual offense in the first degree under specified provisions of law. The second would establish 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 complete a substance abuse treatment or mental health program that is part of the informal adjustment process. The third would establish that specified provisions regarding the confidentiality of juvenile court records do not prohibit access to and confidential use of a juvenile court record by the Department of Human Resources for claiming specified federal funds.

At the Commission's Annual Retreat in February, the Government and Community Relations Committee led a discussion of seven bills that would impact upon Montgomery County's youth. After extensive and sometimes lively discussion, the Commission took the following positions:

- The Commission decided to send a letter to the Legislature supporting a bill that would, among other things, require the Department of Juvenile Services to adopt regulations that specify policies for the use of mechanical restraints on children and prohibit a child from being transported to or from a staff secure program in mechanical restraints, except under specified circumstances.
- The Commission voted to send a letter to the Legislature opposing a bill that would authorize the juvenile court to permit a child to appear by video conference in specified proceedings.
- The Commission sent a letter to the Legislature supporting a bill, with certain amendments, that would require the juvenile court to consider, when determining a term of probation for a juvenile, the purposes set forth in a specified provision of law and specify that a term of probation may not exceed 1 year.
- The Commission sent a letter to the Legislature supporting a bill that would, among other things, require that the Department of Juvenile Services adopt regulations that prohibit the strip search of a child except under specified circumstances, permit the strip search of a child only under specified circumstances, and require facility staff to exhaust alternatives before the strip search of a child.
- The Commission sent a letter to the Legislature supporting a bill that would require the Department of Juvenile Services to provide females with services and programs substantially equivalent to those offered to males.
- The Commission sent a letter to the Legislature supporting a bill that would establish 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.

- The Government and Community Relations Committee worked hard to review, evaluate, and report on the many bills impacting juveniles that were introduced during a very busy legislative session. The result of the Committee's hard work was an informed Commission that made its voice heard by the Legislature regarding these many important issues.