



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes
September 15, 2015

CITIZEN MEMBERS PRESENT: Shehzad Akhtar, Maria Blaeuer, Linda Currie, Bonnie DeWitt, Chris Fogleman (Vice-Chair), Karen Francis, Michael Gruenberg, Stacey Gurian – Sherman, Mehul Madia, Julie Malloy, Jessica Markham, Erynn Penn, Carlean Ponder (Chair), Wendy Pulliam, Jessa Wilcox and Tisha Wiley.

AGENCY MEMBERS PRESENT: Francha Davis, Frank Duncan, Risa Mainprize, Mary Siegfried, Michael Subin, Ira Thomas, Elijah Wheeler and Carlotta Woodward for Amy Bills.

ABSENT MEMBERS: Carole Brown, Linda Currie, Susan Farag, Barbara Holtz, Mehul Madia, Perry Paylor, Dana Pisanelli, Roberta (Birdie) Pieczenik, Ira Thomas, Jenny West-Porter,

STAFF LIAISON PRESENT: Diane Lininger

GUESTS: Margi Josh and Captain James Humphries.

Commission on Juvenile Justice

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facsimile

I. Announcements –

- A. Introductions all around.
- B. Carlean asked Capt. Humphries to report on meeting of Commission Exec. Committee with police dept. leadership. Meeting went well. Chief was pleased. Capt. Humphries in 25th year with dept. New rep for Special Victims Investigations Division (previously Family Crimes). He described his department's purview and what kinds of cases they handle.
- C. Quarterly meeting of Boards and Commissions. In October we will go to meeting of HHS committee of the County Council. We will talk about prevention and our top two priorities
- D. Need articles for annual report by October 15. Exec. Committee from last year
- E. No speaker in October. Will make meeting a working meeting for Committees'.
- F. November -- speakers. Delegate Dumas definite. Jamie Raskin maybe. Trying to get someone from Brian Frosh's office.

II. Old Business

- A. Minutes from July meeting. Stacey Gurian-Sherman made a motion to amend the July minutes. Add an "expert on trauma-informed care." Stacey will write out amendment and send to Diane. Another amendment from Karen Francis regarding the misspelling of Shay Bilichik's name. Motion made to approve the July minutes with edits. Second. Meeting minutes from July approved.

III. Speakers -- Karen B. Francis, Ph.D. | Principal Researcher Health & Social Development Program, Chair, AIR Diversity and Inclusion Council, American Institutes for Research; Jessa Wilcox, Senior program associate, Vera Institute of Justice; Kara Aanenson Director of Advocacy, Just Kids Partnership.

Kara Aanenson-- reported on the history of state legislation that passed last session and will take effect October 1 that will prevent youth from automatically being charged as adults. Just Kids did a study that informed action on the issue of youth being charged as adults. That study produced a task force to study the issue. The task force found that there was not enough data to make solid recommendations. 2014 state legislature passed legislation to do a population forecast. Kara cited statistics re: populations. Based on that population forecast, the task Force recommended the bill that was passed this last session. Effective October 1, 2015.

Questions: Carlean asked if juveniles charged as adults can be held at juvenile facility pending the transfer hearing. Mary Siegfried answered in the affirmative. Mehul asked how long that usually is and the initial reply was 60-90 days. Frank Duncan disagreed about timing. His estimate was closer to 4-6 months. Mary Siegfried stated that that estimate happens, but thought those 4-6 months was extreme as an average. There was then some discussion/explanation of the process, e.g. it can take 2 weeks or more for a case to reach indictment. Kara explained more about the process. Mike

Gruenberg asked about the criteria that makes a youth eligible for transfer. Kara explained process. Mary gave the example that if the youth is charged with first-degree murder, he/she is not eligible. Whereas if lesser crime, get another chance at transfer hearing. Lots of questions re: what happens in practice? Kara explained that one of the reasons for the legislation was that every jurisdiction was handling it differently.

Discussion about danger of solitary confinement. Mary talked about what was happening to kids charged as adults--very isolated. New bill will have a provision that will allow judges some discretion to have juveniles held at adult facilities.

Mehul commented that one of issues the Government and Community Relations Committee talked about in its Committee meeting was the detention center facility and the setting of a limit for purposes of accepting youth awaiting transfer hearings. It had been discussed that Noyes would be considered "full" for that purpose at 47 of 57 beds occupied. All DJS facilities across the State will be setting a limit. Frank said that Department will make a determination of the number. DJS reasoning is that we don't want to start shifting kids charged as youth around the State to accommodate kids charged as adults.

Kara pointed out that there was consideration given to the idea that we don't want to overtax DJS facilities.

Stacey Gurian-Sherman commented that the trauma of solitary confinement is well-documented, whether they are charged as adults or not. Carlean commented that she would like to see the Commission work on this issue. Stacey pointed out that a national commission found that a large percentage of youth charged as adults never ended up in adult prison. They are being detained with adults when, often they don't ultimately go to adult prison.

Mehul -- Introduced self to Kara. Asked that if there is any similar legislation proposed this year, please send to the Commission as soon as possible so that we can be prepared to review and possibly support.

Karen Francis -- thanked Kara and asked her if she could you speak to numbers/racial breakdown of population. Kara said that their review of data showed that 85% of youth automatically charged as adults were African American. Karen stated that she felt this number provided a good basis to start to have this conversation. Karen paraphrased Nelson Mandela and offered that we tend to look at this issue as statistics. They are children, with souls. She noted that there are a disproportionate number of African Americans in system. Karen asked Elijah to talk about numbers. Elijah said that there is good news/bad news. Good news -- we are at a 20-30% low nationally in numbers of violent crimes. Also true in Montgomery County. Bad news -- with decrease in numbers of crimes committed, the disparity has gone up. Lower number, but higher percentage of youth of color. Black/Latino youth about 47% of the population in Montgomery County, but African Americans account for 75-80% of arrests. Disparity gets worse as you get deeper in the system. Elijah offered the opinion that this is years and years of disparity coming home to roost and he believes the numbers are worse than documented. Karen talked about the difference between disparity and disproportionally. Disparity is the unequal treatment of youth of color, which is

compounded by the disproportionality of the numbers of youth of color in the system. Carlean asked about violations of probations (VOP) and the numbers who are detained because of VOPs. Karen discussed what some of the non-violent/status offenses youth (esp. girls) are being detained for. Elijah added his perspective. In Elijah's view Montgomery County does a pretty good job of ensuring that status offenses are not driving kids further in to the system, but that probation violations is another discussion. Frank Duncan said that the vast majority of our kids are not detained on probation violations. Annie Casey report stated that 27% of detentions in State are violations of probation but not broken down by jurisdiction. Prosecutor Carlotta Woodward said that she doesn't see a lot of prosecutions based on VOPs. Mary suggested that a lot of VOPs result from problems at home. Youth are being locked up because of problems at home. Some jurisdictions in the country are doing a better job helping educate parents/families. Stacey suggested that we need to shift the way we think about how services are offered/provided to youth. She pointed to the documented effectiveness of community conferencing in other jurisdictions and stated that a continuum of care system is used in other fields, i.e., mental health. Why not use continuum of care with DJS youth? Frank also identified the fact that DJS has no authority over parents. He argues for authority over parents. Discussion. Karen shared that she believes that most parents are asking for help. Carlean pointed out that the issue of lack of control over parents has come up several times. Elijah suggested that some people are working on this and that DJS in Montgomery County operates differently than in many other jurisdictions. Elijah believes that the more important question is who is failing these families before kids get as far as juvenile justice system? Carlean commented that we are looking at our piece of the pie. Stacey asked if we could look at family conferencing, too. Diane asked about the status of the group working on Children in Need of Supervision (CINS) issue. Elijah responded that that is doing well, but needs more funding. Frank added that most of the referrals to the CINS program are coming from MCPS. Frank said there was funding from DJS to start this program and agreed with Elijah that it is doing well. He said there have been so many referrals; they are getting interns to help. Karen suggested may be worth our while to look at some model programs. Question about how much Multi-Systemic Therapy and Family Functional Therapy is being used? We will look at that.

III. **Committee Reports**

A. Government and Community Relations -- spent a good amount of time talking about upcoming budget for budget priority document. May be separate letter from Commission to State to advocate for dollars from savings to come back to the local level. Want to maybe filter money saved to the Governor's Office on Children to come back to Collaboration Council.

B. Care and Custody and Placement -- Chris reported Care and Custody action items:

1. Arrange a site visit to Edison facility with goal to draft letter to superintendent of schools to advocate for further expansion of vocational programs in County.

2. Draft a letter to County Council regarding task force that has been recommended about Workforce Development task force.
3. Speaker to talk about issue of transfer of credits for children in system as well as quality of education for children in system.

IV. Meeting was adjourned.