



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Isiah Leggett
County Executive

Uma Ahluwalia
Director

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes

April 28, 2015

CITIZEN MEMBERS PRESENT: Carole Brown, Chris Fogleman (Chair), Julian Haffner, Barbara Holtz, Mehul Madia, Julie Malloy, Perry Paylor, and Carlean Ponder.

AGENCY MEMBERS PRESENT: Francha Davis, Frank Duncan, Susan Farag, Risa Mainprize (Madeleine Jones), Mary Siegfried, George Simms, Ira Thomas and Jenny West-Porter.

ABSENT MEMBERS: Linda Currie, Michael Gruenberg, Roberta (Birdie) Pieczenik, Dana Pisanelli, Wendy Pulliam, Michael Subin and Elijah Wheeler.

SPEAKERS: Honorable John W. Debelius III, Administrative Judge, Honorable Cynthia Callahan, Juvenile Judge in Charge, Honorable Marielsa A. Bernard, Honorable Mary Beth McCormick, and the Honorable Richard E. Jordan.

STAFF LIAISON PRESENT: Diane Lininger

EMERITUS MEMBERS: Dr. Lee Haller

GUESTS: Margi Josh, Karyn Gross, Councilman Sydney Katz, Amy Bills and Antoinette Mcleod.

Commission on Juvenile Justice

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facsimile

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes for April 28, 2015

Page 2 of 5

1. How, if at all, has the construction of the new annex impacted the manner in which juvenile proceedings are conducted?

Judge Debelius thanked Sidney Katz's Council committee which oversees the budget for the courts for allowing the annex to happen

"We have some of the nicest facilities in the state. Juvenile court rooms are state of the art."

Judge McCormick - Juveniles are segregated from adult accused, making it a much safer situation for all involved

Judge morale has increased as a result of the South tower.

2. Has there been any impact or change in the way juveniles are transported from lock up to the court?

Judge McCormick – As a result of the annex, there is now an inside sally port where they offload defendants into the bldg. It's now inside and more secure as a result. Prior, it wasn't a safe situation, as there were some insecure aspects to defendant movement

Male and female

Cells remain the same; however they are simply just newer and cleaner.

3. What do the judges see as needs/problems in their court proceedings?
 - a. Needs/problems for clients in completing their probation?
 - b. Needs/problems clients and their families are having?
 - c. The Commission has the ability to advocate for legislative initiatives: Is there any legislation the judges would like to see enacted?

Judge Callahan - Regarding kids on probation, the issue is following up (that's a resources issue. We are a big county, and there are not enough probation officers available), and the length of time of the follow up.

Judge Jordan – On the CINA side of things, kids services/parental support is phenomenal, however, it is lacking on the delinquency side (we need parents involved in the DJS side of things). Offered an example of the technology making life better – The case involved a request for protective order. The case fairly serious, father didn't come to court, needed a Mandarin interpreter so case was late, judge was able to call the father on the phone, and get him in court as a result of his ability to call the father from the bench.

Judge Bernard - The system doesn't effectively involve the parents. Juvenile may progress with some of the services offered, but the family may not. "To expect the child to come back and improve where the family hasn't is setting the kid up for failure."

We live in a diverse county. Cultural issues are not effectively addressed – re-unification/integration issues, reintegration anger issues, abound. "We need more cultural competency. Perhaps the school system can assist. "

Trauma training would be great as would more refugee support.

C Ponder asked a follow up question – probation. If a kid violates probation, there's usually an emergency, when asked about the difference between CINA and DJS

Judge Callahan - CINA, the state will take the kids so there's a heavy focus on the family/parents. DJS side the focus is more on the kid b/c court generally doesn't have jurisdiction over the parents

Judge Jordan – the difference b/w the two is a structural issue (legislative issue? Perhaps give court jurisdiction over the parent), it's a big shift, but one that would make a big difference. Moreover, CINA cases are reviewed far more often than DJS cases.

Judge Callahan - Criminal penalties are far different than the potential removal of the child. Not a simple issue

4. What are the most troublesome issues in juvenile court right now?

Judge Callahan - the 17-21 year old kids, on both CINA and DJS have no services. 18 you may have a different set of rules than a juvenile (e.g. they don't have to go to school any more) How do you get them from childhood to adulthood?

We need funding for specialized programs. A lot of times its \$\$ that is the problem.

DJS typically has no resources for the 17-21 yr old youth.

5. How can the Commission support those needs?

Judge Bernard – Described a program in Prince George's County called Adams House. This program is geared toward teenagers up to the age 35, offers one-stop shop full of programs i.e. job readiness training, financial training, and other programs geared at assisting with independence. Re-entry programs for kids coming back from placements

6. Do you believe you have all of the tools you need at your disposal to properly adjudicate the matters coming before you?

Judge Callahan – More data regarding the proposed programs (e.g. what's the recidivism rate for a given program? Judges were told that there's a data resource guide provided by DJS

7. What are your thoughts on strategies to reduce recidivism rates?
 - a. Are there specific types of programs you think are working well?

Judge Bernard – strength-based programs are essential (focus on the strengths of the kids/families). Uniform approach both in schools and the courts

8. In 2010, the American Bar Association issued a policy statement urging “all federal, state, territorial and local legislative bodies and governmental agencies to support the development of simplified Miranda warning language for use with juvenile arrestees.” What are your views on the Miranda warnings given to juveniles? Do you think the state legislature should take action in any way to modify or change the Miranda warnings to juveniles?

Judge McCormick doesn't believe that Miranda waiver must be proved by a preponderance of the evidence. Supreme Court has instructed that age and experience should be factored into whether there has been a Miranda violation.

Judge McCormick discussed the DR15 (the advice of rights form currently used in MD. The ABA recommended form. Age, sophistication, IQ, contacts with the system. Warned that having a separate litany can result in statements being thrown out on a technicality. It was concluded that it's best to leave it to the judge's discretion rather than impose stricter standards.

9. Can we co-charge DJS as CINA so they get the benefit of CINA programs?

Judge Callahan – yes but there are issues, who pays? What if the parent is not involved?

There is no data on co-committed children (there's poor linkage between CINA and DJS matters). Hopefully, this will get better with better more upgraded system

10. Can the County play a role in funding this computer upgrade? JD – perhaps the County can fund a person who can help facilitate the transition work.

What about a CASA type rep in the DJS side of things? Francha Davis, Director of CASA, reported that the systems are so different that it's difficult to coordinate. Plus, DJS cases aren't heard as often, so there's no Judicial back up.

COMMISSION ON JUVENILE JUSTICE

Meeting Minutes for April 28, 2015

Page 5 of 5

Juvenile council – stakeholders have quarterly meetings to review and identify best practices. Create a place where folks can get together to discuss the issues

The funding process is a “nightmare” – getting funding approved is the issue

Judges were thanked for meeting with the Commissioners to continue the ongoing dialogue.

Meeting Adjourned at 9pm