



MEETING MINUTES

Criminal Justice Coordinating Commission

Wednesday, Jan. 22, 2025

7:30am – 9:00am

In Person Location: *Executive Office Building*

(101 Monroe Street, Rockville, MD 20850)

Auditorium (Located on the Lobby Level of the Building)

&

Virtual: [Microsoft Teams Meeting](#)

Or call in (audio only): [+1 443-692-5768,,269416772#](#)

Phone conference ID: 269 416 772#

Members Present: Dawn Luedtke (Chair), Maxwell Uy, Darren Francke, James Bonifant, Ben Stevenson, Jeff Ewart, Marielsa Bernard, Karen Bushell, Florence Jewell, Sherri Koch, Eric Schneider, Marcus Jones, Jason West, *Earl Stoddard (Staff)*, *Lindsay Bolt (Minute Taker)* (Online)- John McCarthy, Monica Martin, Debra Grandy, Carole Brown, John Nesky, Shakirra Haynes, Dr. Kisha Davis

Members Absent:, Stefan LoBuglio, Kurt van der Walde, Sean Mukherjee, Jeff Waldstreicher, Rochelle Perry, Gail Roper, Mark Sroka, Antonio DeVaul, Richard Madaleno

Guests: Sidney Katz, S. A. Flynn, Susan Farag, Keena Jones, Tammy Bulla, Jordan Satinsky, Robert Lehman, Arnecia Moody, Amanda Williams

1. General Business

Dawn Luedtke, Councilmember,
CJCC Chair

Summary

- Vote for 2025 Chair Position, Dawn Luedtke, CJCC Vice Chair
- Review of 11/20/2024 Minutes for approval
- Nomination/Vote for 2025 Vice Chair position
- Welcome Jason West, Acting City of Rockville Police Chief

Action:

- Board votes (18 Yes, 0 No) to approve Councilmember Dawn Luedtke to the CJCC Chair position (Max Uy/ 2nd Karen Bushell)
- Board votes (18 Yes, 0 No) to approve the 11/20/2024 Minutes (Max Uy/ 2nd Judge Bonifant)

- Public Member Florence Jewell nominated herself for the position of CJCC Vice Chair. Board votes (18 Yes, 0 No) to approve Public Member Florence Jewell to the CJCC Vice Chair position (Dawn Luedtke/ 2nd Judge Koch)

2. Briefing: Competency Docket & Judge Bonifant, Circuit Court
The Montgomery County
Sequential Intercept Model (SIM) Report

- Competency Docket
 - Judge Bonifant reviewed with the group definitions regarding Competency and Criminally Responsibility
 - At the 1st hearing, Judge Bonifant has to determine whether a defendant is incompetent and whether they are a danger to self, the person or property of others
 - With the determination of Incompetency, the defendant is ordered to be committed to a Mental Health facility; which under the law the Health Department must admit the defendant to a designated health care facility as soon as possible but no later than 10 business days following the order to commit from the Court
 - This is one of the current challenges, that MDH is currently over capacity and not meeting the legal requirement to transport within 10 business days which means more defendants are being held in our jails without the proper medication/services they desperately need
 - Judge Bonifant showed the data regarding 2023 & 2024, how many defendants were found incompetent within Circuit and District Courts and where they stand regarding hospitalization; noting the Montgomery County Inmates awaiting Hospitalization trend is only continuing to increase
 - Judge Bonifant discussed current attempts to address the problem of lack of Mental Health beds for those found incompetent including 6 cases State's Attorney McCarthy and Public Defender Mukherjee have jointly filed which seek relief (reimbursement of the cost it takes Montgomery County to maintain an individual in our jail while they wait transport)
 - Judge Bonifant noted that under the law, the Court may impose any sanction reasonably designed to compel compliance so he has asked McCarthy and Mukherjee to think outside the box and determine if there are any additional ways in which they believe we could compel compliance by MDH (deadline is 1/24/25)
 - The belief is that fining MDH has done little to compel compliance to date noting \$1.5 Million has already been imposed
 - MDH has provided Judge Bonifant with future plans to expand beds at several facilities within the next 2 years but the number of beds will not meet the demand; there will still be a waitlist

- Judge Bonifant took questions/comments from the Committee
 - Chair Luedtke asked whether any jurisdictions had 3rd parties into any of these Court cases which would increase liability of MDH
 - Earl Stoddard noted MDH committed \$2.9M to Montgomery County for diversion work through the Department of Health and Human Services, Behavioral Health and Crisis Services; expanding the Crisis Center and addressing defendants with low level charges, 90 day or shorter sentences
- Judge Bonifant gave the Circuit Court Stats
 - Currently there are 1,035 pending Criminal Cases
 - 950 inmates within the Montgomery County Jail system
 - 226 defendants currently deemed incompetent within Maryland
 - MCPD is understaffed by approx. 200 officers
 - We have too few mental and behavioral health professionals
- The bottom-line is defendants initially found incompetent who go through the Mental Health hospitalization/treatment do get restored, but they need to be given the treatment early in the process --- this is where the SIM comes in...
- SIM Report
 - Judge Bonifant reviewed what the SIM was and how it was established noting in 2020 the State lacked a “central entity charged with collecting and sharing data and information among those providing services to those with mental and substance disorders”
 - [SB857](#) was enacted in 2021 which established the Center of Excellence which looks to facilitate local workshops using SIM
 - The SIM essential asks local criminal justice and behavioral health stakeholders to think through and work together to PREVENT entrance into the Criminal Justice system, minimize penetration into the Criminal Justice system, engage individuals with behavioral health services, and recovery supports as they transition into the community from the Criminal Justice system
 - Montgomery County hosted our SIM in May 2024 and out of it came a SIM Map which looked to capture all the resources available
 - Priorities for Change were noted and Judge Bonifant asked the leaders to review the Montgomery County SIM Map to confirm the accuracy of the information within, and confirm these priorities
 - There is a Statewide Summit on Behavioral Health May 2025 by invitation only, Judge Bonifant and Judge Koch noted they are going!
 - Judge Bonifant took questions/comments from the Committee
 - Judge Bernard noted Howard County, MD has dedicated Department of Correction and Rehabilitation Re-entry Coordinator positions who follow individuals for up to 2 years

- Chair Luedtke noted we would need to see if any Bills would be coming up about the potential for DOCR to be able to administer medication to those found mentally incompetent but awaiting MDH bed placement
- Ben Stevenson noted that he is focused on getting better assessments on Action protocols Corrections could be doing, this should happen in the next 3-4 months
- Vice Chair Jewell noted it would be great if Montgomery County would think about marketing a career fair targeted to the Behavioral Health positions we desperately need
 - Monica Martin noted that Montgomery County has approx. 168 professionals per 30,000 residents, placing it 9th statewide
 - Montgomery County is 1 of 2 counties in MD with the highest underrepresentation of Latino workers
 - 45% of Maryland's Behavioral Health professionals are expected to leave or retire by 2028
 - High post-graduation outmigration: 70% of Master of Social Work and Clinical Counseling Psychology graduates work out of state or in other industries
 - Behavioral Health wages in Maryland, including Montgomery County, lag neighboring states when adjusted for cost of living
 - Montgomery County needs to expand Behavioral Health staffing by at least 50% to meet current demands
 - State's Behavioral Health Workforce Investment Fund is an opportunity for targeted investments but may be at risk with State deficit.

See PowerPoint enclosed at the end of the Minutes

3. Subcommittee Reports

Dawn Luedtke, CJCC Chair

- Legislative Subcommittee (Lead: Sheriff Uy)
 - The Subcommittee will have its first meeting in 2025 on January 29th
 - This subcommittee is focused on identifying/tracking and reviewing legislation relevant to CJCC; Bill hearings are currently underway and will provide an update at the March 2025 CJCC meeting
- Juvenile Justice Trends Subcommittee (Lead: Stefan LoBuglio)
 - Stefan was unable to join the meeting today but hopes to report out at our next meeting in March

4. Standing Agency Updates

- District Court (Judge Koch)
 - Judge Koch noted she recently issued an [Extreme Weather Order](#) which pauses all evictions until the temperature returns above 32 degrees Fahrenheit etc.
- State's Attorney (John McCarthy)
 - Noted there are several Bills currently under consideration that would substantially impact the Juvenile Justice system, and eliminate felony murder doctrine in Maryland
- Montgomery County Department of Health and Human Services, Behavioral Health and Crisis Services (Monica Martin, Chief)
 - Noted Montgomery County is in the process of providing the State with our local implementation plan for Assisted Outpatient Treatment
 - A stakeholder meeting including members of the judiciary will take place on Friday, Jan. 24 before a final recommendation to the County Executive will be sent.
 - State's deadline is Jan. 31, 2025
- MCPD (Assistant Chief Francke)
 - Noted in 2024 MCPD was down in most categories from 2023 but Street Robberies is on the rise
- MCPS (Marcus Jones, Chief)
 - Noted the positive partnership with Law Enforcement when it comes to Reportable Offenses
 - Earl noted the County is in the process of working with DJS to assign a dedicated DJS employee to Montgomery County with the hopes this opens the lines of communication when handling juvenile cases
- DOCR (Ben Stevenson, Director)
 - Noted they are working on getting assessments on Action protocols Corrections could be doing, this should happen in the next 3-4 months
- Public Safety Committee (Councilmember Luedtke)
 - Noted the Public Safety committee would be discussing the Holiday taskforce in early March 2025

5. Wrap-Up and Adjourn

Dawn Luedtke, CJCC Chair

- Meeting adjourned at 8:48am (Luedtke/2nd Bernard)

Next Full Commission Meeting: Wednesday, March 26, 2025 (7:30am-9am)
In Person Location: Executive Office Building (101 Monroe Street, Rockville, MD) Auditorium
& Virtual via Microsoft Teams link

Criminal Justice Coordinating Commission

Montgomery County, Maryland

January 22, 2025

Competency Docket

Sequential Intercept Model (SIM) Report

Competency & Criminally Responsibility

The **mental status of a defendant** in a criminal case may become an issue in that case primarily in **two instances**:

- (1) whether the defendant is **incompetent to stand trial**; and
- (2) whether the defendant was **not criminally responsible** at the time of the crime.

Both concern the mental status of the defendant, but during **different time periods**, which may or may not overlap.

Aleman v. State, 469 Md. 397, 412, 230 A.3d 97, 106 (2020)

“INCOMPETENT TO STAND TRIAL” means

Defendant is not able:

- (1) to understand the nature or object of the proceeding; or
- (2) to assist in one's defense.

Md. Code Ann., Crim. Proc. art. § 3-101

“NOT CRIMINALLY RESPONSIBLE” means

at the time of the criminal conduct,

the defendant,

because of a mental disorder or an intellectual disability,

lacks substantial capacity to:

- (1) appreciate the criminality of that conduct; or
- (2) conform that conduct to the requirements of law.

If the court finds that the **defendant is incompetent to stand trial** and is a **danger to self or the person or property of another**

the court shall order the defendant committed to the facility that the Health Department designates **until the court finds** that:

1. the defendant **no longer is incompetent** to stand trial;
2. the defendant **no longer a danger** to self or the person or property of others; or
3. there is **not a substantial likelihood that the defendant will become competent** to stand trial in the foreseeable future.

If the court finds that the **defendant is incompetent to stand trial**

the **Health Department shall:**

admit the defendant to a designated health care facility as soon as possible

but **not later than 10 business days** after the Health Department receives the order of commitment.

Md. Code Ann., Crim. Proc. § 3-106

If the Defendant is **found not criminally responsible**

The court shall order

the defendant **committed** to the facility that the Health Department designates for institutional inpatient care or treatment.”

Md. Code Ann., Crim. Proc. art. § 3-112(b).

AND

The Department of Health must admit

the defendant to the designated health care facility as soon as possible, but **not later than 10 business days**” after receiving the order of commitment.

Md. Code Ann., Crim. Pro. art. § 3-112(e)(1).

IST Statistics 2023 & 2024

In 2023

Montgomery County Courts found **98** defendants Incompetent to Stand Trial.

As of January 18, 2024

2 Restored
71 hospitalized
6 admitted to Clifton T. Perkins
Avg. wait for those hospitalized – 42 days
1 > than 100 days
6 > than 50 days
25 not hospitalized
Avg. wait for those not hospitalized – 45 days
2 > than 100 days
6 > than 50 days

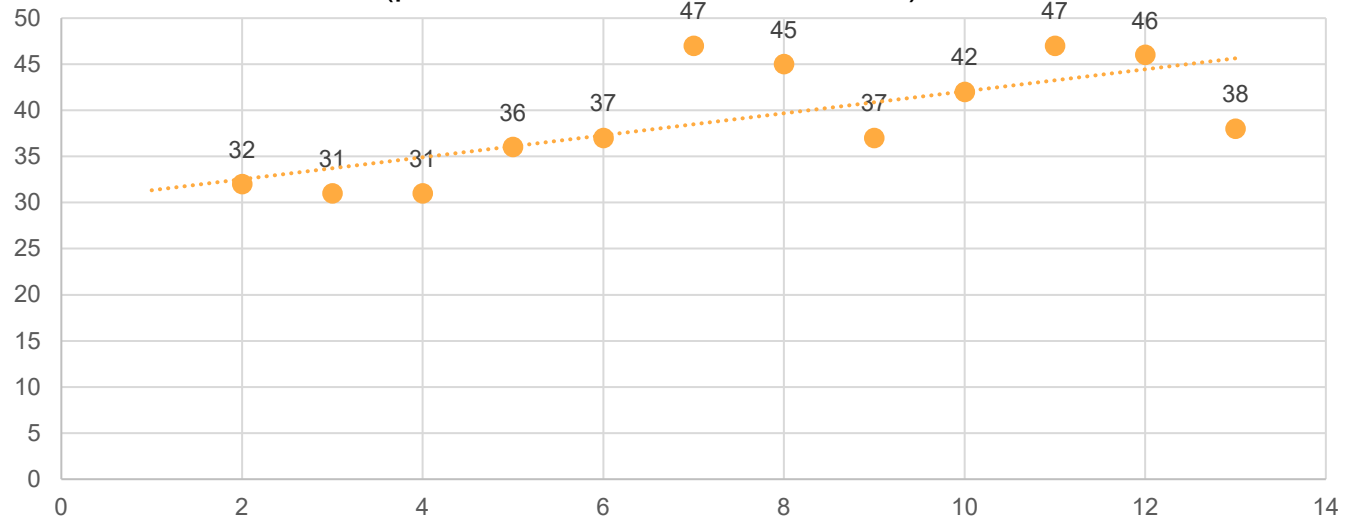
In 2024

Montgomery County Courts found **105** defendants Incompetent to Stand Trial.

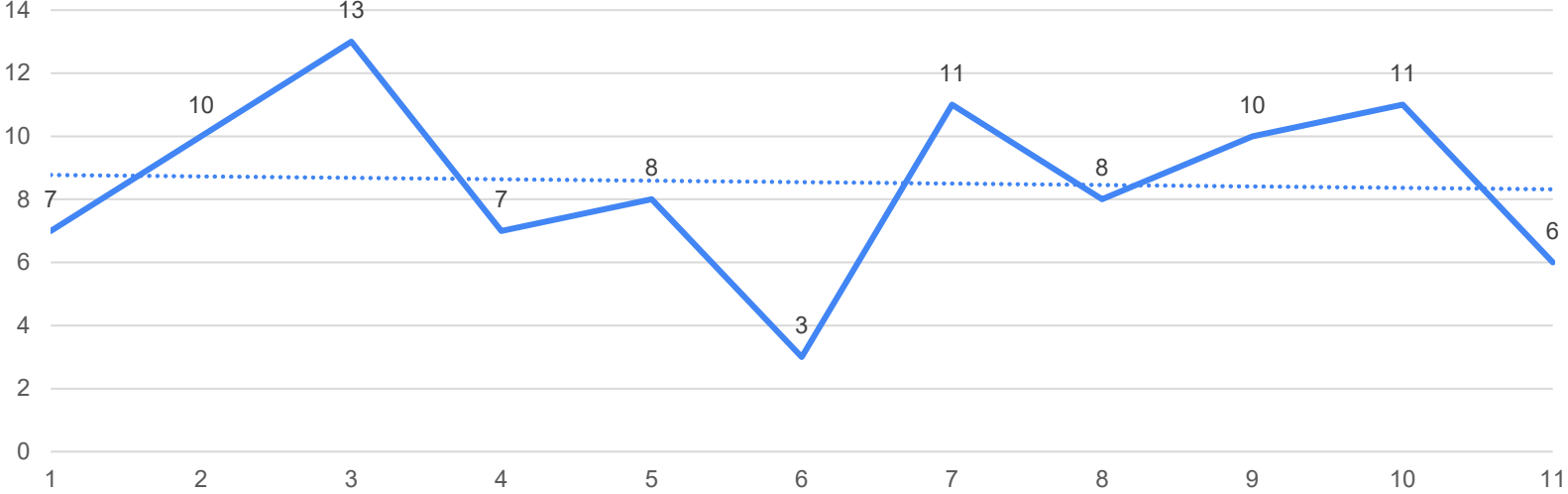
As of January 16, 2025

12 Restored
60 hospitalized
7 admitted to Clifton T. Perkins
Avg. wait for those hospitalized – 56 days
3 > than 100 days
43 > than 50 days
33 not hospitalized
Avg. wait for those hospitalized – 60 days
6 > than 100 days
21 > than 50 days

MoCo Inmates awaiting Hospitalization (per month 1/18/24 thru 1/16/25)



MoCo Inmates awaiting Evaluations



Attempts to address problem through the Courts

Anne Arundel lawsuit seeking contempt relief

MDH v. Myers, 260 Md. App. 565 (2024)

Federal lawsuit seeking declaratory relief

Disability Rights Maryland, Inc. v. Scott et al.

Case No. 1:25-cv-00070-JRR, N.Dist. MD

MoCo motions jointly filed by SAO and OPD

seeking relief pursuant to Crim. Proc. § 3-106

If the Health Department fails to admit a defendant to a designated health care facility within the time period specified in paragraph (2)(i) of this subsection, **the court may impose any sanction reasonably designed to compel compliance**, including requiring the Health Department to reimburse a detention facility for expenses and costs incurred in retaining the defendant beyond the time period specified in paragraph (2)(i) of this subsection at the daily rate specified in § 9-402(b) of the Correctional Services Article.

Md. Code Ann., Crim. Proc. § 3-106(c)(4)

Sequential Intercept Model (SIM)

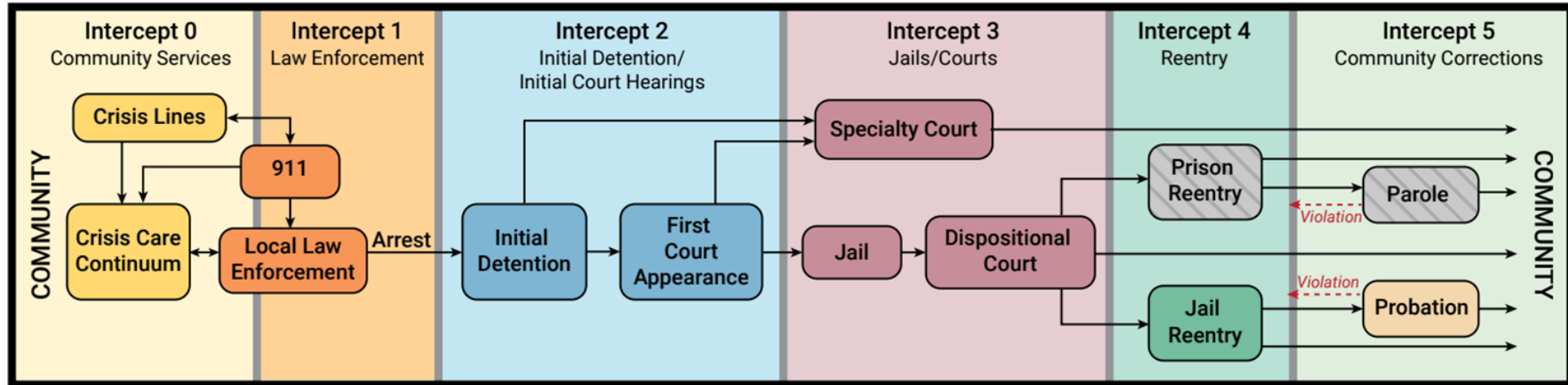
In 2020, a Maryland **State Summit on Behavioral Health and the Justice System** concluded: “Maryland has an impressive array of legislation, programs, and exemplary practices at both the state and county levels that address the needs of justice-involved individuals with mental or substance use disorders.” However, the Summit further determined that our **State lacks a “central entity”** charged with **collecting and sharing data** and information among those providing services to those **with mental and substance disorders**.

To address the need for better coordination, the General Assembly enacted Senate Bill 857 in 2021 which established the Center of Excellence. On April 13, 2021, Governor Larry Hogan signed the bill into law. The statute states the Center is to facilitate local workshops using the **Sequential Intercept Model (SIM)**.

The “Sequential Intercept Model” means a systems–level framework for criminal justice and behavioral health stakeholders to: **prevent entrance** into the criminal justice system, **minimize penetration into the criminal justice system**, and **engage individuals** with behavioral health services and recovery supports as they transition into the community from the criminal justice system.

Patricia A. Griffin, et al. The Sequential Intercept Model and Criminal Justice: Promoting Community Alternatives for Individuals with Serious Mental Illness (2015).

SIM Mapping Tool

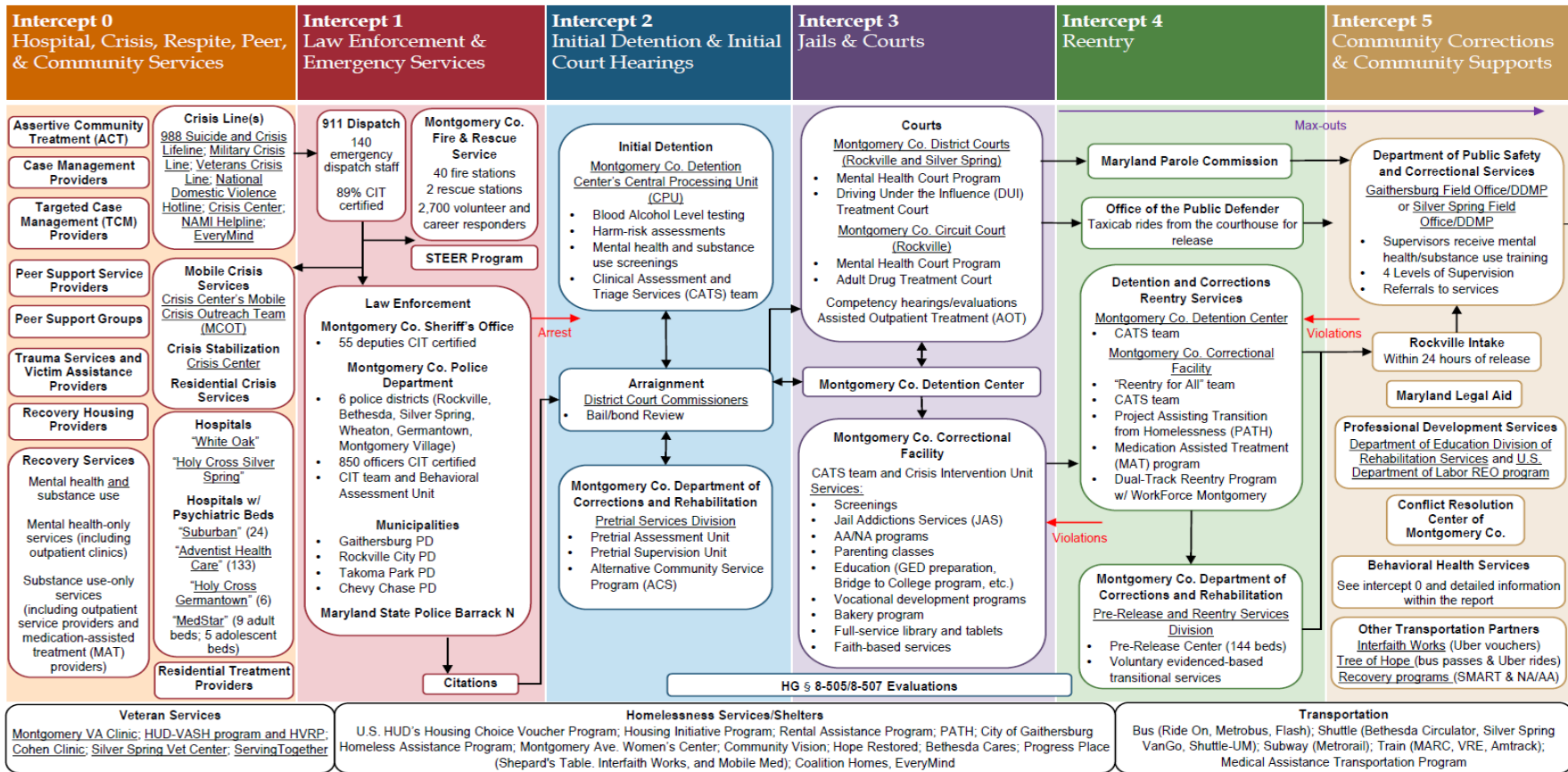


May 29-30, 2024 SIM Workshop

Hosted by the Maryland Behavioral Health and Public Safety Center of Excellence. The Center is within the Governor's Office of Crime Prevention and Policy, Youth, and Victim Services.

Final Report received by Montgomery County on September 24, 2024

Montgomery County – SIM Map



Top 3 Priorities for Change

1. **Enhance the Reentry Process**

- Provide a structured framework that reduces the risk of recidivism
- Provide information regarding access to services.
- Create a reentry workgroup to provide oversight, foster collaboration among stakeholders and guide strategic planning efforts for reentry.
- Address insurance or other barriers that impact reentry services.

2. **Establish Stabilization Services**

- Jail and Hospital Diversion
- Expand Crisis Center's Stabilization Room
- Expand the range of services provided

3. **Create Multidisciplinary Teams**

- Enhance communication across intercepts

Additional Priorities

- 1. Increase behavioral health services across the continuum of care.**
- 2. Improve data sharing among agencies.**
- 3. Enhance diversion options for law enforcement other than mobile crisis.**
- 4. Streamline daily communications across agencies and intercepts.**
 - This priority is specifically targeting the coordination of “boots on the ground” communications rather than policy or data as listed in priorities above.
- 5. Expand training opportunities.**
 - Examples: trauma-informed care, implicit bias/anti-stigma, crisis intervention team training, and integrated behavioral health in primary care.
- 6. Address language barriers between providers and community members.**

Low Hanging Fruit

1. Resource Sharing

- Resource Directory
- Law enforcement expressed a need for something they could hand out to individuals in crisis with available services and resources.

2. Resource Awareness

- Eligibility criteria

3. Training

- Specialized knowledge and skills

December 13, 2025
Montgomery County SIM Group Meeting

Confirm accuracy of Montgomery County SIM Intercept Map

Confirm Priorities

Identify Data collection and measurement

Statewide Summit on Behavioral Health
May 21-22, 2025 (*by invite only*)
