



Successful Youth • Strong Leaders • Safer Communities

State Advisory Board (SAB) Meeting

January 15, 2019
2:00 p.m. – 4:00 p.m.

Annapolis DJS Office
49 Old Solomons Island Rd., Suite 300
Annapolis, MD 21401

Conference Call # (605) 475-4700, Access Code: 300133

Minutes

Members and Guests Present

Rosemary King Johnston
Sec. Sam Abed
Andrew Tress
Gavin Patashnick
Nick Moroney
Lynn Davis (Phone)
Judge Gary Bair

Rexanah Wyse
Melanie Shapiro
Shane Bolger (phone)
LaMar Davis (phone)
Deborah Grinnage Pulley
Shanna Wideman

I. Welcome and Introductions

Rosemary King Johnston

- Approval of November 20, 2018 meeting minutes

Rosemary King Johnston called the meeting to order at 2:04 PM. The members introduced themselves, including Shana Wideman, the newly appointed representative from MDH. The minutes were reviewed, no changes were needed, and approved as presented.

II. Department of Juvenile Services Update

Sam Abed

- Legislative Update

Gavin Patashnick

Sec. Abed and Gavin Patashnick gave an overview on the legislation that was introduced by DJS this session. Two deal directly with the SAB and the third deals with intake. The Juvenile Council bill will not be a departmental proposed bill, but will be introduced by legislative leadership. Gavin Patashnick explained each bill in detail.

Lynn Davis added that she was very happy to see the Juvenile Council bill put in because it's a collaborative process and encourages no finger-pointing.

Rosemary King Johnston mentioned that some provisions of the Juvenile Council and the bill related to the SAB are reminiscent of the responsibilities and functions previously assigned to State Stat. As part of the State Stat process, State agencies met collaboratively with State Stat staff to review, discuss, and recommend next steps around specifically determined areas of concern or interest.

Nick Moroney asked: Is the Juvenile Council bill in addition to the Department's current internal review? Sec. Abed replied and discussed the need to look at all the available information for fatality cases. This bill brings everyone together to determine the issues for each case.

Nick Mornoney asked about the language "concerning fatalities involving youth," and if that includes cases when an adult was killed. Gavin Patashnick replied, yes.

Melanie Shapiro asked: What records do you think will be used or provided? Sec. Abed replied that there will be a review of whatever court records are available along with DJS records.

Nick Moroney asked: Does that include police records? Gavin Patashnick replied that if they are available, they will be reviewed however, we are limited by what records we are able to request.

Rexanah Wyse asked: Would the SAB only be able to review cases after the bill would go into effect? Sec. Abed replied that there is currently no prohibition on reviewing previous cases. And the current regulations/ rules allow for records to be reviewed at the discretion of the SAB.

Rosemary King Johnston asked, approximately how many reviews does DJS conduct in a year? Sec. Abed answered, approximately ten, but the numbers vary from year-to-year.

Melanie Shapiro asked: Will the meetings would be regularly scheduled? Sec. Abed replied, the meetings would be a closed public meeting, so it would be subject to all the same open meetings act requirements. It would be up to the Board, to determine when to meet.

Rosemary King Johnston added that since this would be an additional and important function of the SAB an, in all likelihood, the review meetings would need time specifically set aside to perform that function. Another consideration would be to hold a regular meeting, followed by an Executive Session to review a case(s).

Lynn Davis mentioned that in similar meetings she's attended, the Chair will put together the information needed for the cases to be reviewed in chronological order and they can vary in length.

Rosemary King Johnston agreed, that State Stat meetings were organized in a similar fashion to help the meetings to flow easier. To facilitate the review process, information needs to be organized prior to the meeting. The Board would ask that staffing be provided to perform this function.

Melanie Shapiro added that, while this is an interesting concept and likely worth-while, it is also important to consider the confidentiality of these meetings and how it effects the community at large. Especially regarding the logistics for coordinating the meetings and the information that is to be discussed.

Rexanah Wyse added, in similar case reviews she's attended the information was brought directly to the meeting and not posted online or sent in any electronic format.

Judge Gary Bair commented, that while everyone should be involved, it's also important that the meetings are not cumbersome. This would become one of the most important functions of the SAB. Sec. Abed agreed and added that DJS does have its own review, but it is always better to have all the stakeholders together.

There was a general consensus that the meetings should be in-person.

Sec. Abed explained what the Juvenile Council may look like and that is likely to be introduced soon. Adding, there's a perception in the media that juvenile crime is out of control in spite of the data that don't support that perception. Intake has declined, complaints have declined, and commitments have declined. As currently written, this bill is not a Justice Reinvestment Act type of bill, it is going to look strictly at policy. The specific direction the bill will take is still unclear until we see the language, but the main purpose is to look at the juvenile justice system at each stage.

Judge Gary Bair commented, he had not heard of this initiative yet, and asked if it is similar to the Governor's initiative for a Judicial review process? Is the intent to look at the causes of crime, or just DJS processes? Sec. Abed indicated that we believe it is intended to have wider scope than that and not associated with any Judicial review initiatives by the Governor's office.

Nick Moroney referred to the Abell Juvenile Justice Report, commenting on its efforts to determine issues regarding juvenile crime, pointing out a graph displaying specific judges in Baltimore City granting petitioned reverse waivers. Sec. Abed added, there was a lot of missing information in the report. Nick Moroney agreed, and gave examples of what was missing, adding that police and DJS communication issues at times, are not the fault of DJS.

Rosemary King Johnston added, that in her opinion, the report was a disservice, the statistics were misleading, and the report seemed to be self-serving.

A copy of the report was emailed to each board member.

Sec. Abed added, there is a low clearance rate in BPD, the former commissioner stated that the crimes that were committed with no arrest was made, were done by juveniles, however there is no way to confirm that. There is a report being developed by the UMD data assessment center that may be much more detailed.

Melanie Shapiro gave an overview of proposed Office of the Public Defender (OPD) legislation, which looked at a number of technical issues. Adding, fines, fees and costs will be looked at, in addition to waivers and transfers, also not eliminating direct file but adding more due process. They also will address shielding, one bill will be narrow, another will be broad. Another issue that may come up is confinement. The ACLU is looking into these issues. Melanie cited a Frederick Post or Baltimore Sun article regarding youth held in adult facilities, technically they feel it is solitary confinement.

Sec. Abed mentioned a shielding bill that has been introduced by Del. Sydnor. Melanie Shapiro added that OPD would like to see it expanded.

Nick Moroney brought up the Juvenile – Reportable Offenses bill that was introduced last year and has returned this session.

Rexanah asked what the bill did. Melanie Shapiro and Gavin Patashnick explained the purpose of the legislation and provided some background.

Deborah Grinnage Pulley added, that the education records contain the information being requested of DJS in the bill.

Rosemary King Johnston added, the bill seems to negate the intention for students and their families to benefit from the privacy and protection provisions of the Family Educational Rights and Privacy Act (FERPA). This is a long standing Federal act that addresses the privacy and protection of student and family information as contained in educational records.

Melanie Shapiro commented, she believes that of the group homes in Washington County, the bill drafters want to know who those kids are and if they're in the county schools.

Shanna Wideman asked: Is this in-line with SB 1265 (Safe to Learn Act), passed last year to get better resources for students, or is this more of a red mark? Melanie Shapiro/Nick Moroney both indicated that would be more of a red mark right away.

III. Juvenile Justice Monitoring Unit Report

Nick Moroney

Nick Moroney discussed the most recent JJMU report and asked for any questions.

Judge Gary Bair commented that the report seemed more pointedly critical than others in the past, asked if there is a reason for that? Adding, it seemed to praise Silver Oak and discredit the other facilities.

Nick Moroney responded, pointing out the treatment, programming and community services offered at Silver Oak are more effective than at other facilities. Adding that DJS has come along well addressing the security needs at the other facilities, but would like to see more done regarding treatment. Silver Oak has been very good model for keeping youth closer to their communities as well as great programming and the use of cognitive based treatments.

Sec. Abed explained that there is a range of needs and services for any given region. For example, security, treatment services for substance abuse, mental health, etc. Therefore, it is very difficult to provide all services in one or every region.

Judge Gary Bair made another comment regarding the JJMU, asking why home passes are not being issued.

Sec. Abed replied, they are if the court orders them. A policy is being developed which is under the review of Judge Stamm, we are waiting for the committee to respond with their comments.

Judge Gary Bair added that as a judge, he would prefer to defer to DJS.

Sec. Abed commented that the Department wants to be involved along with the courts. However, it's important that home passes have a purpose. Some youth get a home pass and may get into trouble. We want to be sure that they have a better purpose which will help the youth in the long-run.

IV. New Business

- Board Membership: Senatorial Selection

Andrew Tress

Andrew Tress informed the group of the new senatorial appointment, which is Senator Suzanne Lee.

V. Adjournment

Rexanah made one correction regarding the November minutes. The meeting was adjourned at 3:43 PM.

Upcoming Meetings:

- 2019 – 4/16 (Victor Cullen), 5/21, 6/18, 9/17, 10/15 and 11/19

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