



Successful Youth • Strong Leaders • Safer Communities

### State Advisory Board Meeting

May 21, 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:

Sam Abed  
Andrew Tress  
Rosemary King Johnston  
David Johnston  
Melanie Shapiro  
Debra Grinnage-Pulley  
Kathleen Callan  
Rexanah Wyse  
Nick Moroney  
Delegate Robin Grammer

Lynn Davis  
Lara Weathersbee  
Judge Bair  
Michael Lore  
Judge Cox  
Shane Bolger  
Senator Susan Lee  
Shanna Wideman  
Heather Chapman

#### **I. Welcome and Introductions**

*Rosemary King Johnston*

- Approval of April 16, 2019 meeting minutes

The meeting began at 2:02 PM. Members introduced themselves. The minutes were reviewed and approved with no changes.

#### **II. Department of Juvenile Services Update**

*Sam Abed*

Sec. Abed moved directly into New Business.

#### **III. New Business**

*Sam Abed / Andrew Tress*

- Ideas for implementation of legislation slated to be implemented in October of 2019 regarding the SAB
  - HB0169 and SB0072 (see 4/16/19 Minutes for details)

Sec. Abed gave a brief overview of HB 169, inviting a conversation on how to proceed with implementation of the bills, requesting feedback and suggestions from the entire Board. He explained why the review of these mortality cases is important; i.e. being able to provide an explanation to the public that a group comprised of juvenile justice stakeholders is in place to

determine review records and determine whether errors may have occurred within the system and what improvements might be put in place to address any errors that may have contributed to the fatality. Michael Lore and Del. Grammer each inquired as to where and what type of information would be reviewed? Sec. Abed replied, that information provided would include the youth's history, criminal records, supervision information, court hearings, what occurred throughout the entire process, status, and decisions.

Sec. Abed asked the board what type of procedure they envisioned to review these cases, including the entire Advisory Board or a subcommittee of the Board? He also reported that although DJS has both physical and electronic copies of files, for security and confidentiality reasons, suggested providing only paper files for the group to review.

Judge Bair asked if DJS has access to court files. He also pointed out that files can be a few pages or several files. Each file contains both DJS and attorney documents. Sec. Abed explained that DJS would be the repository for the files.

Shanna Wideman asked if the files also include school or behavioral health data. Sec. Abed – responded that much of that information would be in our files, but perhaps not all of it.

Melanie Shapiro added that some school records are federally protected (FERPA) and we shouldn't have access them, reminding the group of the need to be mindful of those protections.

Lynn Davis added that she is part of a domestic violence review board and child fatality review board in Carroll County. They have an effective system with a person who is responsible for gathering all of the documents and building a timeline for each of them. Sec. Abed asked if a summary is provided as well. Lynn Davis responded yes.

Cpt. Shane Bolger added that he is part of a similar Board in Calvert County and the information is also already gathered in the meeting room, everyone attending must sign a confidentiality agreement, and the reviews are conducted in that room.

Melanie Shapiro asked if those Boards include public members. Cpt. Bolger responded that the reviewers were the professionals who were involved with the child at any given time while in the system.

Shanna Wideman reminded the group that we do need to be mindful that, if public members are included in the reviews, they are reviewing only relevant information and they have an understanding of the documents that are being reviewed.

Judge Bair noted that Shanna's point goes back to the question of a subcommittee, adding that he is not opposed to public Board members being involved as long as they sign confidentiality agreements.

Michael Lore commented that he doesn't think staff for legislator Board members should be involved.

Rosemary King Johnston agreed, suggested that only members of the Board or their designees be included in the reviews, and that, for consistency, no substitutes for members or designees participate in reviews,

Sec. Abed indicated that records will be kept from public attendees who are not Board members and suggested that the recommendations that come out of the review may be made available to the public if the Board so chooses. He asked if the Board agrees that forming a subcommittee is the best course of action.

Del. Grammer asked about the process for the Board to form subcommittees? Rosemary King Johnston clarified the subcommittee process.

Del. Grammer added that it can help to have perspective of attorney's and/or professionals who know the topic very closely, asking if that would be more helpful. Sec. Abed agreed to a degree, and also indicated that our intent is for the subcommittee to review the information, highlight the pertinent information, and bring it to the full Board for review and further discussion.

Sen. Lee asked - would the subcommittee be the only individuals reviewing the confidential documents? Sec. Abed responded yes, for view of all the information. The entire Board will be able to review the condensed information. Sen. Lee asked whether Board members will be able request specific information. Sec. Abed indicated that he envisions there will be times that something will arise and the Board can request specific documents. Sen. Lee asked how many Board members will be on the subcommittee. Sec. Abed responded that is for the Board to determine.

Rosemary King Johnston asked Lynn Davis and Cpt. Bolger how many people were on the Boards that they sit on. Lynn Davis and Cpt. Bolger said from 15 – 20. Cpt. Bolger noted the importance of keeping the meetings controlled and having people from different areas that will address the main issues for each case. Judge Bair asked if any members from the Judiciary at those meetings are. Cpt. Bolger – responded that he didn't think so, but the States Attorney's Office is represented. Judge Bair queried the ethics of a judge sitting on the subcommittee.

Nick Moroney reinforced the goal of DJS and bill, adding he wouldn't be part of any of the review, but asked that when the subcommittee comes back to the full SAB, would they have already made the final determination or could they be changed after discussion with the whole Board? Sec. Abed responded that the review by the subcommittee would be done after the judicial proceedings for the case have concluded and the full SAB would make the final recommendations. He added that he would like court to be at the table and in the subcommittee. Also, the recommendations would be just that: once they are made, the Board would pass their findings along to each respective agency.

Lynn Davis – commented that agency representation is very important since they have a vested interest.

Kathleen Callan asked -going back to the issue of SAB recommendations and public availability, is that still a component? Sec. Abed gave background of what DJS can and can't say to press

currently. This bill would enable us to say we have a specific group of professionals that are looking into the issue(s), adding that the official records would be stripped from any recommendations that are made public, protecting confidentiality.

Michael Lore suggested incorporating aggregate data in recommendations. Sec. Abed responded that, while it could be incorporated, this is more about big picture. Michael Lore – asked if recommendations include data, they could be included. Rosemary King Johnston agreed, but also noted that number of cases per year is minimal, so it would be hard to gain anything from aggregate data. Also, DJS already puts out the annual DRG which can be used as a resource.

Nick Moroney – regarding data, we could look at youth that had been in similar situations and investigate any missing resources to avoid the same situation in the future.

Judge Cox recalled juvenile court being very protective and had voiced his concerns with judicial representation and the anonymity of children, adding that names aren't even included in the dispositions.

Shanna Wideman asked, when in this process will there be the opportunity to either develop an annual report, or put policies in place to find out exactly what could have been done differently to avoid these situations in the future? Sec. Abed responded: that question brings up another item for discussion regarding meeting frequency and ways to develop the report/recommendations. Lynn Davis commented that an annual report may be difficult to produce because, at times, there is a lot of information to review in one meeting. Perhaps we could review a few cases at one time.

Melanie Shapiro suggested quarterly meetings. Time constraints allow us to only review cases after conviction, so there could be a delay to begin a review process. The subcommittee could meet in private and then have a full review at the upcoming SAB meeting. Sec. Abed suggested that timing depends on cases and how quickly they are processed and the circumstances of the case. Quarterly reviews would set a good pace. Lynn Davis recommended developing a schedule. Sec. Abed suggested also holding meetings on a case-by-case basis, adding we can make changes to the process as needed.

Rosemary King Johnston noted that regularly scheduled SAB meetings are probably not an adequate amount of time for these reviews. We should hold separate meetings, on a quarterly schedule, perhaps in the mornings before a regular SAB meeting.

Sec. Abed asked Lynn Davis and Cpt. Bolger what their schedules are like. Lynn Davis –said staff contacts individuals that need to be included and compiles the material with a month's advance notice, providing a chronological summary of the case. Sec. Abed asked when recommendations are made. Lynn Davis reported that recommendations are made the day of the meeting unless more information is needed. Shanna Wideman asked whether a subcommittee would make recommendations to a full Board. Lynn Davis said it is a subcommittee, but they tend to have a large group including anyone that is involved in the child's case. Melanie Shapiro noted that time is needed to document the summary before the full SAB review to identify what the issues were in the case and should be given the appropriate amount of time as is required.

Sec. Abed suggested a hybrid system; including bringing all the documents that went into the summary in addition to the summary.

Cpt. Bolger noted that in his review Board each party comes in, the organization running the meeting gives a summary and what lead to fatality and a round-table discussion follows with each party providing a summary of the interactions they had with that youth. Sec. Abed noted that would be a difficult process to replicate on the state level and that is why we a summary would be helpful.

Del. Grammer commented that, with as few times as these issues occur, he believes it would paint the same picture as it would with Cpt. Bolger's example and accomplish the same goals. Melanie Shapiro noted that we would likely have a lot to bring to the table and to get a good idea of the situation. Sec. Abed indicated that the social history provided by DJS is very valuable, as well as the services the child was/was not getting. That comprehensive information alone should allow us to identify several issues.

Sec. Abed suggested more discussion of a hybrid system and what are the group's thoughts? Judge Bair expressed discomfort with not having the information to review in advance. Lynn Davis noted that there is a lot of work is done ahead of time. Deborah Grinnage-Pulley asked if it is possible to make the information available ahead of time. Sec. Abed said it's possible, but is unsure of how that would work.

Rosemary King Johnston commented that if the appropriate agency representatives are chosen for the subcommittee that may also have records on the youth that they could share with the full SAB.

Sec. Abed – summarized the discussion by stating that it's agreed that there will be a subcommittee that will provide a summary and it will meet quarterly or semi-annually. The SAB agreed.

Kathleen Callan asked what the summaries will look like. Lara Weathersbee noted that we have come to a lot of consensus on a lot of items, and the details can get worked out in the future as these meetings progress. Melanie Shapiro suggested that we could make records available before subcommittee meetings to be reviewed ahead of time to avoid the use of electronic correspondence. Sec. Abed agrees with Lara, that the review process will evolve when the process begins.

Kathleen Callan – asked if the family be allowed to look at anything? Sec. Abed noted that the recommendations would be made public.

Nick Moroney asked an if we are also talking about the possibility of reviewing incidents inside the facility? Sec. Abed responded yes.

Judge Bair asked about possible lawsuits that could be filed by the family? Is this opening DJS up to a civil lawsuit? Sec. Abed asked if this information would be considered discovery. Lynn

Davis expressed issue about making the recommendations public. Sec. Abed agreed with the legal/liability issues expressed by the Board and added that he will speak with our Attorney General about the liability issues.

Nick Moroney inquired about his ability to make recommendations or include his own suggestions to the subcommittee or full SAB. Sec. Abed doesn't believe that will be an issue and recommendations should be given to the JJMU. Adding, the subcommittee will bring their findings to full SAB where the final decisions will be made.

Lynn Davis asked whether we can we make recommendations to other agencies? Sec. Abed said, yes, we want to talk with any agency that involves youth under DJS supervision to help resolve any identified issues. Also, we currently have good agency representation on the SAB.

Rosemary King Johnston asked to concluded the discussion, thanked the members for their participation, and added her opinion that we have a good start to have everything in place by the time the bill goes into effect on October 1, 2019.

**In summary:**

1. What sort of procedure will be used for case reviews?

The will be a subcommittee, that will be provided a chronology/summary organized by DJS staff for each case.

2. How will visitors be addressed?

No public participants or those not assigned to the subcommittee or part of the SAB will be allowed to be at meetings or review documents.

3. What will be the retention policy for those documents?

DJS staff.

4. How often will group meet (per each event/grouped together)?

Quarterly meetings will be scheduled and used when necessary. (The process may evolve and change as the reviews are conducted)

5. How will reporting and recommendations to the Secretary be conducted?

SAB will make final recommendations based on work conducted by the subcommittee, will exclude all confidential information, and made public.

#### **IV. Juvenile Justice Monitoring Unit Report**

*Nick Moroney*

Nick Moroney gave a quick overview of what he does as the monitor and his role involving the facilities as well as their locations. He added that the youth's lengths of stays have decreased over the last few years. He noted that some issues still remain regarding transportation problems and the practice governing home visits. The home visits have been put on hold unless judges and magistrates issue a report granting home passes. He also pointed out two specific sections in JJMU report that outline the juvenile system - "Placement Overview and "Placement Reform."

He continued to speak about the Juvenile Justice Reform Council (JJRC) legislation from this session and referred to an article in The Daily Record labelling 2019 the year for juvenile justice. He expressed concern with this view, partly due to the lack of representation of the juvenile justice system in the report issued by MSDE, and the Kirwan commission. He suggested that the SAB should question the Kirwan Commissions' lack of consideration of the youth in the juvenile justice system, adding that we need resources as well, not just MSDE and the education system. Sec. Abed asked Nick Moroney to send the letter he sent to MSDE to Andrew Tress for distribution to the Board members for review and possible action.

#### **V. Adjournment**

Rosemary King Johnston asked the Board members if they had any additional comments.

Judge Bair asked if there were any issues present at the Victor Cullen Center after hearing rumors from attorneys. Sec. Abed explained that the Superintendent has resigned and asked Nick Moroney if he had heard anything else. Nick Moroney said he could not report anything concrete. Judge Bair added he just wanted to raise issue if there was something happening. Sec. Abed expressed the misfortune of losing the Superintendent, but Deputy Secretary Wallis Norma is looking for a replacement and spending a lot of time at the facility during the search. Some current staff members are interested but the position will be advertised. Michael Lore inquired to whether there are similar staffing issues that DPSCS experiences, such as recruitment? Sec. Abed responded not in regards to filling positions but some issues exist with filling duties. Adding turnover rate, as he explained in his presentation to the Senate in January, is at 30%, which is better than the 70% in previous years, but the agency continues to work to lower that number even further.

Heather Chapman reported that her organization has finished its grant cycle and they are looking to fill several seats on the SAG as current members are cycling out, and she send the vacancies to Andrew. The Juvenile Justice Delinquency Prevention Act (JJDPDA) has created some issues they are also working to resolve. Specifically, in regard to compliance, this may result in revamping the three-year strategic plan. Sec. Abed noted that housing youth charged as adults has been a big issue due to the JJDPDA. DJS is currently conducting research to forecast the impact it will have on the population, but doesn't foresee a significant impact. Melanie Shapiro provided a quick explanation regarding the JJDPDA, adding that is hasn't been reauthorized in a long time.

The meeting as adjourned at 4:04 PM.

**Upcoming Meetings:**

- 2019 –6/18, 9/17, 10/15 and 11/19

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