



Successful Youth • Strong Leaders • Safer Communities

State Advisory Board (SAB) Meeting

June 18, 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
Rexhana Wyse
Nick Moroney
Delegate Robin Grammer

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

I. Welcome and Introductions

Rosemary King Johnston

- Approval of May 21, 2019 meeting minutes

Rosemary King Johnston started the meeting at 2:04 PM. The minutes were reviewed, some edits were made before board approval.

II. Group Discussion – Draft Fatality Review Guidelines *Sam Abed / Andrew Tress*

Sec. Abed started with a few quick updates. The Victor Cullen Center (VCC) superintendent resigned recently and Troy Stiffler has been promoted to the position. VCC has received a lot of support from HQ to ensure no drop in services to the youth at the facility. Also, Gavin Patashnick has left the agency for the State’s Attorney’s Office in Harford County. Jay Johnston from the Office of the Public Defender will be replacing him. Sec. Abed also provided an update on an issue at the Jefferson school, noting that allegations of the staff will be forth-coming and DJS is taking appropriate personnel actions. There is a moratorium on placements until investigation is over. We have placed additional monitors in the facility and are actively seeking alternative placements for the youth.

Jessica Wheeler – has any outreach been done from former DJS involved youth to see how far this goes back? Sec. Abed – yes, it is part of the investigation.

Nick Moroney – are all the allegations being made on the staff from the youth at the school? Sec. Abed – I’m not currently privy to that information, but it doesn’t change our stance.

Michael Lore– are there criminal investigations? Sec. Abed – yes.

Nick Moroney – are the kids being pulled out of the school and placed elsewhere? Sec. Abed – not everyone, and only when there are no other placements available. That’s the reason for the higher level of monitoring.

Sec. Abed began the discussion on the fatality review guidelines for the SAB Fatality Review Subcommittee (FRS). DJS staff took the SAB opinions from last month’s meeting and reviewed other similar guidelines. Andrew explained that we used guidelines that have been established by MDH for their state child fatality process and tailored them to fit the needs and requirements of the SAB.

Rosemary King Johnston – what will the meeting frequency and time line for reviews be? Sec. Abed – it depends on the case. Cases on victims will be reviewed more quickly because of the legal process, but all the information will be provided by the DJS Fatality Review Team (FRT) in the summary form.

Lynn Davis – is there any way to include previous trauma such as a death of a parent in the social history and FRT summary? Shanna Wideman – would that be in MDH files? Sec. Abed – this document is a work in progress and we can add items as needed.

Michael Lore – are near fatality events outside the scope of this review? Sec. Abed – not entirely. That’s not exactly what we’re looking for in these reviews, but our coordination with other agencies may be able to address near fatalities.

Del. Grammer – during the session when the bill was discussed, we touched on the aspect of reviewing just a death of child in the system. Is this more than just a death? Sec. Abed – yes, it is also a review of a youth who is convicted or adjudicated for causing the death of another while under DJS supervision.

Andrew Tress guided the attention of the SAB to review page four of the document which outlined the goals/objectives of the DJS FRT.

Lynn Davis – could you provide some clarity of the goals and objectives of the full SAB versus the FRS? Andrew Tress indicated that those distinctions are explained in the preceding pages.

Judge Bair – regarding any judicial ethical issues, leadership within the Judiciary have concerns which would preclude SAB members representing the Judiciary from being included in these reviews.

Rosemary King Johnston – discussed varying options for FRS review such as, rotating membership, and asking members if they would like to be involved on a case-by-case basis.

Andrew Tress – I will email the SAB and take a poll of who would like to participate and reassess specific membership once the results come in.

Lamar Davis – I think it's important to do the reviews on a case-by-case basis to avoid conflict of interest. We need to be able to take the time needed for each case.

Michael Lore – should a formal quorum be part of the guideline requirements? Perhaps it would be helpful to add some alternates as well? Sec. Abed – that could work well and allow for several different perspectives, which is our goal.

Sec. Abed – is there a consensus on a standing group or rotating members?

Lamar Davis – for the FRS selection process, diversity is important, we could make it the chair's responsibility to pick for each case review.

Lynn Davis – in my local fatality review process, some people are mandated to be there and some are not.

Sec. Abed – just for reference, there are about 10 fatalities per year on average that this Board would be reviewing.

Judge Bair – consistency in reporting and member participation is very important. Is there a time limit for case reviews? For example, say there is two deaths in one quarter, but more in the next, we could move one case review to the following quarterly meeting to have the appropriate time needed for each case. Lamar Davis – my only hesitation would be losing time to make recommendations for any needed changes in a timely manner.

Shana Wideman – I don't think they should be pushed off to the following quarterly meeting so we can be as responsive as possible. Would having a core group be best? It may allow those members to become the most educated on these issues. Then we could also include slots for alternate members that do rotate, and it could depend on the case and the agencies involved.

Rosemary King Johnston – it is important that the chair be part of the core group.

Lynn Davis – I agree, that should be added to the duties of the chair.

Sec. Abed – in terms of membership, DJS staff will be a designated FRS core member. We could also designate the alternating members as volunteers? Judge Bair – 1-3 additional members should suffice and serve as ad hoc members. Sec. Abed – that would also eliminate a need to replace someone from the core group if they are not available.

Lynn Davis – under the roles and responsibilities of the FRS, we should add that they are to identify the gap in services and explain in the recommendation why and how the suggested

changes are needed. Also, should there be a review process follow-up to see if recommendations are working? I will ask her local fatality review team if that is part of their process. Judge Bair – recommendations from the FRS should have an underlying report sent out to full SAB, detailing their findings along with some narrative in writing. Sec. Abed – I agree, we will need it for the summary of the case and for context. Lamar Davis – consistency is important to be sure you can look back and make sure we’re not looking at the same answers for issues discussed in the past. Judge Bair – each case should have a section that identifies if the death was preventable and why. Michael Lore – it should also include any contributing factors leading to the death. Lynn Davis – agreed, that could go along with identifying the gap, recommended changes, how they could be implemented, and a follow-up review of those changes within a certain timeframe.

Sec. Abed – Andrew, can you find out who else is using forms that are similar to the ones we will be using? Tailor ours to be a little broader, depending on the forms used by other agencies.

Heather Chapman – what about including the medical history, there should be a broader timeline and not just what may have happened recently. Sec. Abed – this form will have social history report which will have a lot of that information, but we can make sure to add more if needed. The files would also be available for the FRS, we want to be sure it remains a summary for the full SAB to review and not become too voluminous. Michael Lore – we could change the guidelines to say the FRS will provide all “relevant history.” Sec. Abed – agreed.

Andrew Tress – let’s take a look at the confidentiality section. The statement we use for each review can be changed as the SAB sees fit. The language in the guidelines should encapsulate all the suggestions made by the SAB at the last meeting. Michael Lore – if there is a confidentiality breach, would the accused person have an opportunity for rebuttal? Andrew Tress – I will look up the statute for removal from state advisory boards and if applicable, I will add that statute as an appendix. Rosemary King Johnston – there are community foundations that use a standard confidentiality agreement which could be helpful and used for SAB consideration.

Andrew Tress – in terms of public access, we plan on posting the full SAB recommendations to the DJS website unless there are any objections. (There were none)

At the conclusion of the guidelines review, Andrew Tress indicated he will make the suggested changes.

III. Pathways to Education Subcommittee Update

Rexanah Wyse / Andrew Tress

Rexanah Wyse and Andrew Tress gave a brief update on the subcommittee, first by reiterating the purpose of the subcommittee and continuing to explain what is currently being done. The plan is to reach out to DJS case managers, DLR and MSDE for data collection regarding access and protocols for GED completion. Rexanah Wyse – there is a gap in services from when a youth is under DJS care and when they leave to provide needed resources in order to complete the GED.

Melanie Shapiro – we talked about the compulsory education law in the past and DLLR had agreed there is an issue. We should look into the GED waiver process because it is very difficult

to get. Heather Chapman – we have the same challenge because the need increases each year. We have a GED program in the school, but it’s difficult to get them into the program because of compulsory education law. Lynn Davis – compulsory education has helped to a degree, because it offers more time to work with the youth. Heather Chapman – not all parts of the law are bad, but the reality for us is that it’s been a barrier, we can’t reach them where they are. Rosemary King Johnston – there are also barriers in state and federal law, the federal government manages the GED, so states have to meet those standards. Melanie Shapiro – DLLR has a program to help get youth enrolled for the GED, schools and also jobs. Andrew Tress – I will reach out to DLR regarding that program which was also presented to the State Advisory Group (SAG) which Heather Chapman and Melanie Shapiro are members. Lynn Davis – we found that a huge percentage of kids needing access to GED were either homeless, had a mental illness or drug abuse issues. Deborah Grinnage-Pulley – JSES does have a GED waiver for students to take it earlier. Del. Grammer – just as a reminder we (Se. Lee and himself) are state policy makers. I am happy to hear any recommendations for potential legislation. Sec. Abed – could the waiver for JSES extend its authority for youth leaving a DJS supervision/facility? Andrew Tress – that’s a good idea, I will look into it and report back.

Shana Wideman – Heather or Melanie, do you have ideas on how to get kids resources that would be helping in fitting the specific needs of these kids? Would could talk after this meeting in more detail? Heather Chapman – after is best, but I do want to have the conversation, because we’re hitting some walls with the waiver process and seeing those kids end up in the system. Deborah Grinnage-Pulley – Shawn Rushing has all the MSDE data for GED’s.

IV. Juvenile Justice Monitoring Unit Report

Nick Moroney

Rosemary King Johnston – referenced the letter Nick Moroney sent to the Kirwan Commission. Nick Moroney – I encourage everyone to look at letter because it lays out our case and explains why DJS youth aren’t being addressed in the Kirwan report. The primary statements in the letter include that they have not been properly served in the past, there is a lack resources, and there is simply no mention of juvenile justice involved youth in the Kirwan report.

Nick Moroney – the JJMU continues to look for ways to improve the system as a whole. He encouraged the SAB to look at the report and is am happy to take questions. Is there any news on the membership of the Juvenile Justice Reform Council (JJRC)? Sec. Abed – nothing new yet, but forthcoming, the Governor just needs to solidify his appointments and coordination with the other agencies as well as the legislature. The Secretary will be meeting with Del. Clippinger soon.

V. Adjournment

Adjourned at 4:04 PM

Upcoming Meetings:

- 2019 – 9/17, 10/15 and 11/19