



DEPARTMENT OF HEALTH AND HUMAN SERVICES

Marc Elrich
County Executive

James C. Bridgers, Jr.,
Ph.D., MBA
Acting Director

Commission on Juvenile Justice Meeting

Tuesday, November 21, 2023

Online meeting

CITIZEN MEMBERS PRESENT: Bonnie Beavers, Carol Cichowski, Tracey Friedlander, Melissa Goemann, Michael Pinard, Erynn Penn, Kevin Redden, Jonathan Scriven, Tom Smith, Heather Sweren, Shuaa Tajammul, and Erin Whaley.

AGENCY MEMBERS PRESENT: Joanna Bonner, Francha Davis, Frank Duncan, Elizabeth Emen, Susan Farag, Brett Lonker (Stephanie Joseph substituting), Steve Neff, Jordan Satinsky, Nathaniel Tipton, and Carlotta Woodward

ABSENT MEMBERS: Kimberly Alfriend, Gerda Gallop-Goodman, and Joshua Pestaner.

PRESENT EMERITUS MEMBERS: Carole L. Brown.

ABSENT EMERITUS MEMBERS: Chris Fogleman, and Wendy Pulliam.

GUESTS: Nick Moroney, Dr. Rolando Santiago, and WJLA News

SPEAKERS: Delegate Charlotte Crutchfield and Senator Will Smith

STAFF LIAISON PRESENT: Diane Lininger

- I. **Welcome** – The meeting opened by Kevin Redden, Chair of the Montgomery County Commission on Juvenile Justice (CJJ).
- II. **Attendance** – Make sure to sign in and if you can't sign in because you are on the phone, please send an email to Diane. Introductions of members
- III. **Senate Briefings. Sen. Smith:** We understand you will be scheduling a couple of briefing sessions in early January focused on two areas of particular interest to this body—juvenile justice and chronic absenteeism. Could you tell us what questions you want the panelists to address and how these briefing sessions relate to the forthcoming work of JPR and your own legislative priorities for the 2024 session? Do you think there is role for the MGA to play in addressing chronic absenteeism?
 - *There will be three days of briefings.*

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- 1st day: Senator Smith wants to take deep dive into data on recidivism, as well as services provided
- 2nd day: Long-term impact on gun violence on juveniles
- Dr. Scalia from Shock Trauma treated over 800 gun violence victims last year
- 3rd Day: Truancy

What is nexus between Truancy and involvement in juvenile justice system?

Chronic Absenteesm

1. Thinks they have a role to dig into the data and fact-find
2. Wants to get to the “ground truth” and is not interested in carceral responses
3. Senator Smith says not sure what role, if any, is available to the General Assembly at this point

b. House Briefings. Del. Crutchfield: There have been extensive briefings on juvenile justice in the House Judiciary Committee this fall. What do you think were some of the most important takeaways?

- i. Have had two briefings centered on juvenile crime. Another briefing on December 5th*
- ii. Clearly there are concerns by law enforcement and state’s attorneys regarding legislation that has been in effect for a year*
 - 1. Concerned about Juvenile Justice Reform Act and Child Interrogation*
 - 2. Big takeways:*
 - a. lots of concern but lack of data to support the concerns*

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- b. Law enforcement is not deploying all the tools at their disposal*
- c. There were concerns about things not working when actually, things are working – this legislation needs opportunity to be effective*
- d. There was no real initiative in giving this legislation the opportunity to remedy issues*

c. Attacks on JJ Reforms. Both of you supported the Juvenile Justice Reform Act and the Child Interrogation Protection Act, legislation that is now being attacked by law enforcement. There has been no shortage of stories in the press highlighting the complaints police have about this legislation. Do you expect that bills aiming at changing the minimum age or the access of children to attorneys prior to interrogation to have any traction in either house? Is there a reason why, with few exceptions, Democrats who voted for the passage of these bills do not appear to be speaking out now in defense of these important reforms?

i. Senator Smith

- 1. The narrative behind these legislative initiatives has been lost – lots of misinformation.**
 - a. The reform laws that have been passed will need a couple of years to bear fruit/be realized**

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- ii. *Clearly lost the PR battle with regard to these pieces of legislation, but Senator Smith believes in these reforms*
 - 1. *Law enforcement needs to be well educated on these new laws and their scope*
 - 2. *There is lack of documentation on children who become entangled with DJS or are arrested*
 - 3. *There is lack of clarity on the services that need to be provided*
 - 4. *Lack of clarity on the CINS services*
- iii. *With regard to Child Interrogation Protection Act, General Assembly put in a public safety exception, which has not been deployed once – fundamentally, this law will provide for more thorough investigations while protecting rights of children*
- d. *Believes that the loss of the P.R. race will manifest in some counter-legislation this session*
 - i. *It's our job to respond with data, facts, and analysis*
- e. *Will see many bills offered by democrats and republicans*
- f. *Smith is not interested in touching the Child Interrogation Protection Act*
 - i. *As for JJRA, will work with DJS to find out why services are not be provided/implemented*
 - ii. *There has not been a concerted effort to push back narratives with op-eds, etc. – Perceived silence.*
 - iii. *There is not enough public understanding of several points of failure with law enforcement vis-à-vis these new laws*

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iv. *Not explaining that lots of cases that are charged are dismissed*

1. *No information on whether cases dismissed because prosecutors do not think can provide case or shoddy police work, etc.*

g. **Focus on Juvenile Crime.** Some of the opponents of reform, including Republican legislators, seem to be trying to make what we know or do not know about increases in crime by juveniles a central piece of the discussion about juvenile justice reform. In your opinion, what questions or issues do you think should be the focus of a debate about what changes are needed to provide for public safety and positive outcomes for young people?

i. *Delegate Crutchfield*

1. *We need to be talking about the services. We need to figure out why children are acting out and then calibrate services to the issues*
2. *We need to back up everything up with data to make sure we are serving young people and that they are in a good place*

h. **Ending Automatic Charging.** Sen. Smith: You have said that you could not agree to a bill to end automatic charging for all offenses without making changes in DJS such as extending the jurisdiction of DJS to age 25. What information or research has informed your thinking about the need to make this kind of change? Have you sought input from others like DJS, other legislators, advocates or directly impacted individuals about the feasibility or desirability of extending the age range?

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- i. *Looking at the latest brain development data – brains to not fully develop until 25+*
 - 1. *This means that juvenile justice jurisdiction should be expanded*
 - a. *But also need to expand services and supports, to ensure people are getting what they need*
- i. **Capacity of DJS.** During the debate around juvenile justice reform, issues have been raised about DJS operations, including its capacity to provide the young people who come in contact with the system the services needed to prevent recidivism. What concerns do you have about the quality of DJS services or the capacity of DJS to meet the needs of the youth it serves? If you have concerns, what can you do as legislators and opinion leaders to address this issue?
 - i. *Delegate Crutchfield*
 - 1. *Thinks DJS, like other agencies, needs help – needs more staff*
 - 2. *Thinks that the gap is in the county services, rather than state services*
 - 3. *Also, during the pandemic we lost lots of non-profits. Need to rebuild services*
- j. **Ending Felony Murder.** We have previously talked to you both about the felony murder doctrine and I believe you both agree that its application is problematic. During the last session Del. Crutchfield sponsored a bill to eliminate its application to young people, a bill which the Commission supported. If the bill is reintroduced in

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2024, what do you see as the barriers to MGA action on this proposal?

i. *Delegate Crutchfield*

1. *Barriers for last session were very concerning*

a. *People did not understand what the legislation was – media twisted and misstated the legislation*

b. *Going forward, will require much education on what this legislation is about*

ii. *Senator Smith*

1. *His assessment is that it will be tough to move forward with this issue – will probably take a couple of years. This session will be very tough. The narrative for public safety is not there yet. In this climate, do not see this bill as ripe for passage this year.*

k. **Ending Gun Violence.** The MGA has passed a number of important gun control measures. What more can be done by the MGA to get guns off the streets and out of the hands of young people? What policies, programs, or actions do you think are most promising in addressing gun violence, especially among young people?

i. *Senator Smith*

1. *Need to focus in on gun trafficking*

2. *Ghost guns (which are outlawed) are still favored among youth – needs to be another area of focus*

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- I. **Maryland Equitable Justice Collaborative.** On October 25 the Attorney General and the Maryland Public Defender announced the formation of the Maryland Equitable Justice Collaborative to examine existing laws, policies, and practices affecting the criminal justice system and to produce a comprehensive plan for reform by January 2025. One of the Collaborative's Committees will focus on Juvenile Justice.
 - i. How do you see this project affecting action in the MGA in 2024? For example, do you expect votes to be delayed on some bills pending receipt of this group's final recommendations in January 2025? How do you see this project affecting decisions on whether to sponsor bills relating to criminal justice reform in 2024?
 1. *Does not think legislation will be delayed based on the MEJC's work*
 2. *Does not see the MEJC's recommendations to be ready for the 2024 session – thinks we will see recommendations roll out for the 2025 session*
 - ii. On what kinds of issues do you see the most potential for this group of organizations and offices with widely divergent perspectives to offer helpful recommendations? What are some examples of laws, policies, or practices relating to youth that you would like the Collaborative to examine?
 1. *Senator Smith*
 - a. *The ombudsman bill*

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iii. Do you expect members of the General Assembly to have any role in the Collaborative's process to develop recommendations?

1. *Anticipates involvement, but not sure how formal this will be*

m. Prevention Services. This Commission is working on a proposal that is aimed at providing better access to a wide range of services for young people who are at risk of justice involvement and thereby preventing such involvement. In your opinion, what kinds of services to be provided in the County do you think have the most potential for supporting families and helping young people avoid the school to prison pipeline or justice involvement more generally and be successful in school and thereafter?

i. *Would like help looking at substance abuse and mental health for children – would like to focus on these areas – this is currently a blind spot as there is no facility that focuses on children with substance/mental health issues.*

1. *We are woefully behind in Maryland on these areas*

n. Continuing the Juvenile Justice Reform Council. The Juvenile Justice Reform Council (JJRC) did a great job of reviewing and analyzing juvenile justice research and reaching consensus on recommended reforms. What are your thoughts on using this body again to review implementation of the Juvenile Justice Reform Act (JJRA) and recommend any additional reforms or suggestions for implementation?

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- i. *Senator Smith*
 - 1. *Thinks this is a fantastic idea – their work produced was well thought out and reasoned.*
- o. Additional Questions (to Senator Smith)
 - i. Are you interesting in pushing for restorative justice programs in juvenile court
 - 1. *Yes, this would be amazing – fantastic idea*
 - ii. What more can you do as a legislator to address issues you have identified with DJS?
 - 1. Hopes that much of the fix comes through the administrative process
 - 2. If there are legislative fixes they will consider
- B.
- C. **New Business**
 - a. October Minutes
 - i. Minutes adopted.
 - b. Children’s Center Ad-hoc Committee – Carlotta Woodward and Jordan Satinsky
 - i. Carlotta reported that the committee met on Monday and is working on a vision statement.
 - c. Nomination committee- Diane
- D. **Upcoming Meetings**
 - a. **November** – Virtual meeting with a legislator from Maryland to discuss upcoming Juvenile Justice legislation. Both Senator Will Smith and Delegate Charlotte Crutchfield will be speaking. Will need questions for them from the commissioners.
 - i. Will discuss upcoming Juvenile Justice legislation.

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- ii. Need questions to put to the legislators – please submit questions by November 14th (one week before meeting)
- b. **December** – Commission does not meet.
- c. **Announcements from Members – Commission members have any announcements about events or activities?**
 - i. Carol announced that the Legislative Committee needs volunteers – will look to have at least one meeting before the end of the year.

V Meeting Adjourned - Meeting adjourned at 8:10 PM

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