

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

MINUTES FROM THE SEPTEMBER 9, 2009 MEETING

In Attendance*: Chairman Judge John Philip Miller; Kimberly Barranco, CJCC Executive Director; Frank Conaway, Circuit Court Clerk; Joe Clocker for Bruce Brown, Division of Parole and Probation; Lt. Sam Cogen for Sheriff John Anderson; Donald DeVore, Secretary, Department of Juvenile Services; Lonnie Ferguson, Administrative Clerk for District 1; Marcella Holland, Circuit Court Administrative Judge; Patricia Jessamy, State's Attorney; Michael Kaminkow, Bar Association; Brian Kleinbord for Attorney General Doug Gansler; Keith Mathews, District Court Administrative Judge; Gary Maynard, Secretary, Department of Public Safety and Correctional Services; Cassie Motz, Governor's Office; Stephanie Rawlings-Blake, President, Baltimore City Council; Grace Reusing, Acting District Public Defender for Baltimore City; Rod Rosenstein, US Attorney's Office; Col. John Skinner for Police Commissioner Frederick Bealefeld III; Randall Watson, Acting Commissioner of the Division of Pretrial Detention and Services; Greg Warren, President and CEO, BSAS.

Nana Benneh, District Court; Tammy Brown, Department of Juvenile Services; Michael Buczyner, Fox 45; Genelle Burgan, District Court; Marty Burns, SAO; Douglas Colbert, UMD School of Law; Paige Croyder; Patricia Deros, SAO; Michael Frenz, Maryland Stadium Authority; Sheryl Goldstein, Mayor's Office on Criminal Justice; Michael Griebel, AECOM; Michael Hanlon, US Attorney's Office; Megan Harmon, District Court; Antonio Hayes, Mayor's Office; Elizabeth Julian, Office of the Public Defender; Kwame Manley, US Attorney's Office; Gary McGuigan, Maryland Stadium Authority; Tiara Robertson, Maryland Stadium Authority; Claire Rossmark, Department of Legislative Services; Angela Sobol, CJCC; Joe Sviatko, SAO.

MEETING DIALOGUE

The Meeting was called to order at approximately 12:30 p.m. and Judge John Philip Miller welcomed the Council.

Judge Miller requested a motion to approve the July 8, 2009 minutes. The minutes of July 8, 2009 were adopted unanimously.

I. CHAIRMAN'S REPORT – JUDGE JOHN PHILIP MILLER

Judge Miller called on US Attorney Rod Rosenstein, who introduced Michael Hanlon, the new Chief of the Violent Crimes Unit and Kwame Manley, Deputy Chief of the Violent Crimes Unit for the US Attorney's Office. Mr. Rosenstein reported that Mr. Hanlon was the Deputy Chief under Jason Weinstein and Mr. Manley was previously in the narcotics section.

Judge Miller called on Libby Julian to discuss the recent changes in the Office of the Public Defender. Ms. Julian stated that she was recently appointed as Acting Public Defender for the State of Maryland. She advised that this in an interim position and that an advertisement has been posted and the selection process is moving forward. Ms. Julian stated that she is planning on maintaining the independence and integrity of the office. She also reported that Grace Reusing has been appointed as the Acting District Public Defender for Baltimore City.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Ms. Julian stated the agency lost a passionate advocate and they face difficult challenges, but that they are looking forward and will not be deterred in their mission of protecting the Constitution and defending indigent clients vigorously.

Judge Miller advised members that the next Council meeting is scheduled for October 14, 2009 at which the Domestic Violence Fatality Review Team recommendations will be presented. The remaining 2009 meeting dates are November 18 at which the Attorney General's Office will present on their Gang Unit, and December 9.

II. EXECUTIVE DIRECTOR'S REPORT – KIMBERLY SMALKIN BARRANCO

Kimberly Barranco informed members that the next Drug Court Graduation Ceremony in the Circuit Court will be for Adult Drug Treatment Court and FDI, the Felony Drug Diversion Initiative, on Friday, October 9, 2009 in Courtroom 234 of Courthouse East, 111 N. Calvert Street. The ceremony will begin at 9:00 a.m. and will last approximately one hour. She encouraged members to attend the ceremony, as it is very moving to hear these individuals speak from their hearts about how they have their lives back now that they are drug free. She advised that a memo with this information has been included in the meeting packets.

Mrs. Barranco advised that the Fugitive Safe Surrender Steering Committee, comprised of representatives from 17 different state and local agencies who all have a role to play in a successful Safe Surrender initiative, have met numerous times, and all agencies have indicated a willingness to participate in a Fugitive Safe Surrender program. She reported that on July 23, she met with Chief Judge Bell and Judge Clyburn, the Chief Judge of the District Court, along with Judges Holland, Miller and Doory from the Circuit Court, Judges Mathews and Hargrove from the District Court, and a number of individuals from the Administrative Office of the Court. She reported that Judge Bell has indicated that he is interested in having the Judiciary participate in this initiative. She advised that the Steering Committee will continue to meet regularly as they work out the details of each agency's participation, preliminarily begin to look for an appropriate site, and await word on whether funding is available through grants.

III. PRETRIAL DETENTION AND SERVICES REPORT – RANDALL L. WATSON, ACTING COMMISSIONER

Secretary Gary Maynard introduced Randall Watson, who has been appointed as the Acting Commissioner, replacing Howard Ray, who was appointed as Executive Director of the Maryland Commission on Correctional Standards. Secretary Maynard advised that a nationwide search is being conducted for a new commissioner of Pretrial and Detention Services.

Commissioner Watson directed members to the Population Briefing handout provided in the meeting packets. He reported that there was a slight increase in booking volume during June and July but it decreased slightly in August. He also reported that no one is in unconventional housing. Commissioner Watson discussed an incident with a pretrial detainee in Courthouse East in which this individual repeatedly flushed the toilet in his cell, causing it to overflow. The correctional officer on duty thought it best to evacuate the area

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

and moved the inmates in the surrounding cells but did not remove the inmate causing the issue. Commissioner Watson stated he felt the officer on duty made a judgment error in not stopping the inmate, and he advised that there is no prohibition on correctional officers protecting property and assisting in the orderly operation of the courthouse. Judge Holland thanked Commissioner Watson for clearing up the matter.

IV. BALTIMORE POLICE DEPARTMENT REPORT – COLONEL JOHN SKINNER

Colonel Skinner stated that Commissioner Bealefeld could not be present due to a scheduling conflict. He advised that as of the date of the meeting, the homicide rate is at the same rate as last year, and non-fatal shootings are down by 27%. He also reported that overall, total violent crime is down 7% citywide. Colonel Skinner stated that the reduction in crime is due to the complete partnership of everyone in the room and on behalf of Commissioner Bealefeld, he thanked them for their partnership.

V. STATE’S ATTORNEY’S OFFICE REPORT – PATRICIA JESSAMY

Patricia Jessamy referred to the quarterly report and said she would field any questions about the report at the next meeting after the members have had an opportunity to review it. She discussed two main issues the SAO is dealing with: gangs and witness intimidation. Mrs. Jessamy stated that gangs continue to be a serious problem in the community and behind prison walls, and she thanked Secretary Maynard for looking at the cell phone issue and for the demonstration last week on how to deal with the issue. She advised that Congressman Elijah Cummings’ witness intimidation bill passed in the House and a similar bill has been introduced in the Senate. She reported that this legislative session, the SAO will be looking at proposing gang legislation. She advised that a workgroup has been formed consisting of law enforcement personnel that have been meeting monthly to discuss proposals for gang legislation. She thanked members on the workgroup for their participation.

Mr. Conaway inquired of the State’s Attorney what occurs in cases pending before the court where a police witness has previously been under review for unprofessional or improper behavior. Mrs. Jessamy stated that such cases are reviewed on a case-by-case basis since several factors, including the number of witnesses and number of other officers involved, impact whether the charges can be pursued. She advised that the outcome of the case may depend upon the officer’s participation in the case and the role he or she played. Mr. Conaway asked what would happen in a situation where only one officer was involved. Mrs. Jessamy stated that if the case is still pending, there is no evidence absent the officer’s testimony, and the officer is charged with an offense that bears upon his or her ability to tell the truth, then the case will be withdrawn by the state.

VI. ATTORNEY GENERAL’S OFFICE REPORT – BRIAN KLEINBORD, ASSISTANT ATTORNEY GENERAL

Brian Kleinbord introduced himself and advised that the Office of the Attorney General’s Gang Unit will present at the November meeting. He advised that the Gang Unit is a new and successful initiative of the AG’s Office and since its inception eight cases have been prosecuted.

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

Mr. Kleinbord also discussed the Maryland v. Shatzer case, which will be heard in the Supreme Court on the first Monday of the new term in October. This case presents an Edwards v. Arizona issue of custodial interrogation, and the OAG will argue that both the passage of time of two years between the request for counsel and the interrogation, as well as a break in custody, distinguish this case, and that there was no Edwards violation.

VII. CIRCUIT COURT REPORT – JUDGE MARCELLA HOLLAND, ADMINISTRATIVE JUDGE

Judge Holland stated that Baltimore City is the largest, busiest, and hardest working jurisdiction in the state. She provided the following statistics for 2008: 23,321 new criminal filings; 16,693 civil filings; 11,567 domestic filings; and 9,839 juvenile filings, for a combined total of 61,420 case filings, which is the largest in the state. Judge Holland stated that all of this is accomplished through the hard work of all of the criminal justice partners, and through creatively using alternatives such as mediation and problem solving courts. She stated that most offenders eventually are released, and the Courts have an obligation to assist in restoring people and ultimately the community. She advised that security has been improved in both of the courthouses through the use of cameras, photo badges, x-ray machines and magnetometers. She also reported that a new sally port for Courthouse East will soon be in operation, and temporary holding cells will be constructed in the basement once the Municipal Post Office relocates to different space. Judge Holland commented that the issues with the courthouses have been ongoing for the past ten years, and she acknowledged the work done by the Mayor and the City Solicitor to get the ball rolling for a new feasibility study. She introduced Tiara Robertson, Gary McGuigan and Michael Frenz from the Maryland Stadium Authority, which is coordinating the study. She advised she has also been working closely with AECOM, the consultants conducting the study. Judge Holland stated that the goal of the feasibility study is to come up with a viable master plan for a court complex for the citizens of Baltimore that provides state of the art technology, promotes a healthy, green environment and offers a safe, secure environment. Judge Holland further commented that even when funding is secured, this is a 10 to 15 year project.

VIII. PRESENTATION ON THE BALTIMORE CITY CIRCUIT COURT COMPLEX FEASIBILITY STUDY – MICHAEL GRIEBEL, AECOM

Michael Griebel referred to the outline of the presentation, which was included in the meeting packets. Mr. Griebel reported that the purpose of the study was to update the needs assessment for the Circuit Court, develop and refine options and costs for a future facility, identify operational improvements and concepts to reduce costs and to focus on improvement for all stakeholders within the City and state. He advised that the project is being overseen by an Executive Committee, consisting of the Baltimore Circuit Court, the Mayor's Office, the Maryland Stadium Authority and other key stakeholders, as well as four subcommittees: the Judicial Committee, the Court Technology Workgroup, the Court Security Workgroup and the Space Standards/Shared Services Workgroup.

Mr. Griebel stated that AECOM will build on previous studies of space and operational needs of the Circuit Court while determining the "highest and best use" of existing facilities. Mr. Griebel advised that presently building measurements have been completed, facility capacity and conditions have been completed, which include architectural, structural,

THE BALTIMORE CITY CRIMINAL JUSTICE COORDINATING COUNCIL

mechanical, electrical and other systems, initial committee meetings have been completed, findings for accessibility and victim accommodation have been developed, many agency level/coordination meetings have been conducted, and more than 100 unit-level meetings have been conducted. As a result, Mr. Griebel outlined the following major challenges facing the courthouses: (1) all facilities lack adequate space to accommodate modern court operations and projected staffing levels, which compromises the public safety of staff, citizens, victims, jurors and others; (2) the courthouses have issues with architectural and engineering systems, such as systems at or beyond the end of their useful life with high repair/replacement costs such as HVAC, elevators, plumbing and electrical, emergency power, emergency lighting systems and lighting; and (3) the systems do not support current or anticipated needs in terms of acoustics, audio-video systems, and data/telecommunication systems.

Mr. Griebel advised that the following studies are underway: functional flow analysis, technology and records management, accessibility and the Courts, victim rights and accommodations and process improvement studies. Mr. Griebel advised that new/renovated facilities are a critical necessity and identified several significant potential savings, which include savings in energy costs and consumption, reduced future facility maintenance costs, and improved safety, security and accessibility as well as an increase in operational efficiency.

The next steps of the study are to review the program requirements with the stakeholders, confirm the “as is” model and develop the “to be” model, confirm future options to be analyzed and considered, such as consolidations and co-locations of courts and operational groups, conduct analyses and studies regarding urban design, and conduct a funding options study. Mr. Griebel stated he hopes to have another update on the study by mid to late fall.

Mr. Conaway asked about the projected cost of the project, and Gary McGuigan responded that no cost determination had been made. In response to a question regarding possibly consolidating the Circuit and District Courts within one building, Judge Holland stated that the consultants are looking at all possibilities and no final decisions have been made at this point.

IX. MEETING ADJOURNED

Judge Miller adjourned the meeting at 1:30 p.m. The next meeting will be held on Wednesday, **October 14, 2009 at 12:30 p.m.**, Courthouse East, Room 510.

MEETING HANDOUTS

- 1) Minutes from July 8, 2009
- 2) Memo regarding the Graduation Ceremony for Adult Drug Treatment Court and FDI
- 3) Updated Contact List
- 4) Division of Pretrial Detention and Services Population Briefing
- 5) The Police Commissioner’s Report
- 6) State’s Attorney’s Office Report
- 7) Outline for the Baltimore City Circuit Court Feasibility Study Briefing

THE BALTIMORE CITY
CRIMINAL JUSTICE COORDINATING COUNCIL

***As always, we request that all in attendance sign the attendance sheet which is available at each meeting.**

Respectfully submitted,
Kimberly Smalkin Barranco
Executive Director