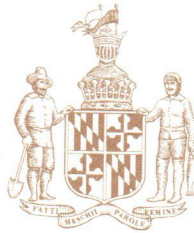


ROBERT G. CASSILLY
Legislative District 34
Harford County

Judicial Proceedings Committee

Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on Federal Relations



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Annapolis Office
James Senate Office Building
11 Bladen Street, Room 401
Annapolis, Maryland 21401
410-841-3158 · 301-858-3158
800-492-7122 Ext. 3158
Bob.Cassilly@senate.state.md.us

District Office
1015 South Main Street
Bel Air, Maryland 21014
443-502-0583

Secretary Sam Abed
Department of Juvenile Services
120 West Fayette St.
Baltimore, MD 21201

Senator Bobby Zirkin
2 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Delegate Luke Clippinger
101 House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Re: Juvenile Justice Reform

Mr. Secretary and Chairmen Zirkin and Clippinger:

Thank you for your leadership on the Juvenile Justice Reform Council's vital mission to develop policies to "increase public safety and reduce recidivism of youth offenders." Considering the growing number of victims and likely victims of rampant juvenile crime, and the interests of the juvenile offenders themselves, I feel compelled to share with the Commission my thoughts on this important topic. Following is a "laundry list" of some of the impressions and suggestions that have come to me over the past five years serving as a member of the Senate Judicial Proceedings Committee, listening to those in the system and those impacted by the system. I hope you find this list helpful:

1. Focus on people, not politics: Early and intense involvement with the juvenile justice system should at all times be encouraged when and where needed. We must deal with real children as they are and not as an imaginary population where all problems are metered out in equal proportions to each demographic sector. When a person under 18 commits a crime, the response of the juvenile justice system should be to hold the offending person accountable for their actions, no matter what their background, provide meaningful and substantial services to teach the offender not to commit crime, and protect other potential victims. Unfortunately, this is not happening consistently and the result is a serious erosion of public safety.

2. Curtail the drive to reduce involvement with the juvenile justice system: In my first year in the Senate, I received briefing after briefing touting the wisdom of efforts to reduce the numbers of juveniles, statewide, who were involved in the juvenile justice system. Five years later, the absurdity of those efforts is readily apparent. If decreases in juvenile involvement with the law matched decreases in juvenile crime, we would have cause to celebrate. But that is not what happened. The fact that decreased involvement corresponded with dramatic increases in violent juvenile crime makes clear that these efforts were not simply wrong but highly destructive of life and property.

3. Allow for Paper Charging of Juveniles in Baltimore City: Baltimore City is the only jurisdiction that requires the physical arrest of juvenile offenders prior to processing. This approach needlessly ties up valuable police resources. Police are compelled to avoid the excessive burdens of processing juvenile offenders by simply not prosecuting them.

4. Create a web based, statewide juvenile justice reporting system: Justice must be swift, fair, efficient, and reasonably priced to be effective. Those goals are not thwarted by inadequate funding or a lack of dedicated professionals in the system. They are thwarted by the process. Each jurisdiction uses its own system of juvenile reporting which are often paper driven, laborious, inefficient, and unaccountable. The juvenile justice system should model our statewide traffic reporting system. Charging should be on a standardized, computerized form that facilitates instant reporting by local police and promotes quick, effective, and accountable responses by DJS.

5. Remove the veil of secrecy surrounding violent felony offenders whose cases are transferred to the juvenile system: By law, the complaint, procedures, and outcomes of juvenile justice cases are hidden from public view so that juveniles will not be permanently marred by publicity of the stupid acts in which many of us engaged in our early years. That policy makes sense for most misdemeanor offense, like intoxication and shoplifting. However, the courts often grant requests to transfer from the adult court to the juvenile court serious violent felony crimes like carjacking, armed home invasion, armed robbery and aggravated assault; by law, those cases are initially brought in the adult system. Once a case is transferred from the adult courts, it is shielded from public scrutiny, and there is no way for the public or the media to hold the State's Attorney or the courts accountable should those cases be mismanaged. Surely, the public and victim's interests in maintaining oversight of violent crimes prosecuted in the juvenile system grossly outweigh any interest the perpetrator has in allowing such matters to be hidden from oversight.

6. Allow for the reverse of a juvenile transfer: Once a court grants a juvenile's request to transfer a felony case from the adult to the juvenile system, that decision cannot be undone. The court should have the ability to reconsider that decision at a later date if new information or the juvenile's subsequent behavior suggest that the transfer was not appropriate or if the juvenile decides not to engage in the services afforded to them in the juvenile system.

7. Facilitate citizen reporting of juvenile offenses: In Baltimore City, citizens with knowledge of juvenile crime are effectively deterred by the system from reporting such events. A citizen who wants to make a complaint of a juvenile crime must physically travel to a DJS location to make such a complaint. This discourages people from reporting juvenile crime.

8. Restore the Baltimore Police Athletic League (PAL) centers: Children and police need to understand and appreciate each other and the children need positive role models. The Baltimore PAL centers, which were abandoned in 2009, were the perfect mechanism to meet all of these needs. Counties where PAL like interactions are supported and encouraged see meaningful results. Investments in proven systems that promote these types of positive continuing interactions discourage at-risk children from descending into criminal behaviors.

9. Enhance the position of the juvenile case worker: Juvenile case workers are similar to adult probation agents except that they have the added responsibilities of monitoring and servicing youth and their families. It is a difficult and complex job that requires intelligence, compassion, and dedication. Unfortunately, these individuals are paid an inferior salary and retirement benefits compared to their adult probation counterparts. Competent, hardworking, and knowledgeable juvenile case workers are effectively encouraged to transfer to the higher pay in the adult system, robbing the juvenile system of valuable experience.

10. Provide a graduated system that allows for repeat offenders to continue probation in adult system: Under current law, DJS may provide services to youths until they reach the age of 21. At age 21, any services automatically end, and that person is released from the juvenile system altogether. Also, the types of services available for youth on probation are reduced dramatically when that person reaches the age of 18. As a result, many youths are released from the juvenile system, and further accountability, much earlier than the age of 21, thereby increasing their chances of committing an adult crime. When an individual is placed on probation in the juvenile system for a serious offense, the court should have the ability to continue that probation in the adult system when the offender commits another offense while subject to the adult system.

11. Relocate isolated detention centers: The idea of locating juvenile detention centers in remote, rural areas where young people can escape from the stresses of urban life and commune with nature is out dated. The juvenile population in detention needs treatment for serious trauma and addiction. Remote locations reduce the availability of treatment and consistent treatment providers. We need to invest in new, regional detention centers with a readily available supply of qualified mental health and other experts.

12. Encourage use of experienced prosecutors: Prosecutors assigned to the juvenile courts are often rookies who view their stint in juvenile court as a short-term steppingstone to real law. The state should use funding restrictions to incentivize the long-term assignment of prosecutors who have a calling to improve the juvenile justice system.

13. Judge the judges: End the fire and forget policies that govern the judiciary. Juvenile dispositions should be immediately reported to the judiciary in the same fashion as adult sentences, tracked, and reports generated. Reports revealing data for each judge should be periodically evaluated by an oversight body to identify patterns of bias and judicial incompetence or lethargy.

14. Make sure that people, not formulas, determine the outcomes: When a child is arrested, DJS is required to determine whether that youth should be held in a detention setting pending further court action. A concern has been raised that DJS has moved towards an over-reliance on tools, like the Detention Risk Assessment Instrument (DRI), that use numerical formulas to make these key assessments. I have received complaints that deviation from such formulas by DJS workers is strongly discouraged and could even result in disciplinary action. Reliance on formulas over people is supposed to eliminate racial disparity in the juvenile justice system, but removing the human element from the process also eliminates the benefits of human common sense, human initiative, and human knowledge of the offender and community.

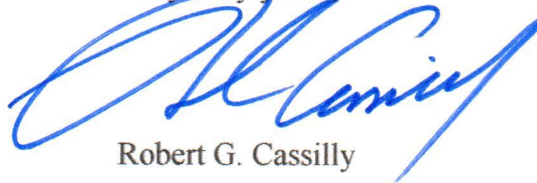
A mechanical approach to detention decisions potentially overlooks critical aspects of the present criminal justice environment. An assessment tool that assumes that those with no or fewer prior misdemeanor offenses are safe to return to the community is misplaced. Since little effort is expended by an overworked police force to charge misdemeanor offenses that will likely be dismissed by the Baltimore City State's Attorney, that portion of the scale is effectively nullified.

Similar problems can arise from an overreliance on an assumption that only repeat felony offenders warrant detention. Considering that the rate at which serious crimes in Baltimore City are solved is less than 10%, an assumption that those juveniles without prior felony convictions are safe to return to the community would be wrong more than 90% of the time.

Detention formulas should serve as nothing more than tools to aid the DJS staff and not as masters to the real people responsible for dealing with juvenile offenders.

Thank you.

Very truly yours,



Robert G. Cassilly

cc: Senator Jill Carter
Senator Chris West
Delegate Michael Jackson
Delegate Jesse Pippy