

SB0406-853323-01.pdf

Uploaded by: Augustine , Malcom

Position: FAV



SB0406/853323/1

AMENDMENTS
PREPARED
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DEPT. OF LEGISLATIVE
SERVICES

08 FEB 21
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BY: Senator Augustine
(To be offered in the Judicial Proceedings Committee)

AMENDMENTS TO SENATE BILL 406
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “local” in line 10 down through “review” in line 11 and substitute “certain State’s Attorney or law enforcement agency to refer certain information to a local committee”; in line 29, after “circumstances;” insert “providing that certain confidentiality requirements relating to certain court records do not prohibit access and confidential use of the records by a local committee; providing that certain confidential school records may be transmitted by a local superintendent or school principal to a local committee for certain purposes; providing that certain requirements barring disclosure of certain social services and child welfare records do not prohibit disclosure to a local committee;”; in the same line, after “penalties;” insert “making a technical correction;”; and after line 30, insert:

“BY repealing and reenacting, without amendments,
Article - Courts and Judicial Proceedings
Section 3-8A-27(b)(1)
Annotated Code of Maryland
(2020 Replacement Volume)

BY adding to
Article - Courts and Judicial Proceedings
Section 3-8A-27(b)(11)
Annotated Code of Maryland
(2020 Replacement Volume)”.

On page 2, after line 5, insert:

“BY repealing and reenacting, with amendments,
Article - Education
Section 7-303(b) and (e)

(Over)

Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article - Education
Section 7-303(c) and (d)
Annotated Code of Maryland
(2018 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 1-201(a) and 1-202(a)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 1-201(b) and 1-202(c)(1)(iii)
Annotated Code of Maryland
(2019 Replacement Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“Article – Courts and Judicial Proceedings

3–8A–27.

(b) (1) A court record pertaining to a child is confidential and its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as provided in §§ 7–303 and 22–309 of the Education Article.

(11) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.”;

after line 22, insert:

“Article – Education

7–303.

(b) If a student is arrested for a reportable offense or an offense that is related to the student’s membership in a criminal [gang] ORGANIZATION, the law enforcement agency making the arrest:

(1) Shall notify the following individuals of the arrest and the charges within 24 hours of the arrest or as soon as practicable:

(i) The local superintendent;

(ii) The school principal; and

(iii) For a school that has a school security officer, the school security officer; and

(2) May notify the State’s Attorney of the arrest and charges.

(c) The State’s Attorney shall promptly notify either the local superintendent or the school principal of the disposition of the reportable offense required to be reported under subsection (b) of this section.

(d) Except by order of a juvenile court or other court upon good cause shown, the information obtained by an individual pursuant to subsections (b) and (c) of this section:

(1) Is confidential and may not be redisclosed by subpoena or otherwise except as provided pursuant to subsections (e) and (f) of this section; and

(2) May not be made part of the student’s permanent educational record.

(e) (1) Notwithstanding the provisions of subsection (d) of this section, nothing shall prohibit a local superintendent or school principal from transmitting the

(Over)

information obtained pursuant to subsections (b) and (c) of this section as a confidential file to [the]:

(I) THE local superintendent of another public school system in the State or another nonpublic school in the State in which the student has enrolled or been transferred in order to carry out the purposes of this section if the disposition of the reportable offense was a conviction or an adjudication of delinquency or the criminal charge or delinquency petition is still pending; OR

(II) A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE FOR THE PURPOSE OF THE COMMITTEE PERFORMING ITS DUTIES UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.

(2) A local superintendent or school principal who transmits information about a student under this subsection shall include in the transmittal information regarding any educational programming and related services provided to the student.

Article – Human Services

1–201.

(a) Except as provided in subsection (b) of this section, a person may not disclose any information concerning an applicant for or recipient of social services, child welfare services, cash assistance, food stamps, or medical assistance that is directly or indirectly derived from the records, investigations, or communications of the State, a county, or a municipal corporation or a unit of the State, a county, or a municipal corporation or that is acquired in the course of the performance of official duties.

(b) This section does not prohibit the disclosure of information:

(1) in accordance with a court order; [or]

(2) to an officer or employee of any state or local government, the United States, or a fiduciary institution, if the officer or employee is entitled to the information in an official capacity and the disclosure is necessary to administer:

(i) public assistance, medical assistance, social services, or child welfare services programs; or

(ii) voter registration in accordance with § 3-203 of the Election Law Article; OR

(3) TO AN OFFICER OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE IN SUPPORT OF A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE ESTABLISHED UNDER TITLE 1, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE.

1-202.

(a) Except as otherwise provided in Title 5, Subtitles 7 and 12 of the Family Law Article, § 1-203 of this subtitle, and this section, a person may not disclose a report or record concerning child abuse or neglect.

(c) A report or record concerning child abuse or neglect:

(1) may be disclosed on request to:

(iii) the State Council on Child Abuse and Neglect or its designee, the State Citizens Review Board for Children or its designee, [or] a child fatality review team, OR A LOCAL YOUTH VIOLENCE REVIEW COMMITTEE, as necessary to carry out their official functions;”;

and in line 28, after “(B)” insert **““CIVIL CASE” INCLUDES A CASE UNDER THE JURISDICTION OF THE FAMILY COURT OR THE JUVENILE COURT, INCLUDING A CHILD IN NEED OF ASSISTANCE.**

(C)”.

On page 3, in lines 1 and 3, strike “(C)” and “(D)”, respectively, and substitute “(D)” and “(E)”, respectively; in line 3, strike “18” and substitute “24”; in line 21, strike “AND”; after line 21, insert:

“(10) THE LOCAL SCHOOL SYSTEM;

(11) NONPROFIT ORGANIZATIONS FOCUSED ON YOUTH VIOLENCE PREVENTION;

(12) THE DEPARTMENT OF JUVENILE SERVICES; AND”;

and in line 22, strike “(10)” and substitute “(13)”.

On page 5, strike beginning with “IN” in line 10 down through “REVIEW” in line 12 and substitute “**THE STATE’S ATTORNEY AND THE LAW ENFORCEMENT AGENCY FOR A LOCAL JURISDICTION SHALL REFER, TO THE DEGREE AUTHORIZED UNDER LAW, INFORMATION FROM APPROPRIATE CASES TO THE LOCAL COMMITTEE**”; in line 13, after “REVIEW” insert “**CIVIL CASES AND**”; and in line 15, strike “SUICIDE” and substitute “**HOMICIDE**”.

Support for SB 406 Local management Boards.pdf

Uploaded by: Brown, Pamela

Position: FAV



Maryland Association of
LOCAL MANAGEMENT BOARDS

February 3, 2021

In support of Senate Bill 406

On behalf of the Maryland Association of Local Management Boards I am writing in support of Senate Bill 406 which establishes local youth violence review committees in each jurisdiction in Maryland.

Rising youth violence is a major concern in many local neighborhoods across the state. Youth involved in violence have often come to the attention of several government agencies prior to becoming a victim or a perpetrator. Each one of these touchpoints are missed opportunities to intervene and prevent future harm to that youth, as well as helping to provide a different trajectory than the school to prison pipeline. The local youth violence review committee will allow agencies to work cooperatively to examine these earlier points of potential intervention and consider a differentiated response, as well as examining the recent events that led to the violent act.

As with other review committees, the opportunity to examine all of the issues surrounding a case, using a multidisciplinary team, allows for different perspectives, comprehensive information sharing and honest conversations. The information gathered can be used to manage systemic issues and prevent future violence. This bill creates a mechanism for improving our work with juveniles.

In conclusion the Maryland Association of Local Management Boards supports SB 406 which creates local youth violence review committees. As local agency leaders we believe most good solutions are created locally using a collaborative model with multiple partners.

Sincerely,

Pamela M. Brown, PhD
Chair

Maryland Association of Local Management Boards

Daley_SB406_WrittenTestimony.pdf

Uploaded by: Daley, Lauren-Ashley

Position: FAV

Lauren-Ashley Daley
Graduate Student at the Johns Hopkins Bloomberg School of Public Health
Testimony in Support of SB406 - Local Youth Violence Review Committees
February 11, 2021

Good afternoon Chair and to the Committee. Thank you for having me here today to tell you why I personally support SB406, which will grant counties the ability to develop local youth violence review committees.

As a graduate student at the John Hopkins School of Public Health, I am often reminded of the importance of information because we cannot manage what we do not measure. To be fair, violence, especially youth violence, is not a simple thing to measure. It stems from a wide range of factors: lack of access and resources, like food insecurity and underfunded schools, prior exposure to violence and abuse, generational trauma, the cycle of poverty and systemic discrimination that impact housing and job prospects.

To focus just on the consequences, the resulting violence, of these interrelated factors through criminal punishment has not worked to stop the problem and will continue to not work to stop the problem because the complexity of the issue demands multi-sectoral discussion and collaboration. We cannot simply police the problem away. Rather, and what this bill aims to accomplish is to give counties the latitude to bring diverse parties to the table from law enforcement, the legal sector, health care providers, and public health officials among others to address the impact that youth violence is having on their localities.

We know that violence begets violence and without focused and sustained intervention the downward spiral that disproportionately impacts communities that are low-income and communities of color will continue. We have a duty to ourselves and our communities to promote safe and secure environments for our kids to live in. With this bill, we have an opportunity to make good on that commitment.

Thank you, and I hope you will vote favorably for SB406.

SB0406 -- 2.11.21-- Public Safety - Local Youth Vi

Uploaded by: Fry, Donald

Position: FAV



POSITION STATEMENT

TESTIMONY PRESENTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 406 – PUBLIC SAFETY - LOCAL YOUTH VIOLENCE REVIEW COMMITTEES

Sponsor: Senator Augustine

February 11, 2021

DONALD C. FRY
PRESIDENT & CEO
GREATER BALTIMORE COMMITTEE

Position: Support

The Greater Baltimore Committee (GBC) supports Senate Bill 406, which authorizes local jurisdictions to create local Youth Violence Review Committees. The purpose of the Youth Violence Review Committees is to prevent violence and homicides involving youth assailants by promoting cooperation and coordination among criminal justice agencies and agencies that provide services and interventions to youth. The committees would also work to develop an understanding of the root causes of youth violence, and develop plans for and recommend changes within the agencies the members represent.

The GBC's 2021 Legislative Priorities urges improved public safety through enhanced coordination among criminal justice agencies and implementation of comprehensive violence reduction strategies. To effectively reduce violent crime, it is critically important that policymakers and stakeholders join together in a coordinated approach that reduces violent crime while simultaneously addressing the root causes of crime such as poverty, joblessness, and a lack of education or workforce training.

By bringing together public and private sector entities such as law enforcement agencies, the State's Attorney's Office, the local health department, the local Department of Social Services, the Division of Parole and Probation, hospitals, the judiciary, and others will allow all parties to gain a strong understanding of the causes of youth violence. As a result, the group can make recommendations on positive steps each agency can take and work to increase cooperation among those directly involved with affected youth.

The GBC strongly supports passage of Senate Bill 406 and all legislation that strengthens laws and coordination among criminal justice agencies.

For these reasons, the Greater Baltimore Committee urges a favorable report on Senate Bill 406.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 66-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

GREATER BALTIMORE COMMITTEE

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • www.gbc.org

MAYSB - SB 406 - Youth Violence Review Committees.

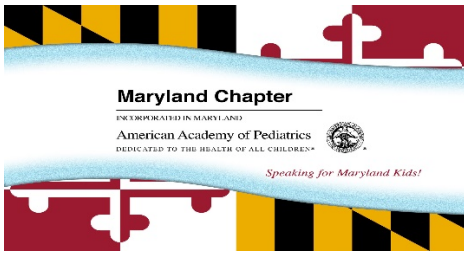
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Position: FAV

SB0406_FWA_MDAAP_Local Youth Violence Review Commi

Uploaded by: Kasemeyer, Pam

Position: FWA



TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Malcolm Augustine

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 11, 2021

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 406 – *Public Safety – Local Youth Violence Review*
– *Committees*

The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support with amendment** for Senate Bill 406.

MDAAP applauds the sponsor for her commitment to addressing youth violence as reflected in the section of this legislation, which authorizes local jurisdictions to create Youth Violence Review Committees that delineates the purposes of a local Committee (page 4, lines 7-16). MDAAP would, however, like to encourage the sponsor and members of the Committee to consider two issues as they review the specific provisions of the legislation. The first issue is to ensure that the composition of the Committee includes clinical expertise necessary to appropriately review medical records and other clinical documentation relevant to the review of identified cases. Second, MDAAP would encourage consideration of the potential overlap of review authority with current child fatality review committees. The overlap could lead to duplication of effort and the potential for differing or conflicting analyses and recommendations. MDAAP would suggest that the legislation include a requirement for collaboration between the two review committees if a jurisdiction chooses to create a local violence review committee.

For more information call:

Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

2021.01.27 MOPD Opp SB406.pdf

Uploaded by: Egan, Jenny

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB406 - Local Youth Violence Review Committees
POSITION: UNFAVORABLE
DATE: February 9, 2021

The Maryland Office of the Public Defender (MOPD) respectfully requests that the Committee issue an unfavorable report on House Bill 93, Local Violence Review Committees.

This committee is well aware that the Office of the Public Defender represents criminal defendants and juvenile respondents accused of committing acts of violence. But it is also our clients and their families that are most likely to also be victims of violence and homicide. The MOPD has a vested interest in proactive violence prevention and believes that finding non-carceral, public health solutions to address violence in our communities is an important public policy goal. However, this bill fails to take an evidence-based, public health focus which could lead to successful violence intervention and has fatal flaws that make it unworkable even with amendments.

First and foremost, this bill is unnecessary, unfunded, and duplicative of work already being done. The Department of Juvenile Services (DJS) is overseen by a statutorily created State Advisory Board (SAB).¹ The SAB maintains a fatality review subcommittee which assists stakeholders with examining the circumstances of fatal events involving youth under supervision of DJS. While the fatality review subcommittee does not review every incidence of violence that involves a young person, it represents a significant portion of those cases. The Fatality Review subcommittee has developed strict protocols for protecting and maintaining the confidentiality of records that this bill fails to properly consider.

Maryland Courts & Judicial 3–8A–27.3 requires all police records concerning a child are confidential and shall be maintained separate from those of adults. “Its contents may not be divulged, by subpoena or otherwise, except by order of the court upon good cause shown or as otherwise provided 6 in § 7–303 of the Education Article.” Most of the proposed members of the Violence Review Committees are not legally allowed to review the records necessary to conduct a thorough analysis and § 1-605 of the bill does nothing to reconcile the conflicts this bill would create with multiple statutes across various systems.

¹ Md. Human Services Art., § 9-211.

Second, this bill creates real and significant conflicts of interest. In assembling a group who are tasked with both investigating violence and providing services to young people, this bill creates an inherent conflict that are not resolved by stating the review will wait until the resolution of any “criminal” matters. 1-604(C)(2). The majority of juvenile cases are not criminal matters but civil ones and this section (c)(2) does not clearly apply to those cases. Second, the work of investigating and prosecuting crime (law enforcement, prosecutors) are maintained separately from the work of providing services to young people accused of committing offenses (DJS) for good public policy reasons. Conflating these two functions will most assuredly lead to conflicts of interest for members of the review committee, jeopardize young people’s confidentiality rights, compromise young people’s Fifth amendment rights against self-incrimination, and raises serious potential for the misuse of confidential information.

Third, this bill does not require standardized collection of data related to youth-related violence, which will lead to divergent and incongruent data collection and analysis across jurisdictions. Uneven and inconsistent data gathering and reporting across jurisdictions will exacerbate the already extreme racial inequity built into our legal system.²

² The state of Maryland has the highest incarceration rate in the nation of Black men aged 18 to 24. More than 70% of all people in Maryland’s prisons are Black, this is more than double the national average and 25% higher than the next nearest state – Mississippi. Justice Policy Institute, *Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland*, November 2019. Available at: <http://www.justicepolicy.org/news/12780>.

MD Judiciary - Testimony SB 406.pdf

Uploaded by: Elalamy, Sara

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 406
Public Safety – Local Youth Violence Review Committees
DATE: January 20, 2021
(2/11)
POSITION: Oppose, as drafted

The Judiciary opposes Senate Bill 406, as drafted. This bill creates local youth violence review committees. Among its proposed members are judges from the District Court and circuit courts.

While the Maryland Judicial Conference has no position on the policy aims of this legislation and supports the creation of such committees, membership of judges on such bodies can raise separation of powers and dual office issues. Participation by judges in extra-judicial activities, such as statutorily created workgroups, commissions, committees and task forces, is limited by Rule 3.4 of the Code of Judicial Conduct and by Article 8 of the Maryland Declaration of Rights. To ensure uniformity in the administration of justice throughout the state, judges are advised not to participate in the policy development functions of the Judiciary's executive and legislative partners. While the Judiciary always makes itself available for questions on a case by case basis, the Judiciary respectfully requests not to be included on these committees.

This bill would also create a significant conflict of interest, and raise questions of impartiality, if judges were to participate in discussions of cases that may come back before the court in a post-conviction proceeding.

cc. Hon. Malcolm Augustine
Judicial Council
Legislative Committee
Kelley O'Connor

SB 406 - DJS - LOI - Final.pdf

Uploaded by: Tress, Andrew

Position: INFO

Boyd K. Rutherford
Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

DATE: February 11, 2020
Bill Number: SB 406 - Public Safety - Local Youth Violence Review
DJS Position: Letter of Information

The Department of Juvenile Services (DJS or department) is providing information for SB 406.

SB 406 allows Maryland counties the authority to establish a multi-disciplinary committee of law enforcement, health department, social services, and health services professionals to develop recommendations for addressing youth violence. The primary local law enforcement agency and State's Attorney for that jurisdiction would administer each committee. SB 406 allows review of cases where young people suffer a fatality or serious injury or cause a fatality or serious injury.

The DJS State Advisory Board already includes a child-fatality review function.

DJS is a child-serving agency that takes a collaborative approach to policy-making and is committed to transparency. In that spirit, the department introduced legislation that the General Assembly passed during the 2019 Session (HB0169 - State Advisory Board for Juvenile Services - Duties and Access to Records – Ch0271) which places the responsibility with the DJS State Advisory Board (SAB) to review cases surrounding fatal events of youth under the supervision of DJS. Specifically, the legislation identified two scenarios where review occurs:

- Youth who are convicted or adjudicated as causing the death of another; and
- The death of a youth while under supervision.

Recommendations adopted as result of this review are posted on the DJS website and DJS reports regularly to the SAB on youth involved and implementation.

The existing process provides for a full and complete review of fatalities.

The bill creating this fatality review process also modified the juvenile records confidentiality statute by permitting the SAB members access to confidential records for the singular purpose of conducting these examinations. This carefully crafted exception is for a very limited purpose and includes robust safeguards against the retention or disseminations of juvenile records; this is to protect those involved while allowing for multidisciplinary review. The SAB is comprised of wide array of individuals whose professions and backgrounds include law enforcement, the judiciary, human services, crime victims' rights, and family members of formerly system-involved youth.

DJS may only share information about youth in limited, carefully defined statutory exceptions.

Furthermore, due the confidential nature of juvenile cases, the department has concerns that information sharing or participation in a local youth violence review committee could be prohibited by juvenile confidentiality laws should this bill pass. While the language of the bill attempts to avoid identification of individuals who are subject to review, the public nature of meetings – when coupled with other information – could allow identification of those reviewed and their circumstances.