

State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1342 – *Juvenile Justice Monitoring – Transfer to Office of the Attorney General*.

House Bill 1342 transfers the duties and responsibilities of the Office of the Independent Juvenile Justice Monitor from the Office for Children, Youth and Families to a newly created Juvenile Justice Monitoring Unit within the Office of the Attorney General. These duties and responsibilities include evaluating and reporting on facilities owned or operated by the Department of Juvenile Services housing detained juveniles, physical plant conditions, treatment of and services to youths, and child advocacy grievance processes, as well as reviewing reports of certain disciplinary actions relating to the status or placement of a child. Under House Bill 1342, these duties and responsibilities would be performed by persons within a unit of the Attorney General's office whose employment, salaries, qualifications, and standards of training and experience would be set by the Attorney General.

The duties of the Attorney General under Article V of the Maryland Constitution include representation of the Department of Juvenile Services. Thus, the Attorney General would be required to defend that Department in the event that any report made by the Juvenile Justice Monitoring Unit resulted in legal proceedings alleging actionable acts or omissions by the Department or its employees, agents, or servants. In any such proceeding, employees of the Unit may be called to testify as witnesses for a party whose interests would be adverse to those of the Department. Thus, the Attorney General would be placed in the position of having employees of one unit within the office testifying against a Department represented by another employee within the office. The written communication from the Office of the Attorney General to the House Ways and Means Committee during its consideration of House Bill 1342 did not address this issue.

Since House Bill 1342 also provides the Attorney General with authority over the personnel in the Juvenile Justice Monitoring Unit, the citizens of the State could rightfully question the independence of this Unit if its employees are hired, paid and possibly terminated by the official responsible for the representation of the Department of Juvenile Services. It will not escape notice that the word "Independent" would no longer be used in identifying this office if House Bill 1342 becomes law.

Ultimately, House Bill 1342 presents conflicts which could jeopardize the integrity of the State's effort to ensure that our juvenile facilities are operated in compliance with federal and State law. We must ensure our juveniles are housed and treated in ways which will both protect public safety and present the best opportunities for rehabilitation and reduced recidivism.

The extremely important work of the Independent Juvenile Justice Monitor should not be compromised or subjected to even the potential for conflicts of interest between the monitors and their supervising authority. One must have no reason to doubt the