

JUVENILE JUSTICE
STRATEGY GROUP
The Annie E. Casey
Foundation

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DOORS TO DJS COMMITMENT: WHAT DRIVES JUVENILE CONFINEMENT IN MARYLAND?

A quantitative analysis conducted at the request of the Maryland Department of Juvenile Services

This report arose from a question posed by the Department of Juvenile Services: Why haven't recent DJS commitment trends kept up with the steep drop in juvenile crime?

Nationally: Steep drops in both juvenile crime and juvenile confinement.

- Juvenile crime in the United States is lower than it has been in decades.
- In virtually every state, juvenile confinement has fallen with crime, allowing many states to substantially reduce residential capacity and re-direct public funds to more efficient and effective interventions.

Maryland: Juvenile crime is down significantly, but juvenile confinement has resisted that trend.

- Juvenile crime trends in Maryland are consistent with national trends.
- But unlike virtually every other state, the dramatic reduction in juvenile crime has not produced a dramatic reduction in Maryland's reliance on juvenile confinement.
- From 2007-2011, the national commitment rate fell by 29%, while the Maryland commitment rate increased by 10%.*

Troubled by this disconnect and the inefficiencies it suggested, Maryland's Department of Juvenile Services asked the Annie E. Casey Foundation for help unraveling the mystery.

Executive Summary: Context & Methodology

- **This report summarizes the results of an analysis conducted by the Annie E. Casey Foundation at the request of the Maryland Department of Juvenile Services.** DJS sought assistance from the Casey Foundation to explore why sharp reductions in juvenile crime had not translated to similarly sharp reductions in the number of youth confined in DJS facilities. Despite a sharp decline in juvenile crime, including felonies, DJS commitments had remained fairly level.
- **Repeated studies have demonstrated that juvenile confinement is the least effective and most expensive way to respond to juvenile delinquency.** A growing body of research has shown that confinement tends to increase the odds that a youth will be re-arrested, particularly for lower risk youth.
- **Methodology:** Except as otherwise indicated, the dataset used to conduct this analysis was compiled by the Department of Juvenile Services and the University of Maryland and includes all complaints filed in FY13, as well as all dispositions associated with those complaints as of June 2014.
- **Terminology:** For purposes of this study, terms like “confinement” and “incarceration” refer to all residential facilities in the DJS system that house delinquent youth pursuant to court orders that prohibit them from leaving.

Executive Summary: Findings

- **Contrary to research and best practice, our analysis found that juvenile confinement in Maryland is not reserved for the riskiest youth.**
 - High-risk youth account for only 41% of commitments statewide, and less than 20% in some jurisdictions.
 - Although DJS uses a statewide risk assessment instrument, most staff report that they do not complete the assessment until after the disposition decision has been made, limiting the tool's utility as a way to inform disposition decisions.
 - As a result, a significant number of low-risk youth are consuming DJS resources in commitment facilities. Those youth could be held accountable in far less expensive home-based settings that focus on the family and more effectively address youths' needs.
- **Technical violations of probation (VOPs) account for 1 in 3 commitments statewide.**

In fact, a youth is more than twice as likely to be committed for a VOP than for a violent felony. We also found a striking number of low-risk youth on probation. In 16 counties, low-risk youth account for 50% or more of all probation dispositions.
- **The odds that a youth will be committed in Maryland vary considerably from one county to the next.** Despite the centralized structure and comprehensive scope of the Maryland Department of Juvenile Services (DJS), we found wide variations in practice at the local level, suggesting that where a youth lives is sometimes more important than what he has done. In some jurisdictions, those variations produce significant racial disparities.

Executive Summary: Recommendations

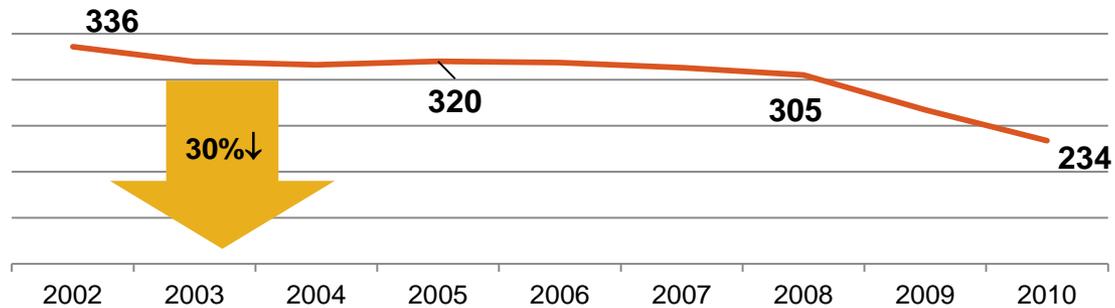
- **There are significant opportunities for reform throughout the case processing continuum.** The comprehensive nature of DJS vests the agency with enormous power to convene other key stakeholders, influence local decision-making, and safely reduce the State's unnecessary reliance on expensive out-of-home placements.
- **Changing practice in six jurisdictions would have a transformative impact statewide.** A handful of jurisdictions consume a majority of DJS resources, with six localities accounting for 68% of commitments.
- Opportunities for DJS to influence **ADMISSIONS**:
 1. Take the **Juvenile Detention Alternatives Initiatives (JDAI)** to scale by strengthening existing JDAI efforts, building state-level capacity, and replicating the initiative in other high impact communities;
 2. Revise **risk assessment policy & practice** to align placement decisions with risk and to ensure that needs do not drive placement decisions;
 3. Redefine **the role of the Multidisciplinary Assessment Staffing Teams (MAST) to serve as gate-keepers** to develop individualized, home-based disposition plans and prevent unnecessary out-of-home placements; and
 4. Implement a **progressive response system** to incentivize good behavior on probation and standardize administrative practice with respect to technical violations.
 5. Conduct a **deeper assessment of probation practice** to determine other opportunities to maximize success on probation and reduce commitments for violations.
- Opportunities for DJS to influence **LENGTH OF STAY**: DJS can also influence the length of time that youth remain in custody. More analysis is needed to explore those opportunities.

Doors to DJS Commitment Facilities: What drives juvenile confinement in Maryland?

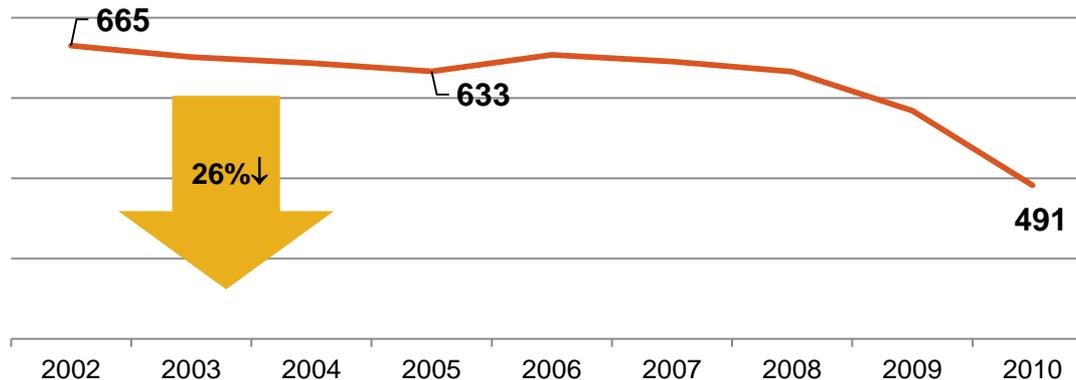
- ▶ ***National context: Juvenile incarceration has declined consistent with juvenile crime***
- ▶ The Maryland puzzle: Commitments largely unchanged despite sharp reductions in serious juvenile crime
- ▶ Findings & Recommendations

Juvenile delinquency has fallen considerably in recent years, both in Maryland and across the country.

MARYLAND DELINQUENCY CASE RATE
(PER 10,000 YOUTH AGED 0-17), 2002 TO 2010



NATIONAL JUVENILE ARREST RATE
(PER 10,000 YOUTH AGED 0-17), 2002 TO 2010

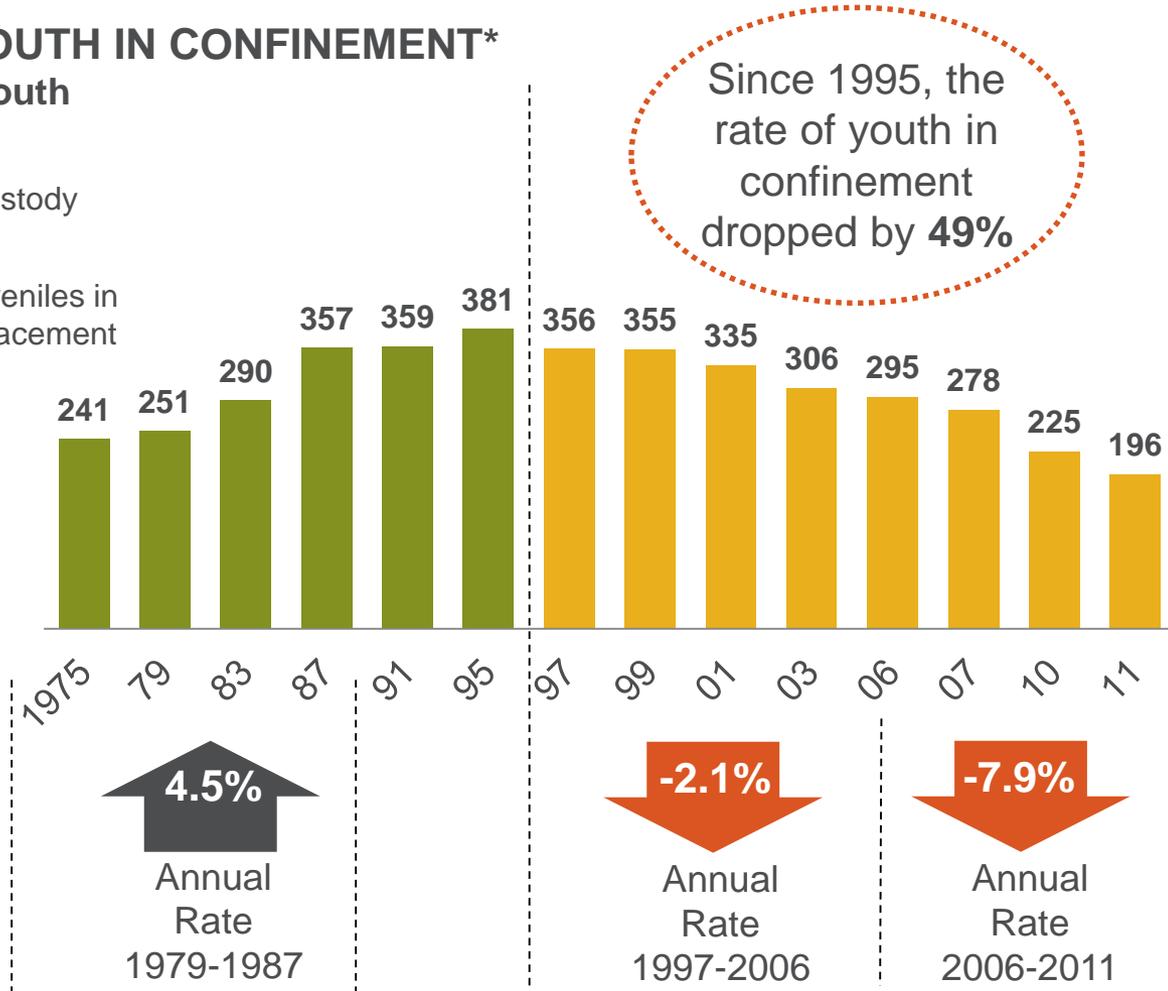


Nationally, youth confinement has dropped steadily since 1995 – with the steepest decline occurring from 2006 to 2011.

RATE OF YOUTH IN CONFINEMENT* per 100,000 youth (1975-2011)

■ Children in Custody Survey

■ Census of Juveniles in Residential Placement



* Source: Census of Juveniles in Residential Placement, as reported by each state to the National Center on Juvenile Justice. Data collected in 2011 represents the most recent national data available. Confinement rates include detention and commitment population.

Like the decline in juvenile crime, the nation's reduced reliance on incarceration for delinquent youth is a positive trend for public safety, public finance, and youth well-being.



CRIME

A growing body of research has shown that communities are safest when residential and other intensive interventions are reserved only for high-risk youth. Some studies have shown that across all risk levels, recidivism rates are consistently lower for probation youth than for confined youth.



COST

Juvenile corrections is a costly enterprise, averaging \$241 per day across the country, and costing as much as \$458 per day in Maryland.* Community-based, family-focused interventions cost far less and achieve better results.



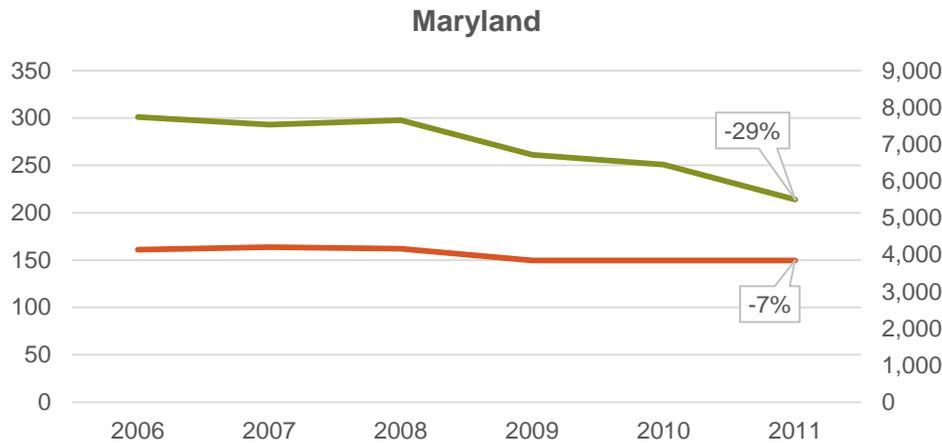
CHILDREN

Institutionalization disrupts a youth's ties to his or her family and community, while interfering with healthy adolescent development. When compared to youth charged with comparable offenses and with similar histories, youth who have been incarcerated are less likely to graduate, more likely to have trouble obtaining employment, and more likely to end up in the adult criminal justice system.

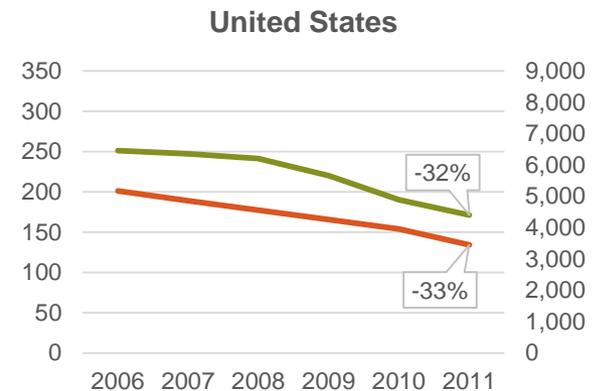
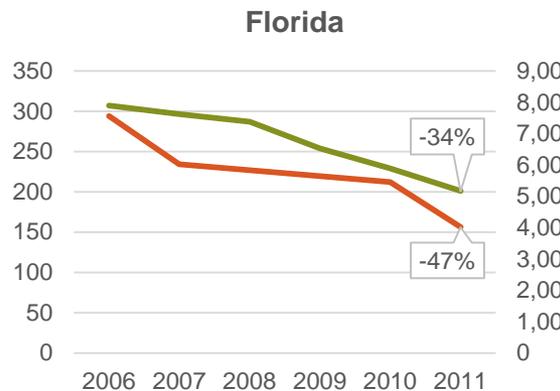
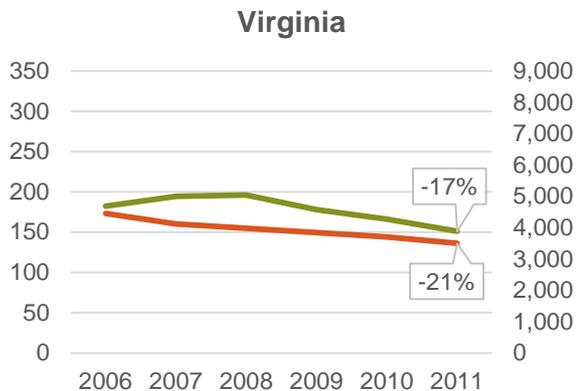
Doors to DJS Commitment Facilities: What drives juvenile confinement in Maryland?

- ▶ National context: Juvenile incarceration has declined consistent with juvenile crime
- ▶ ***The Maryland puzzle: Commitments largely unchanged despite sharp reductions in serious juvenile crime***
- ▶ Findings & Recommendations

Contrary to the national picture, the committed population in Maryland has fallen more slowly than juvenile arrests.



- Maryland's juvenile incarceration rate is higher than the national average, but pretty consistent with states like Virginia and Florida, both of which are engaged in serious reform efforts aimed at safely reducing juvenile incarceration.
- But this analysis was not motivated by questions about how Maryland compares to the nation or to other states. Instead, we looked for opportunities where Maryland could strengthen its system.

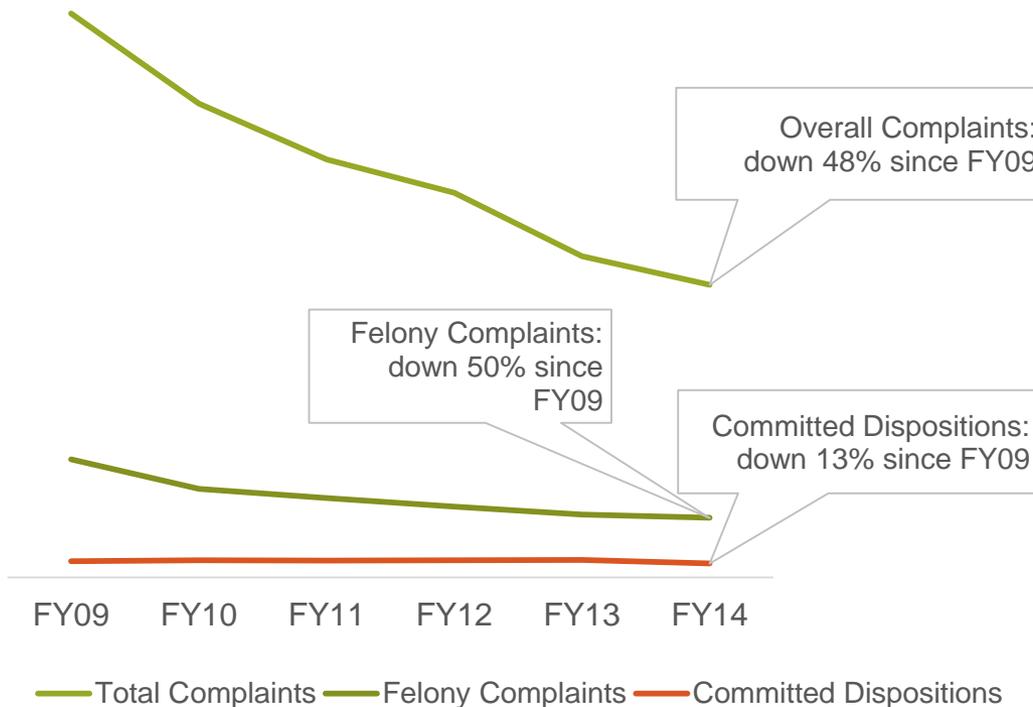


— Committed juvenile incarceration rate (left axis) — Juvenile arrest rate (right axis)

Sources: Census of Juveniles in Residential Placement, as reported by each state to the National Center on Juvenile Justice (rates include committed population only); Easy Access to FBI Arrest Statistics (<http://ojidp.gov/ojstatbb/ezaucr/>); Bureau of Justice Statistics: Arrest Data Analysis Tool (<http://bjs.ojp.usdoj.gov/index.cfm?ty=datool&surl=/arrests/index.cfm>); Easy Access to State and County Juvenile Court Case Counts (<http://www.ojidp.gov/ojstatbb/ezaco/>); Easy Access to Juvenile Populations (<http://ojidp.gov/ojstatbb/ezapop/>).

Since 2009, the number of juvenile complaints has fallen dramatically, while the number of commitments to DJS has been fairly flat.

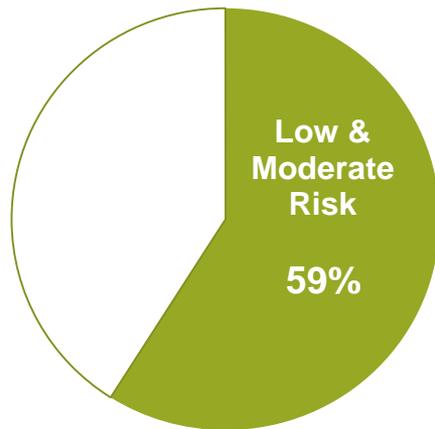
COMPLAINTS V. DJS COMMITMENT DISPOSITIONS, FY09-FY14



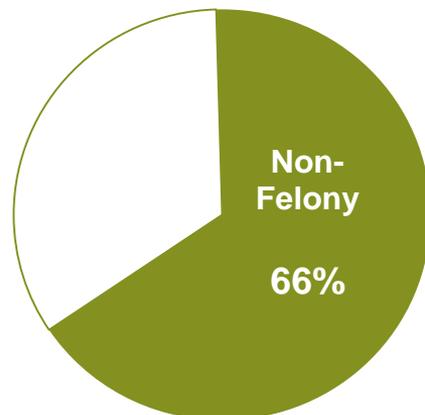
- Overall, commitment trends in Maryland have largely failed to reflect changes in juvenile crime.
- From FY09 to FY13, felony complaints fell by 47%, while DJS commitments **increased** by 8%.
- FY14 was a promising year, with DJS commitment dispositions dropping by 19%.

Most DJS commitments involve youth who do not pose a high risk of re-arrest; an even higher percentage of commitments are based on non-felony offenses.

SHARE OF DJS COMMITMENTS,*
BY ASSESSED RISK OF RE-ARREST



SHARE OF DJS COMMITMENTS,*
BY OFFENSE LEADING TO COMMITMENT



These figures help explain why the number of youth in custody in Maryland has not fallen in proportion to falling crime.

* Note that this report uses the term “DJS commitment” to refer to a disposition decision resulting in commitment to DJS. For purposes of this analysis, an actual disposition decision could include several dispositions made on the same day, involving the same youth, but based on different offenses and ordering different levels of restriction. For example, if a youth received a disposition to probation for robbery and a disposition to DJS commitment for a technical violation on the same day, this analysis would treat the two dispositions as a single DJS commitment for robbery.

The Department of Juvenile Services has already taken important steps to reduce detention and lay the foundation for deeper reform.

- In the past two years, DJS has helped to revitalize the Juvenile Detention Alternatives Initiative (JDAI) in Baltimore City, leading to significant reductions in detention, especially for youth pending placement.
- Prince George's County became a JDAI site in 2014.
- DJS is in the process of developing and implementing a progressive response system to establish consistent guidelines for how Case Management Specialists react to youths' progress on probation.
- Right-sizing Maryland's committed population is the next frontier, and DJS is well-positioned to take on this new challenge:
 - SafeMeasures allows enhanced accountability and monitoring
 - Multidisciplinary Assessment Staffing Team (MAST) meetings offer great potential if MAST is redefined as a gate-keeper to prevent unnecessary commitments to out-of-home placements
 - Case Management Specialists have manageable caseloads
 - JDAI is underway in two of the state's six highest impact jurisdictions
- Maryland's juvenile justice system will be strongest when leaders and staff come together as a single agency with a shared vision and commitment.

Doors to DJS Commitment Facilities: What drives juvenile confinement in Maryland?

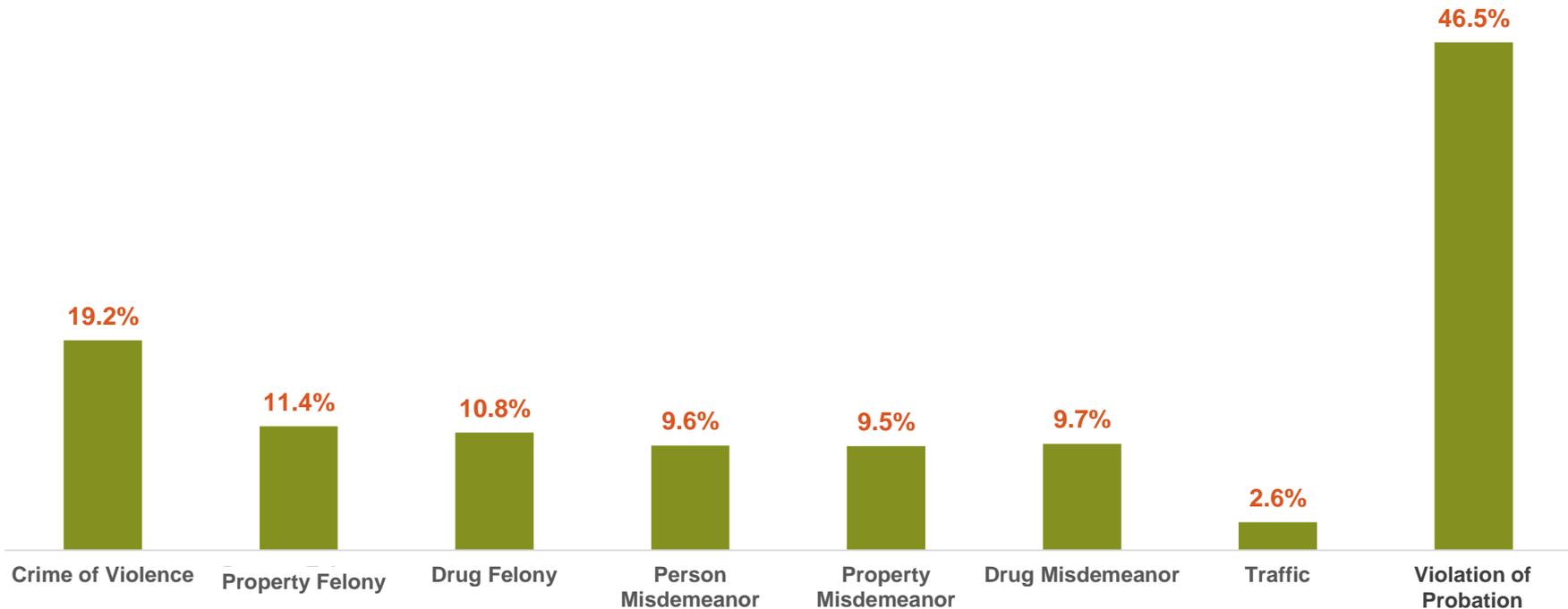
- ▶ National context: Juvenile incarceration has declined consistent with juvenile crime
- ▶ The Maryland puzzle: Commitments largely unchanged despite sharp reductions in serious juvenile crime
- ▶ ***Findings & Recommendations***

Our analysis of the Department's committed population posed a series of questions.

1. Overall, which offenses are most likely to result in commitment to DJS?
2. Does Maryland's juvenile justice system function as a unified system, or does practice vary by locality?
3. Of Maryland's twenty-four jurisdictions, which are the top feeders to DJS residential facilities?
4. Can differences in the number of commitments from each county be explained by –
 - a. differences in the overall size of the county's population?
 - b. differences in the type of crime for which youth are committed?
 - c. differences in the risk posed by committed youth?
5. Are dispositional decisions informed by risk, as assessed by the Maryland Comprehensive Assessment & Service Planning tool?
6. At which points in the case flow continuum does DJS have the ability to prevent youth from reaching the deep end of the system?
7. What additional steps could DJS take at each of those decision points to ensure that commitment resources are reserved for youth with the most serious offenses who pose a significant public safety risk?

Statewide, nearly 50% of probation violations resulted in placement – more than twice the rate for crimes of violence.

LIKELIHOOD THAT A DISPOSITION WILL RESULT IN DJS COMMITMENT, BY MOST SERIOUS OFFENSE



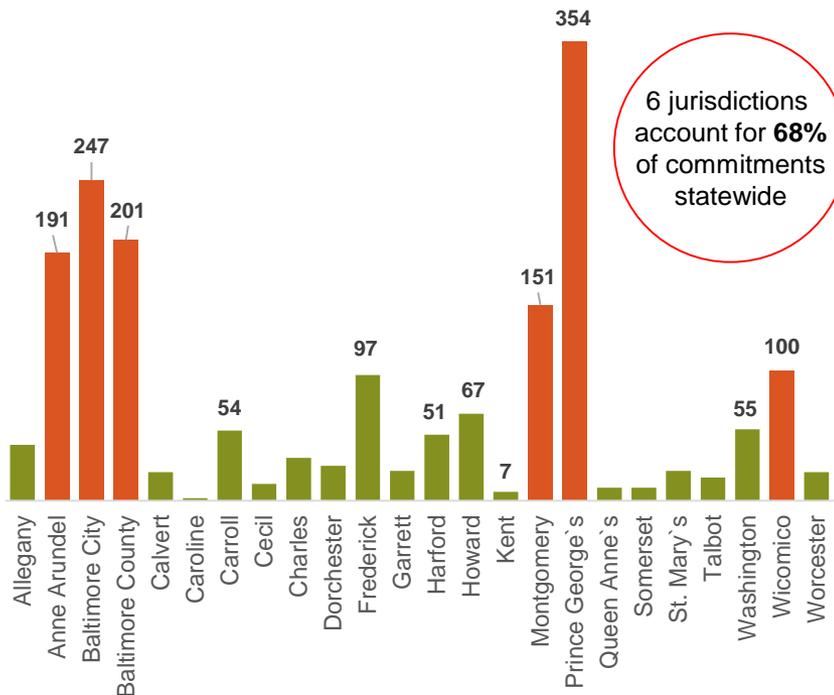
* Of 12,297 actual disposition decisions, 38% (4,261) could not be linked to an adjudicated offense and are classified based on the most serious alleged offense. 63 other dispositions were adjudicated as VOPs, but had more serious alleged offenses on the complaint; those 63 are classified based on those alleged offenses. The percentages shown here represent the share of all actual disposition decisions in each offense category that were to DJS commitment. This chart shows only those offense categories containing more than 200 dispositions, which collectively account for 92 percent of dispositions in the sample.

Does Maryland's juvenile justice system function as a unified system, or does practice vary by locality?

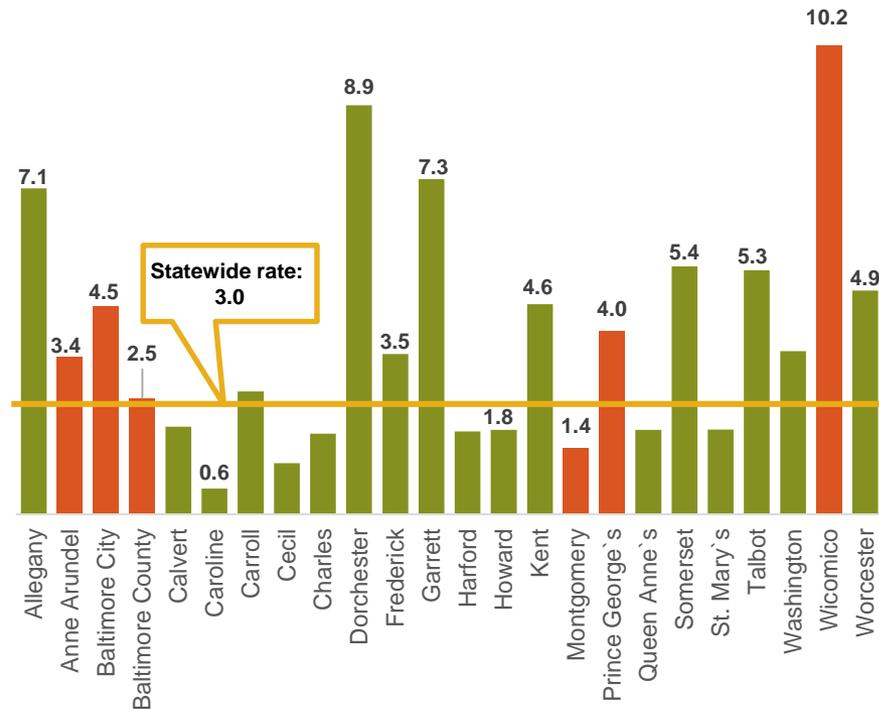
- In an effective statewide system, the number of commitments by each county would vary with the size of the juvenile population, but the commitment *rate* would be fairly consistent.
- But in Maryland, the commitment rate ranges from 0.6 per 1,000 youth aged 10-17 (Caroline County) to 10.2 per 1,000 youth (Wicomico County).

Maryland's juvenile justice system consists of twenty-four distinct systems that rely on confinement in different ways and for different purposes.

DJS COMMITMENTS, BY COUNTY (BASED ON FY13 COMPLAINTS) – HIGHLIGHTING TOP SIX FEEDERS (N=1,821)



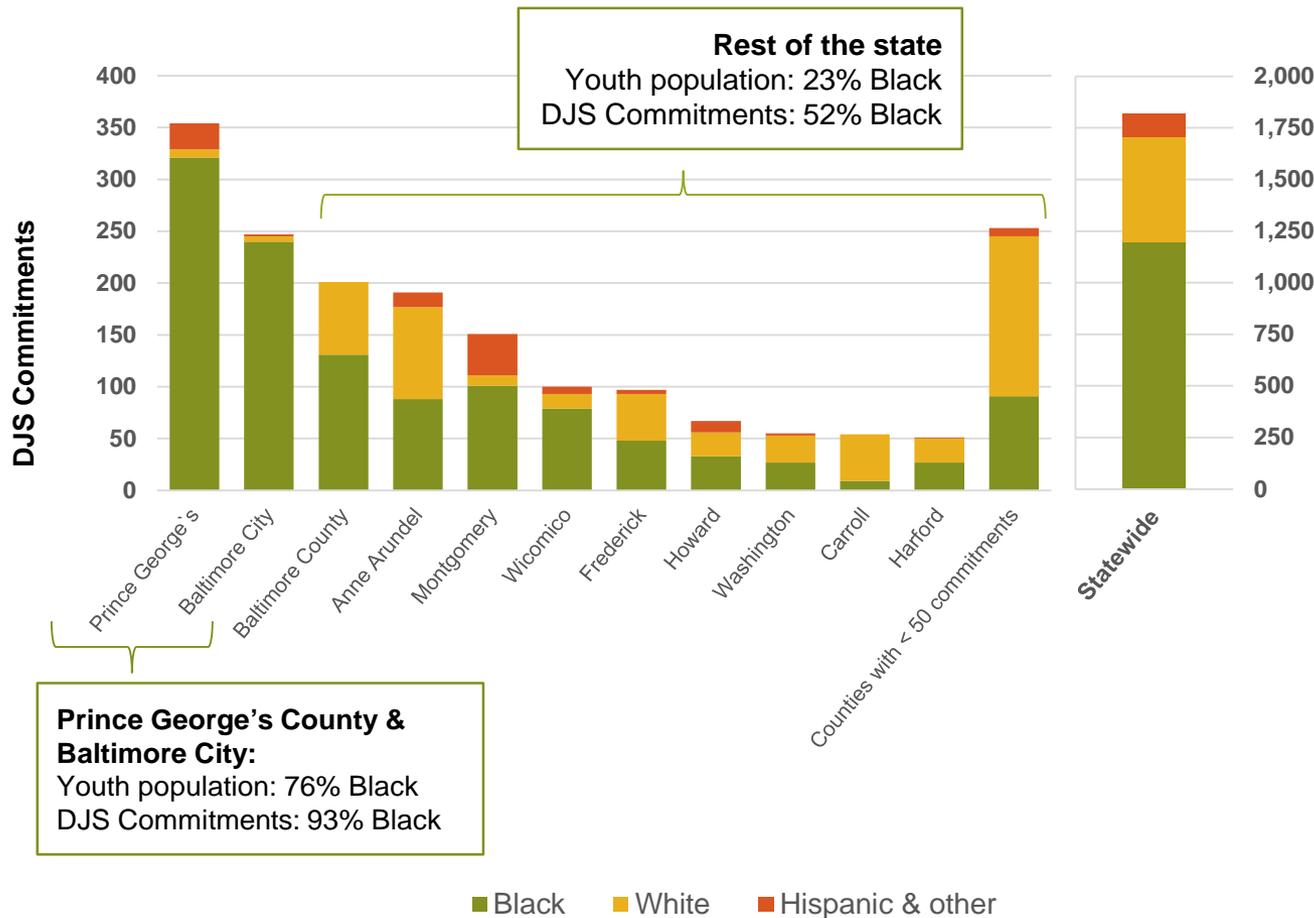
DJS COMMITMENT RATE, BY COUNTY (COMMITMENTS PER 1,000 YOUTH AGED 10-17) – HIGHLIGHTING TOP SIX FEEDERS



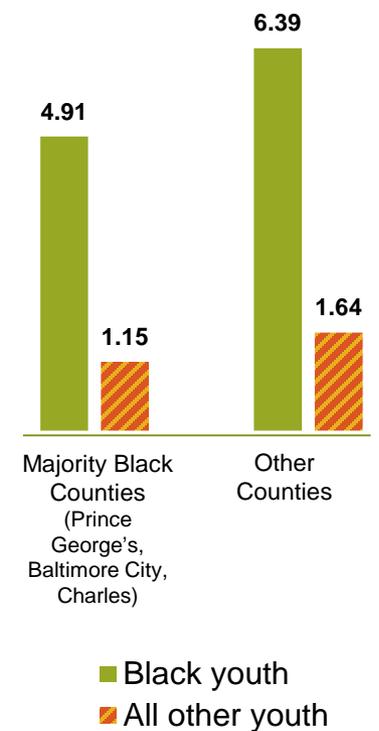
- The left-hand graph shows how many youth were committed from each county; the right-hand graph controls for population differences by showing each county's rate per 1,000 youth in population aged 10-17 years old.
- Among the top six DJS feeders, the commitment rate ranged from 1.4 per 1,000 youth in Montgomery County (less than half the state average), to 10.2 per 1,000 youth in Wicomico (more than triple the state average).

The racial/ethnic make-up of youth committed to DJS also looks very different from county-to-county, but these variations are only partially driven by differences in each community's youth population.

DJS COMMITMENTS, BY COUNTY AND BY RACE/ETHNICITY



EST. RATE OF DJS COMMITMENT PER 1,000 YOUTH AGED 10-17

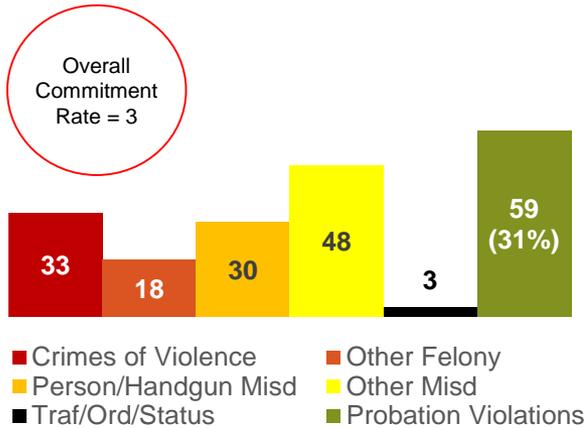


Can county-to-county variations in commitment rates be explained by county-to-county differences in the extent and severity of juvenile crime?

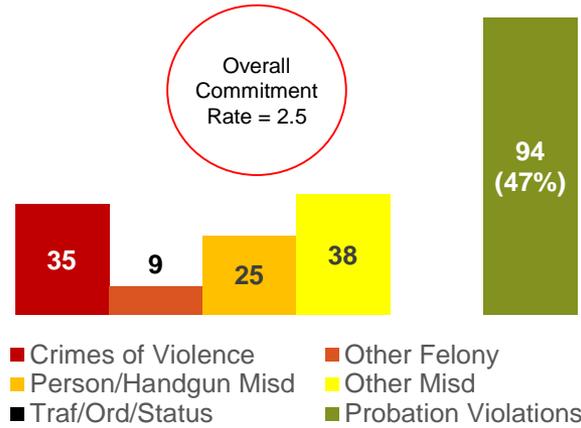
- Local commitment rates in Maryland range from 0.6 in Caroline to 10.2 in Wicomico.
- Our analysis examined whether these differences could be explained by differences in the extent and type of juvenile crime – i.e., maybe Wicomico’s high commitment rate was the result of an unusually large number of serious juvenile arrests leading to commitment.
- In fact, only 3% of Wicomico commitments were due to Crimes of Violence, compared to 22% of commitments statewide. Only 13% of Wicomico commitments were due to felonies, compared to 34% statewide.

Differences in the number of youth committed by each jurisdiction could not be explained by differences in the extent or type of juvenile crime.

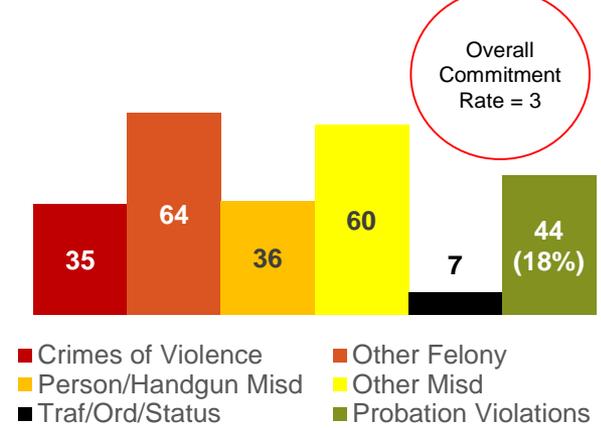
ANNE ARUNDEL: DJS COMMITMENTS, BY OFFENSE CATEGORY (N=191)



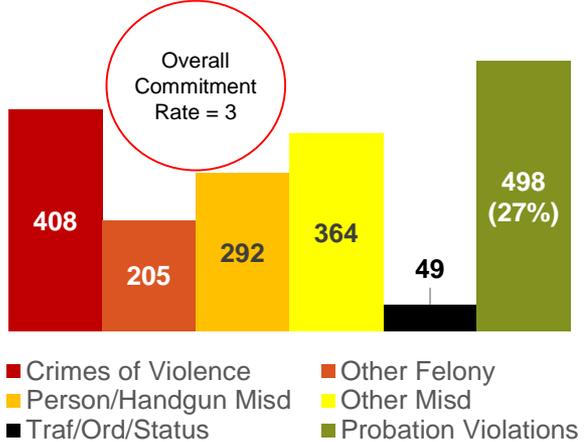
BALTIMORE COUNTY: DJS COMMITMENTS, BY OFFENSE CATEGORY (N=201)



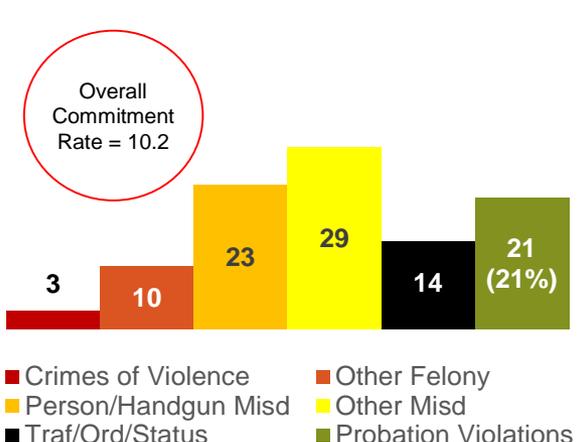
BALTIMORE CITY: DJS COMMITMENTS, BY OFFENSE CATEGORY (N=246)



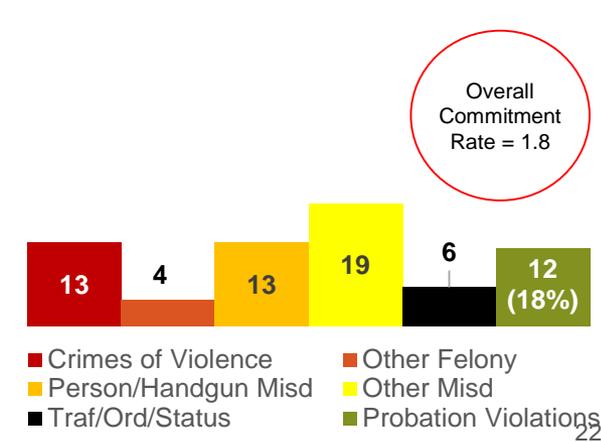
STATEWIDE: DJS COMMITMENTS BY OFFENSE CATEGORY (N=1,816)



WICOMICO: DJS COMMITMENTS BY OFFENSE CATEGORY (N=100)



HOWARD: DJS COMMITMENTS, BY OFFENSE CATEGORY (N=67)

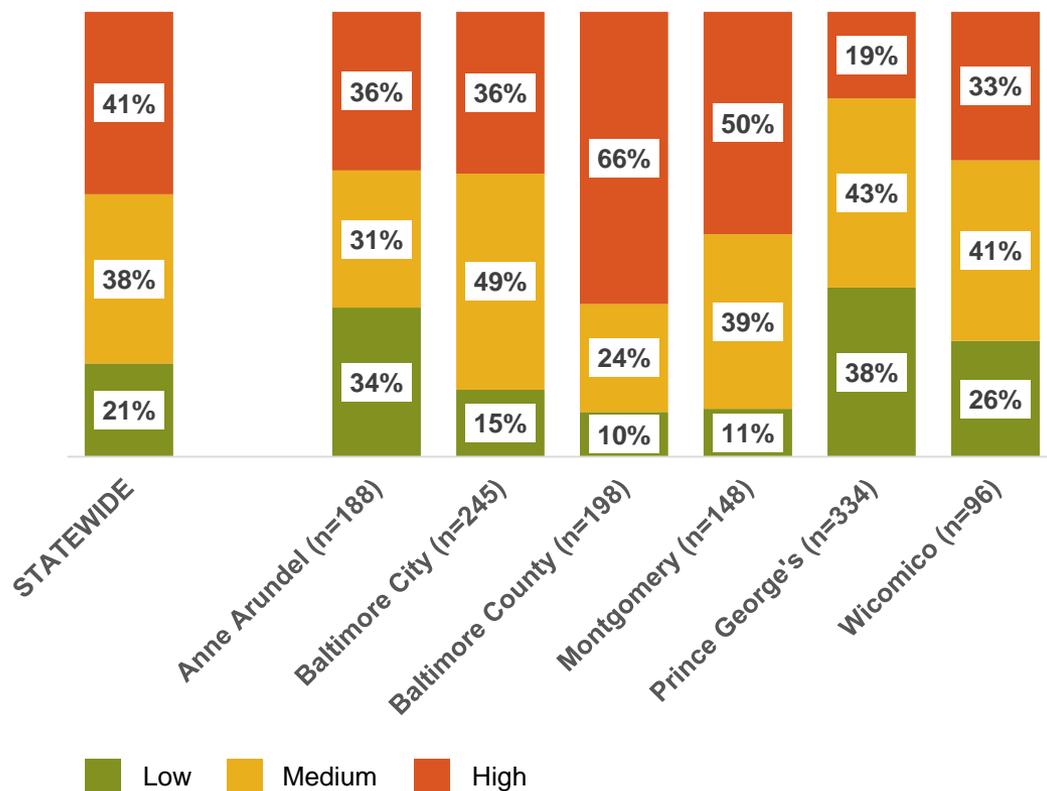


Can county-to-county variations in commitment rates be explained by county-to-county differences in youths' risk of re-arrest?

- We also examined whether county-to-county differences could be explained by differences in youths' "risk of re-arrest," as determined by a statewide risk screening instrument.
- In a statewide system that consistently reserves confinement for youth at high risk of re-arrest, we would expect a majority of DJS commitments to involve youth assessed as high-risk.
- In Maryland, however, very few counties reserve commitment for high-risk youth. Those that do, like Baltimore County, tend to have low overall commitment rates.

Youth assessed as high-risk of re-arrest accounted for varying shares of DJS commitments, and very few counties used commitment primarily for high-risk youth.

DJS COMMITMENTS ARISING FROM FY13 COMPLAINTS, BY RISK OF RE-ARREST (TOP SIX FEEDERS)



On average, only 41% of DJS commitments involved high-risk youth.

Even among the “big six,” risk profiles varied considerably – for example:

- Baltimore County tended to reserve commitment for high-risk youth, with 66% of DJS commitments associated with a high-risk assessment.
- On the other side of the map was Prince George’s County, where high-risk youth were less than 20% of DJS commitments.

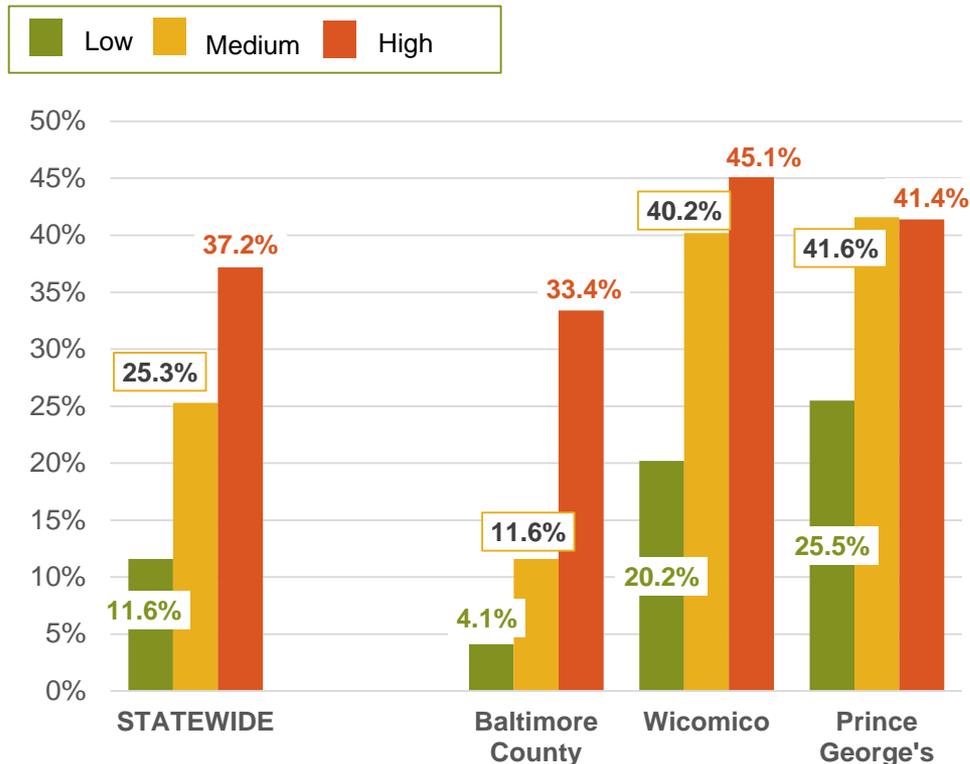
* Risk level is based on the Maryland Comprehensive Assessment Service Planning (MCASP) tool that was completed closest in time to the relevant disposition, either prior to the disposition or within 30 days after. Of actual disposition decisions (i.e., excluding continuance and other court process actions), we were unable to identify an associated MCASP within the relevant time frame for 36%, but those disposition decisions rarely resulted in commitment.

Are dispositional decisions by courts informed by an assessment of the risk of re-arrest?

- Because commitment is an inherently expensive intervention that tends to *increase* the odds that lower risk youth will get in trouble after they are released, commitment should be reserved for youth who pose the highest risk of re-arrest.
- Most systems rely on some type of risk instrument to help them identify youth who are more or less likely to be re-arrested.
- In systems that use risk instruments to inform decisions about who should be confined, youth assessed as “high-risk” of re-arrest are more likely to be committed than “medium-risk” youth, who are in turn more likely to be committed than “low-risk” youth.
- Statewide, commitment rates do increase by risk level: the commitment rate for “low-risk” youth is 11.6%, compared to 23.5% for medium-risk and 37.2% for high-risk. But the statewide trend conceals significant differences at the county level.

In some high impact jurisdictions, the likelihood that a youth will be committed has little to do with the youth's assessed risk of re-arrest.

OF ALL DISPOSITIONS, PERCENTAGE RESULTING IN COMMITMENT, BY MCASP RISK OF RE-ARREST*



- Of all dispositions for low-risk youth, only 11.6% were for DJS commitment. At the state level, those odds increased with risk level, indicating some relationship between risk and likelihood of DJS commitment.
- But the statewide averages conceal huge disparities at the local level. Just among the top six feeders:
 - The commitment rate for low-risk youth ranged from 1 in 20 in Baltimore County, to more than 1 in 4 in Prince George's.
 - In Prince George's and Wicomico Counties, the commitment rate for medium-risk youth was higher than the state average for high-risk.
 - In Prince George's, the commitment rate for low-risk youth was higher than the statewide average for medium-risk. There was no difference in the commitment rates for medium- v. high-risk youth.

County-to-county variations like these are often referred to as “justice by geography.” They indicate that where a youth lives may be more important than what he or she has done

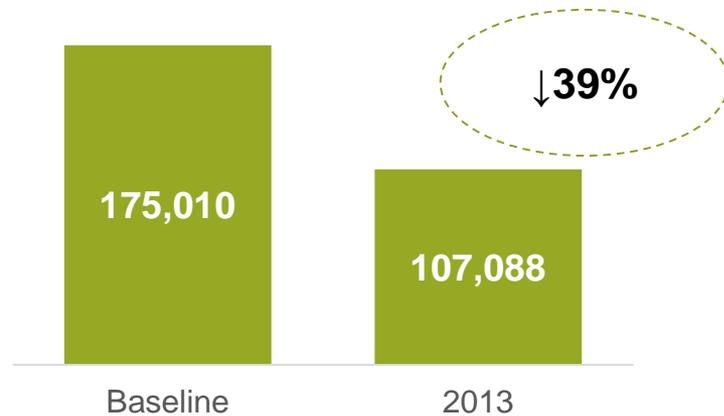
At which points in the case flow continuum does DJS have the ability to prevent youth from reaching the deep end of the system?

- Maryland's juvenile justice system involves a number of actors and decision points. DJS is neither the only decision-maker nor the final decision-maker.
- However, because DJS is a statewide agency with direct control over probation practice, administrative process, and institutional rules, the Department is uniquely positioned to prevent unnecessary out-of-home placements by offering informed recommendations and encouraging consistent practice.
- In particular, DJS has authority to make recommendations to the State Attorney's Office as to whether formal processing is appropriate, assess a youth's risk of re-arrest and make a recommendation to the court as to whether out-of-home placement is appropriate, conduct multidisciplinary staffings on all youth at risk of out-of-home placement, and determine how youth will be supervised on probation.
- DJS is also uniquely well-positioned to act as a convener and catalyst to bring other juvenile justice stakeholders together, to offer resources, and to hear and address concerns.

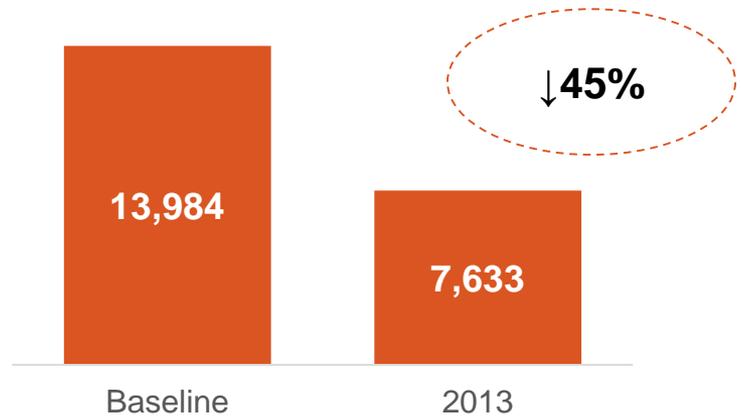
**First DJS-Controlled Decision-Point:
Initial Admission to Detention**

Although the Juvenile Detention Alternatives Initiative (JDAI) was conceived as an entry-point strategy, hundreds of JDAI sites have seen detention reform trigger deep reductions in state commitments.

**DETENTION ADMISSIONS IN JDAI SITES:
BASELINE VS. 2013**



**STATE COMMITMENTS IN JDAI SITES:
BASELINE VS. 2013**

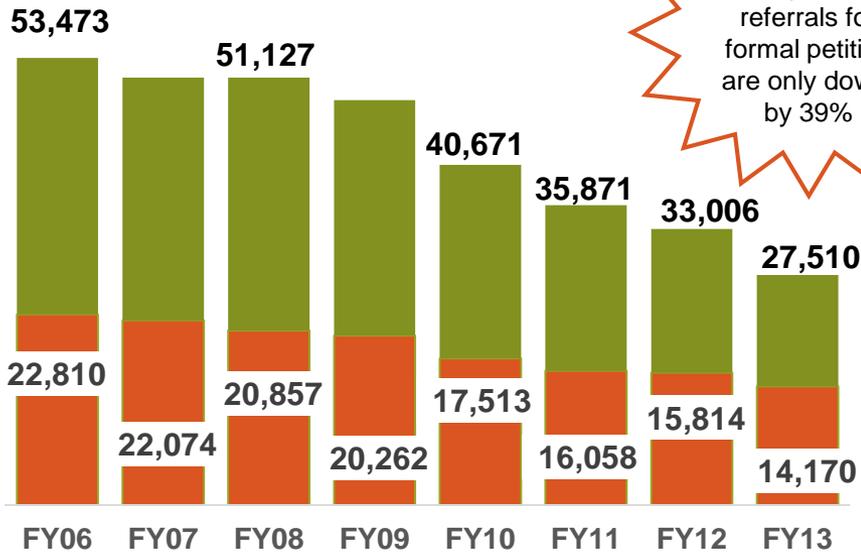


By deepening and expanding JDAI efforts in Maryland, DJS can partner with local leaders to reduce unnecessary detention at the front end, while also stimulating reductions in the use of confinement at the “deep end” of the system.

**Second DJS-Controlled Decision-Point:
Intake Decision to Refer for Formal Petition**

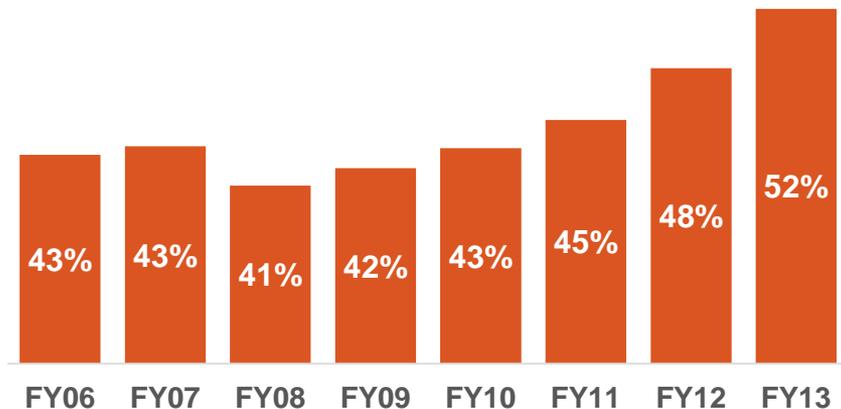
Although juvenile complaints (including serious felonies) have fallen, DJS has become more likely to refer complaints for formal petitions.

**INCOMING COMPLAINTS,
FY2006 TO FY2013**



Complaints are down by 49%, but referrals for formal petition are only down by 39%

% OF COMPLAINTS REFERRED FOR FORMAL PETITION, FY2006 TO FY2013



Complaint referred for formal petition
 Complaint resolved through other means

What could explain this disconnect?

If the 49% reduction in complaints had been driven by a steep decline in arrests for minor offenses (i.e., offenses that were previously diverted between complaint and petition), it would make sense to see a lower diversion rate today. But the data does not support that hypothesis. Since 2006, complaints involving the most serious offenses have declined at approximately the same rate as overall complaints.

**Third DJS Decision-Point:
Risk Assessment & Dispositional Recommendation**

DJS uses the Maryland Comprehensive Assessment & Service Planning (MCASP) tool to assess risk, needs, and protective factors.

Table 1. Delinquency History Score	
1. Age at First Offense: The age at the time of the offense for which the youth was referred to DJS for the first time on a misdemeanor or felony.	0=Over 16 1=16 2=15 3=13 to 14 4=Under 13
2. Misdemeanor Referrals: Total number of referrals in which the most serious offense was a misdemeanor.	0=One or fewer 1=Two 2=Three or four 3=Five or more
3. Felony Referrals: Total number of referrals in which the most serious offense was a felony.	0 = None 2=One 4=Two 6=Three or more
4. Weapon Referrals: Total number of referrals in which the most serious offense includes the possession or use of a firearm or explosive.	0=None 1=One or more
5. Against-person misdemeanor referrals: Total number of referrals in which the most serious offense was an against-person misdemeanor. An against-person misdemeanor involves threats, force, or physical harm to another person such as assault, sex, coercion, harassment, obscene phone call, etc.	0=None 1=One 2=Two or more
6. Against-person felony referrals: Total number of referrals for an against-person felony. An against-person felony involves force or physical harm to another person such as homicide, murder, manslaughter, assault, rape, sex, robbery, kidnapping, domestic violence, harassment, criminal mistreatment, intimidation, coercion, obscene harassing phone call, etc.	0=None 2=One or two 4=Three or more
7. Sexual misconduct misdemeanor referrals: Total number of referrals for which the most serious offense was a sexual misconduct 4 th degree misdemeanor.	Not scored, info only
8. Felony sex offense referrals: Total number of referrals for a felony sex offense – first, second, or third degree.	Not scored, info only
9. Detention: Number of times a youth served at least one day confined in detention under a detention order.	0=None 1=One 2=Two 3=Three or more
10. Placement: Number of times a youth served at least one day in placement under commitment to DJS (including pending placement in a detention facility).	0=None 2=One 4=Two or more
11. Escapes: Total number of referrals for escape.	0=None 1=One 2=Two or more
12. Failure to appear in court warrants: Total number of failures-to-appear in court that resulted in a warrant being issued. Exclude failure-to-appear warrants for non-criminal matters.	0=None 1=One 2=Two or more
MAXIMUM SCORE	31 Total



Delinq. History	Social History		
	0-6	7-9	10-17
0-5	Low	Low	Med
6-8	Low	Med	High
9-31	Med	High	High



Table 4. Supervision Level Grid	
Risk Profile	Recommended Level of Supervision
Currently adjudicated of a violent offense or High risk & previously adjudicated of a violent offense	Hardware Secure
Chronic offender (delinquent history score of 17+) or High risk & currently adjudicated of a serious felony	Staff Secure
High risk or Medium Risk & currently adjudicated of a serious felony	High Community* Supervision
Medium risk or Low risk & currently adjudicated of a serious felony	Medium Community* Supervision
Low risk	Low Community* Supervision

* Note that "Community" does not necessarily mean non-residential.

Are dispositional recommendations by DJS informed by the MCASP assessment of youths' risk of re-arrest?

- In the criminal justice system, courts use sentencing guidelines to establish structured, objective, and consistent bases for sentences that would otherwise vary without apparent rhyme or reason.
- The juvenile justice equivalent to sentencing guidelines is called a dispositional matrix. A dispositional matrix uses a combination of offense and risk to promote consistency and fairness in juvenile sentencing. Dispositional matrices help systems express and operationalize their values about the types of cases that are *not* appropriate for out-of-home placement.
- To develop a good dispositional matrix, systems must have a valid risk instrument and a case flow process that allows probation, attorneys, and courts to take risk into consideration when they are making dispositional recommendations and decisions.
- To be effective, a dispositional matrix must be developed through a collaborative and data-driven process.

Maryland's dispositional matrix departs from best practice in some important ways, most significantly by allowing residential placements based on needs.

Most Serious Adjudicated Offense	MCASP RISK TO RE-OFFEND		
	Low	Medium	High
Violent Offense	Commitment – Hardware Secure	Commitment – Hardware Secure	Commitment – Hardware Secure
Serious Felony (with prev. adjud. for Violent Offense)	Community – Medium Intensity <i>(Residential placement allowed to address needs)</i>	Community – High Intensity <i>(Residential placement allowed to address needs)</i>	Commitment – Hardware Secure
Serious Felony	Community – Medium Intensity <i>(Residential placement allowed to address needs)</i>	Community – High Intensity <i>(Residential placement allowed to address needs)</i>	Commitment – Staff Secure
Any Other Offense (with prev. adjud. for Violent Offense)	Community – Low Intensity <i>(Residential placement allowed to address needs)</i>	Community – Medium Intensity <i>(Residential placement allowed to address needs)</i>	Commitment – Hardware Secure
Any Other Offense	Community – Low Intensity <i>(Residential placement allowed to address needs)</i>	Community – Medium Intensity <i>(Residential placement allowed to address needs)</i>	Community – High Intensity <i>(Residential placement allowed to address needs)</i> OR Cmt – Staff Secure (if Delinq. History Score is 17+)

What's unusual about Maryland's policy?

1. Residential placement is always an option, and there are many circumstances where residential is the *only* option.
2. Recommendations for out-of-home placement are often based on needs.
3. Most grids are premised on the idea that dispositional recommendations should be a function of offense and risk, but the Maryland grid has carved out one group of offenses for which risk is never relevant.

What does the research say about needs-based intervention?

“[Y]outh can be at low-risk of reoffending but have a high level of needs. Although it is essential that the needs of such youths be met, there is general agreement among juvenile justice experts that the juvenile justice system should not be the vehicle for delivering those services when the youth is at low risk of reoffending.”

-- Council on State Governments Justice Center, *Closer to Home: A Statewide Analysis of the Impact of Texas Juvenile Justice Reforms* (Jan. 2015)

Because the MCASP is often completed after the court's disposition decision, many disposition decisions are not informed by the MCASP.

FINDINGS:

- Under current practice, where negotiated same-day dispositions are very common, DJS is often left without a meaningful voice in dispositional decision-making.
- If used more effectively, the MCASP could make a significant impact on commitments.

OPPORTUNITIES:

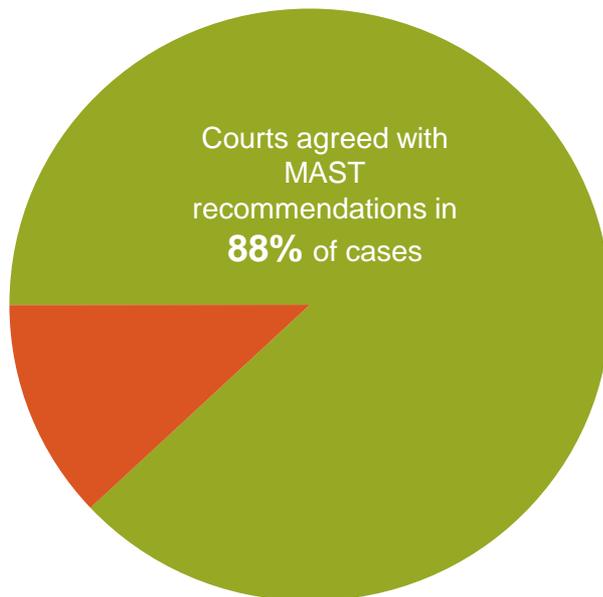
- Evaluate the MCASP to verify that the tool is effective and that it is used consistently.
- Use the results of that evaluation to either:
 - Inform revisions to the tool, or
 - Build consensus among court practitioners as to the value of MCASP recommendations to inform dispositional decision-making.
- Revise DJS policy allowing/requiring commitment recommendations for lower risk youth and youth adjudicated for relatively minor offenses.
- Reconsider DJS policy requiring commitment recommendations for all youth adjudicated for crimes of violence.
- Convene a multi-disciplinary group of stakeholders to design a new dispositional matrix that is informed by data.
- Given that practice realities will not always allow for the consideration of MCASP recommendations prior to disposition, it is critical that DJS take full advantage of the MAST process to discourage inappropriate out-of-home placements.

**Fourth DJS Decision-Point:
Referral to Multidisciplinary Assessment Staffing Team (MAST)**

In July 2013, DJS began to activate Multidisciplinary Assessment Staffing Teams responsible for making specific placement recommendations for all detained youth at risk of out-of-home placement.

MAST RECOMMENDATIONS V. COURT DECISIONS FOR PLACEMENT

(based on DJS analysis)

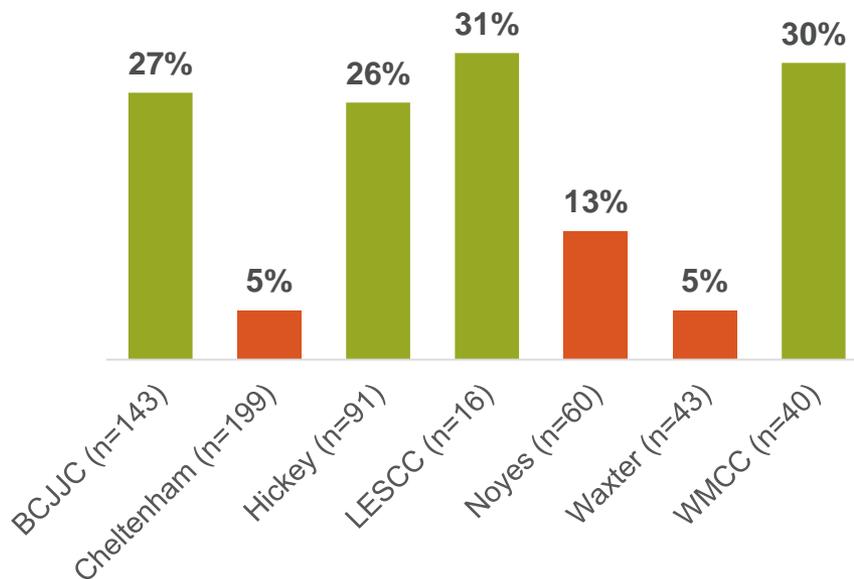


We did not have an opportunity to examine raw data concerning the MAST process. However, a preliminary analysis by DJS in September 2014 made a number of intriguing findings:

- Of all recommendations generated by the MAST process during the study period, judges agreed with the teams' recommendations in 88% of cases.
- Although DJS data systems do not allow for an analysis of the overall judicial agreement rate with DJS recommendations, 88% is a high rate by national standards, which suggests that courts have found the MAST process to be valuable.

If explicitly re-defined as a gate-keeper and expanded to target *all* youth at risk for placement, the MAST process would allow DJS to prevent a significant number of unnecessary commitments.

% OF MAST STAFFINGS RESULTING IN RECOMMENDATIONS FOR IN-HOME PLACEMENT, BY FACILITY (DJS ANALYSIS THROUGH 7/31/14)

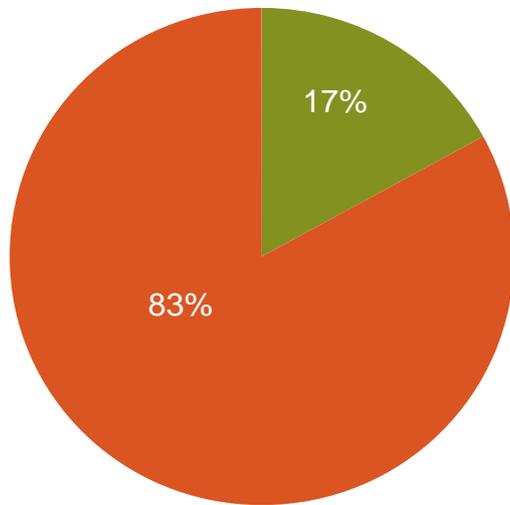


The MAST process has obvious potential to reduce inappropriate placements, but many questions remain to be explored:

- Why are recommendations for home-based plans so rare at Cheltenham and Waxter, especially compared to MAST meetings at the Lower Eastern Shore Children's Center and the Western Maryland Children's Center?
- Of all DJS commitments since MAST was implemented, what percent went through the MAST process? Do those figures vary by region?
- Do family members participate in MAST meetings? If not, why not?

To date, the overwhelming majority of MAST recommendations have been to residential placement.

MAST RECOMMENDATIONS,
BY TYPE OF SUPERVISION RECOMMENDED
(N=592)



MAST recommended home-based plan

MAST recommended commitment

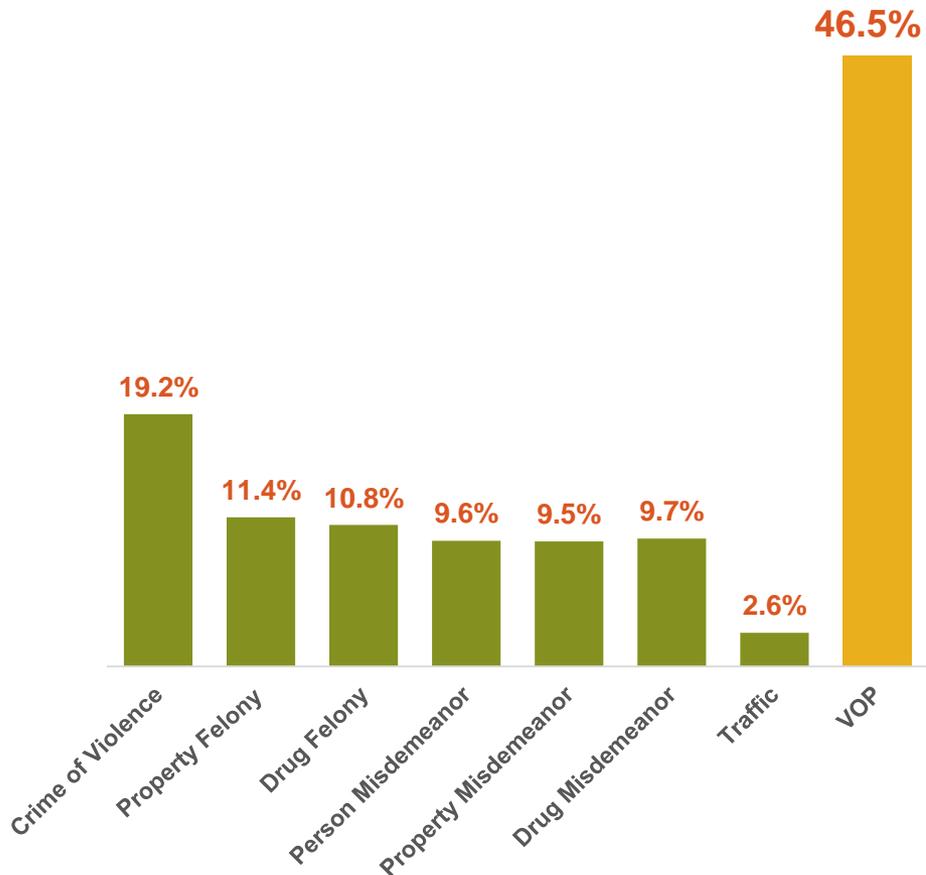
Of 592 MAST referrals resulting in a recommendation between July 2013 and July 2014, **only 17% were recommended for home-based supervision**

- Recommendation: DJS should re-orient the MAST teams to ensure that they are serving as effective gate-keepers to prevent unnecessary and inappropriate out-of-home placements.
- If re-oriented in this way, the MAST process could be a vehicle to:
 - conduct truly individualized, strength-based dispositional planning conferences;
 - meaningfully involve youth and families in dispositional planning;
 - create high quality, home-based supervision plans for youth at risk of out-of-home placement; and
 - provide recommendations to the court that improve outcomes, protect public safety, and strengthen the partnership between DJS and the courts.

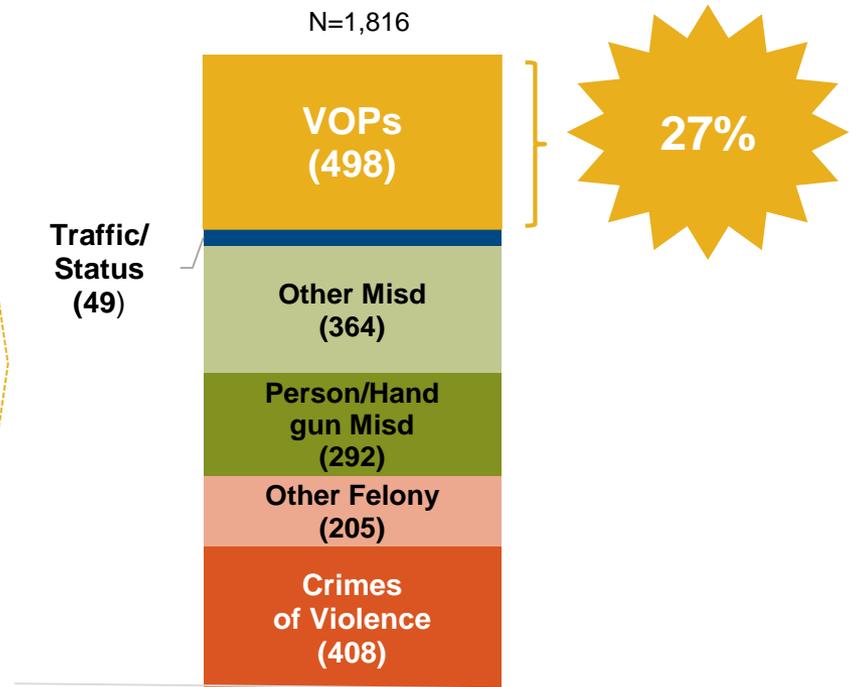
**Fifth DJS Decision-Point:
Probation Practice**

Because nearly half of all technical violations of probation (VOP) result in commitment, VOPs account for a sizeable share of DJS commitments.

LIKELIHOOD THAT A DISPOSITION WILL RESULT IN DJS COMMITMENT, BY MOST SERIOUS OFFENSE CATEGORY



DJS COMMITMENTS, BY MOST SERIOUS OFFENSE CATEGORY



The Department's graduated response initiative is a promising first step toward reducing the high number of technical violators in residential facilities.

What is Graduated Response?

- Graduated Response policies help systems set consistent expectations for how staff will use sanctions and incentives to respond to youths' progress and challenges on probation.

What is DJS doing to implement Graduated Response?

- Pursuant to legislation enacted in 2013, DJS has developed the sanctions component of a "graduated response" policy and has begun conducting trainings across the state.

Recommendations

- Moving forward, DJS should continue training efforts, develop the incentives aspect of the policy, and create a tracking system to monitor the impact of the policy.

Graduated Response is an important policy initiative, but it is not the state's only opportunity to reduce commitments based on technical violations.

A closer examination of probation practice would likely reveal many other vehicles to improve probation outcomes and reduce commitments. Questions to consider about probation practice in Maryland:

COURT ORDERS

Should court orders setting the terms and conditions of probation be re-examined and perhaps modified?

FAMILY ENGAGEMENT

Do case management specialists have the training and support they need to engage families as partners in the behavior change process?

COMMUNITY ENGAGEMENT

Are local juvenile justice systems working with community partners to create lasting connections between youth and their communities?

**The number of youth in custody at any time depends on two things:
how many youth are admitted, and how long do they stay?**

**Our analysis focused primarily on the first question. Additional research is
needed to fully explore length of stay.**

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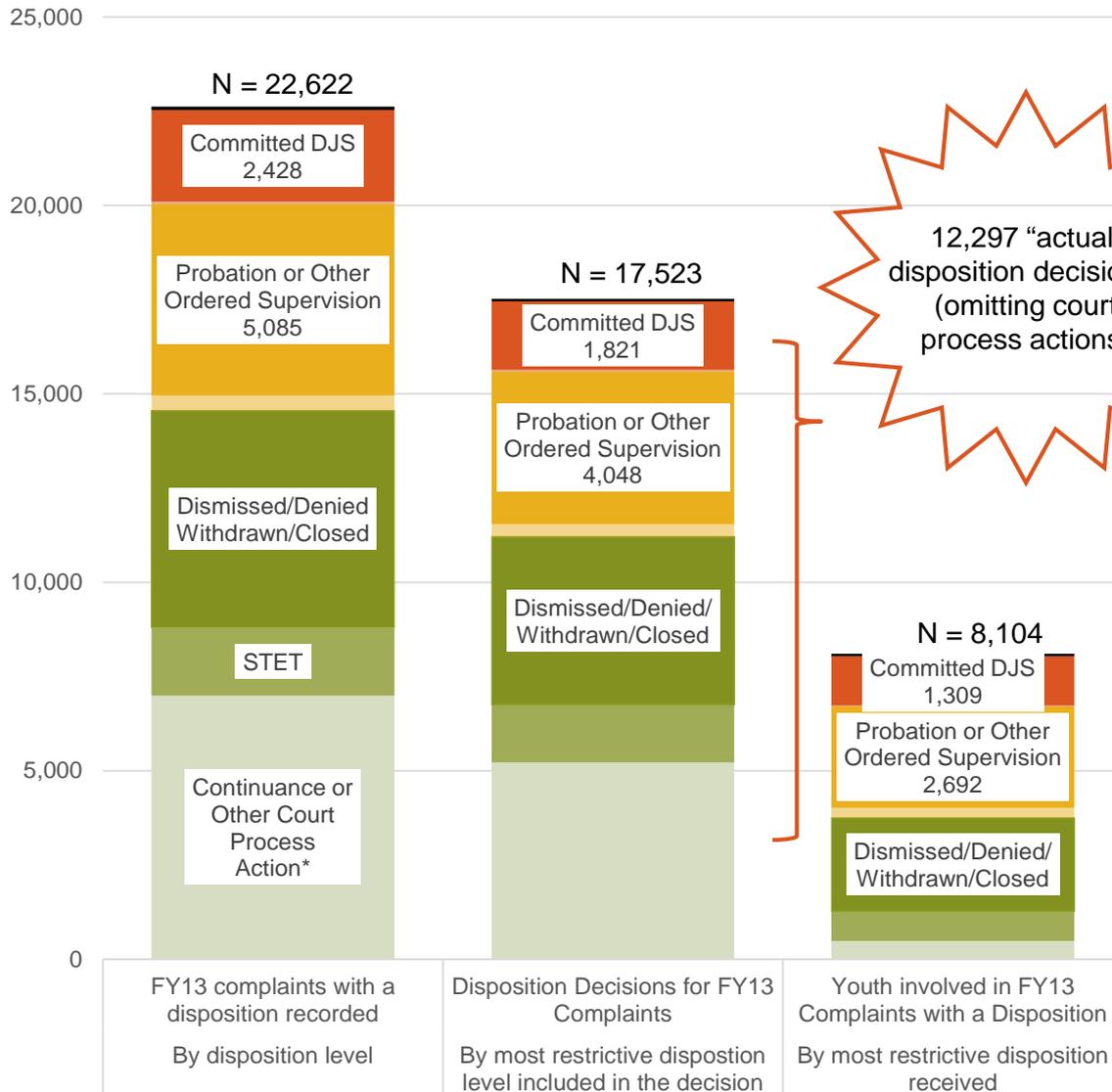
Appendices:

Methodology

Research

Slides showing all 24 localities

Units of Analysis: Counts of Dispositions, Disposition Decisions, and Youth with a Disposition



- DJS received 37,096 complaints in FY13, 22,622 of which had a disposition recorded as of June 2014.
- Dispositions involving the same youth on the same day are clustered as a single "disposition decision," using the most restrictive disposition in the cluster.
- Those 17,523 disposition decisions involved 8,104 youth.
- Of all disposition decisions, 12,297 were "actual" dispositions, including intake dispositions such as dismissed, petition denied, and STET, but excluding court process actions such as continuance.
- For jurisdictions that use "continuance" et al. to refer to pre-adjudication diversion, this analysis will understate the total number of actual disposition decisions because those diversions will be counted as continuances.

- Waived
- Committed DJS
- Committed Other Agency
- Probation or Other Ordered Supervision
- Unsupervised Probation/Services Not Ordered
- Dismissed/Denied/Withdrawn/Closed
- STET
- Continued or Court-Process-only

* DJS staff report that in 6 jurisdictions (Anne Arundel, Baltimore City, Calvert, Charles, Dorchester, and Frederick, the "Continued Case" and "Continuance with DJS Supervision" disposition codes are often used to refer to a range of pre-adjudication diversion decisions. It was not possible to quantify the impact of that data entry practice for this analysis.

Offense Lists

Crimes of Violence (see slides 17 & 22)

Abduction of Child Under 12 (in-state)
Arson (1st Degree)
Assault (1st Degree)
Attempted Murder
Attempted Rape or Sex Offense
Burglary (1st, 2nd & 3rd Degree)
Burglary With Explosives
Carjacking (Armed or Unarmed)
Child Abduction of Individual Under 16
Child Abuse (1st Degree)
Kidnapping
Manslaughter - Voluntary
Murder (1st and 2nd Degree)
--
--
Rape (1st and 2nd Degree)
Robbery (with or without Deadly Weapon)
Sex Offense (1st and 2nd Degree)
--
Use of Handgun in Felony or COV

Violent Offenses (for MCASP purposes):

--
--
--
Attempted Murder
Attempted Rape or Sex Offense
--
--
Carjacking (Armed)
Child Abduction of Individual Under 16
Child Abuse (1st Degree)
Kidnapping
--
Murder (1st and 2nd Degree)
Poisoning
Prostitution, human trafficking (formerly PANDR)
Rape (1st and 2nd Degree)
--
Sex Offense (1st and 2nd Degree)
"Sex Abuse by Household Member"
Use of Handgun in Felony or COV (2nd offense only)

Repeated studies over the past two decades have confirmed that intensive juvenile justice interventions for low-risk youth tend to increase recidivism.

- “Equipped with information about who is most likely to reoffend, juvenile justice officials must focus the most restrictive and intensive system interventions on those youth. By the same token, juvenile justice officials should minimize their involvement in the lives of youth who are low risk of reoffending. Research shows that when juvenile justice agencies supervise youth who are at low risk of reoffending and place them in intensive programs, the impact on recidivism is limited (because these youth are less likely to reoffend to begin with) and can even lead to increased recidivism.”

-- Council on State Governments Justice Center, “Closer to Home: A Statewide Analysis of the Impact of Texas Juvenile Justice System Reforms” (2014).

- “Failing to match risk with intensity of services can diminish public safety, waste correctional resources, and increase the probability of criminal behavior among low-risk offenders. . . . Residential programs were associated with an increase in the recidivism rates of low- and low/moderate-risk offenders...These increases in recidivism rates were substantial and seriously question the policy of admitting low-risk offenders into residential programs—not just in Ohio but across the country, at every jurisdictional level.”

-- Lowenkamp & Latessa, “Increasing the Effectiveness of Correctional Programming Through the Risk Principle: Identifying Offenders for Residential Placement,” *Criminology & Public Policy* (2004).

- “Intensive treatment provided to low-risk offenders may result in increased recidivism . . . arrest rates increased for first-time juvenile offenders receiving extensive services from paraprofessionals.”

-- Bonta et. al. “A Quasi-Experimental Evaluation of an Intensive Rehabilitation Supervision Program,” *Criminal Justice & Behavior* 27 (3) (2000): 312-329.

- “In general, multifaceted community-based interventions show greater reductions in rearrests than institutional programs.”

-- National Research Council. *Reforming Juvenile Justice: A Developmental Approach*. (2013). Committee on Assessing Juvenile Justice Reform, Bonnie et al., Eds. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.

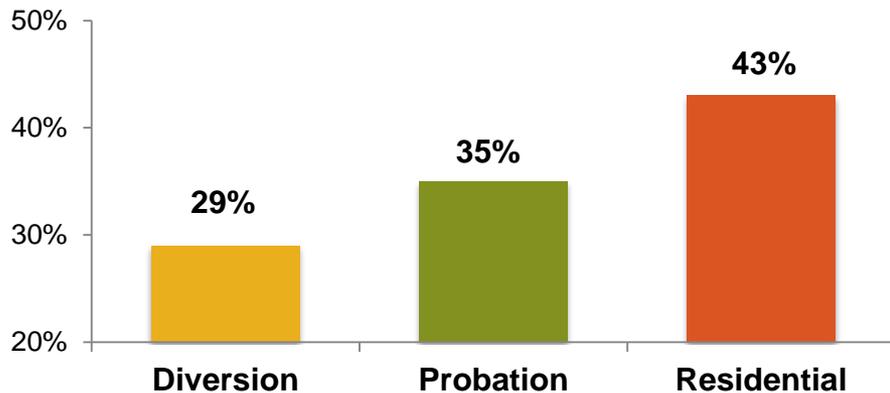
- “In addition to high recidivism rates, research has consistently documented low rates of educational or vocational attainment, the persistence of mental health and substance abuse disorders, and high mortality rates among youths who have spent time in correctional facilities. For some, these indicators have signaled a colossal failure of the juvenile corrections system, suggesting that youths actually get “worse” while confined because of poor conditions, absence of rehabilitation programs, and the contamination or contagion effect of being in close confinement with other delinquents. These claims are not unsubstantiated.”

-- Ryan, J.P., et al., “First-Time Violent Juvenile Offenders: Probation, Placement, & Recidivism.” *Social Work Research*, Vol. 38, No. 1 (Mar. 2014), p.8 (internal citations omitted).

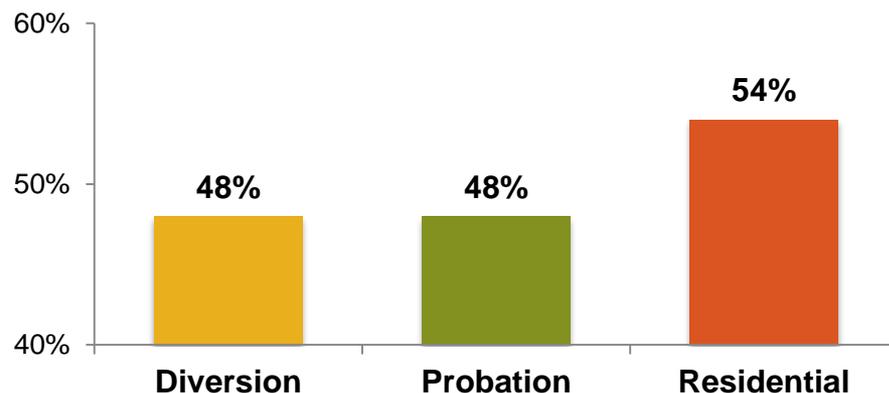
See also, e.g., Gatti et al., “Iatrogenic Effect of Juvenile Justice,” *Journal of Child Psychology & Psychiatry* 50 (8) (2009): 991-998; Andrews, “Enhancing Adherence to Risk-Need Responsibility: Making Quality a Matter of Policy,” *Criminology & Public Policy* 5 (3) (2006): 595-602; Lowenkamp et al., “The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?” *Crime & Delinquency* 52 (2006); Lowenkamp & Latessa, “Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders,” *Topics in Community Corrections* (2004): 3, etc.

Across all risk levels, youth held accountable through probation supervision or diversion are less likely to recidivate than youth confined in institutions.

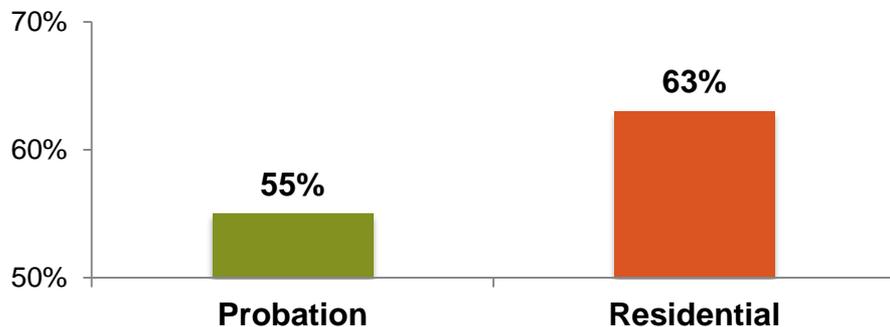
LOW-RISK YOUTH: ONE-YEAR RE-ARREST RATES BY PLACEMENT TYPE, FY07-08 AND FY08-09



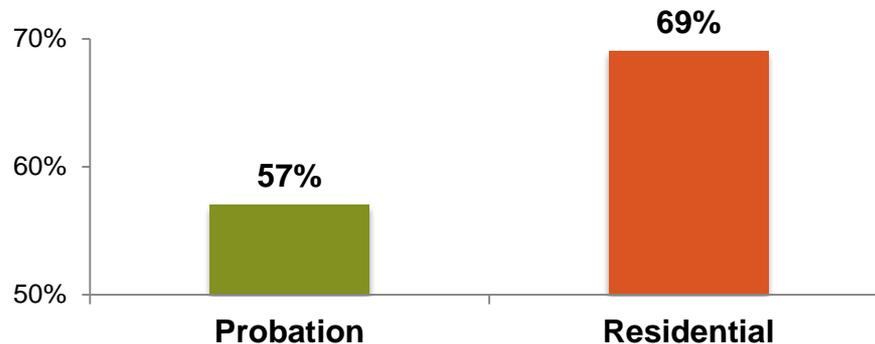
MOD-RISK YOUTH: ONE-YEAR RE-ARREST RATES BY PLACEMENT TYPE, FY07-08 AND FY08-09



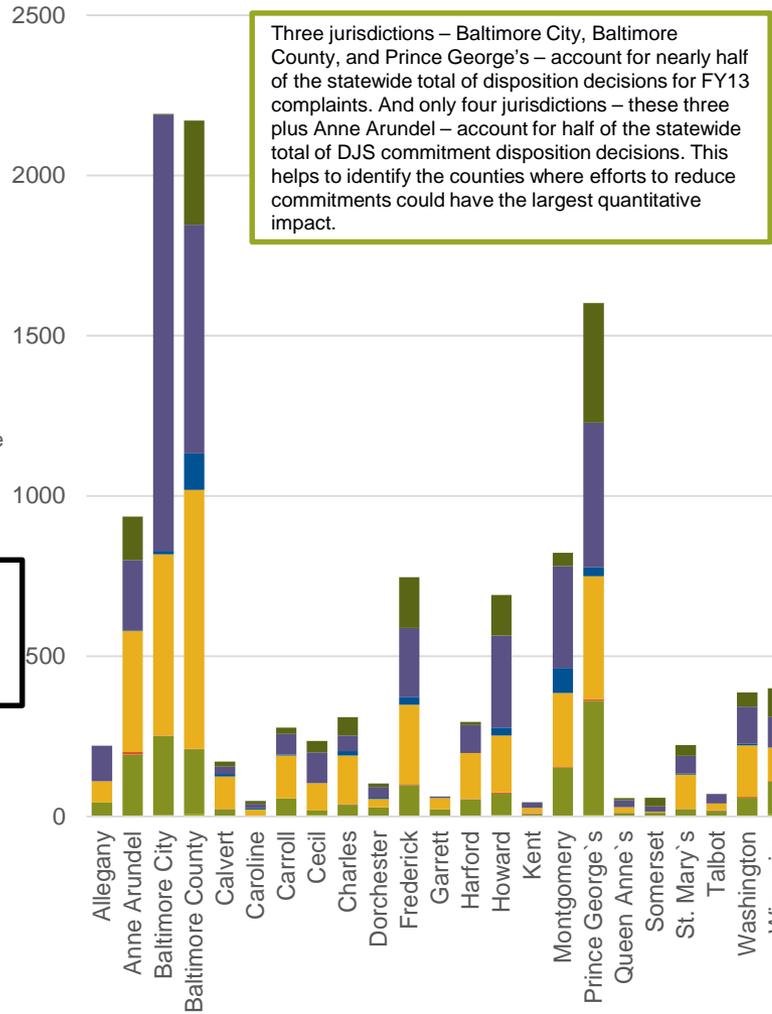
MOD-HIGH-RISK YOUTH: ONE-YEAR RE-ARREST RATES BY PLACEMENT TYPE, FY07-08 & FY08-09



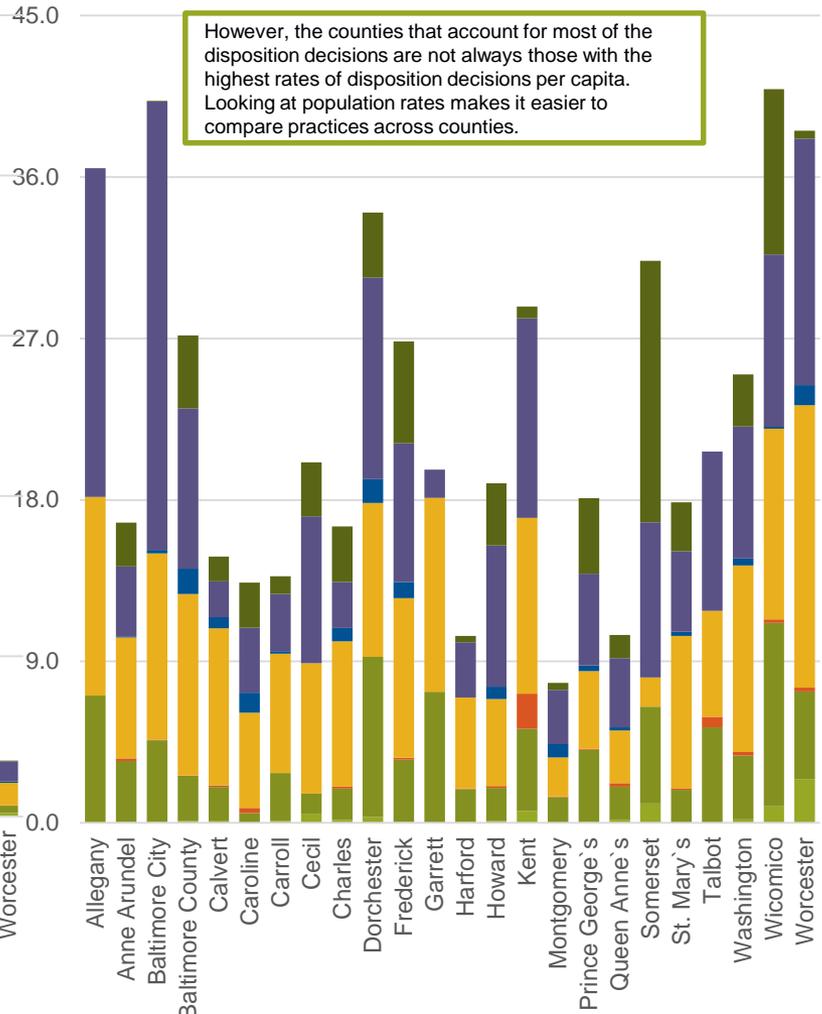
HIGH-RISK YOUTH: ONE-YEAR RE-ARREST RATES BY PLACEMENT TYPE, FY07-08 & FY08-09



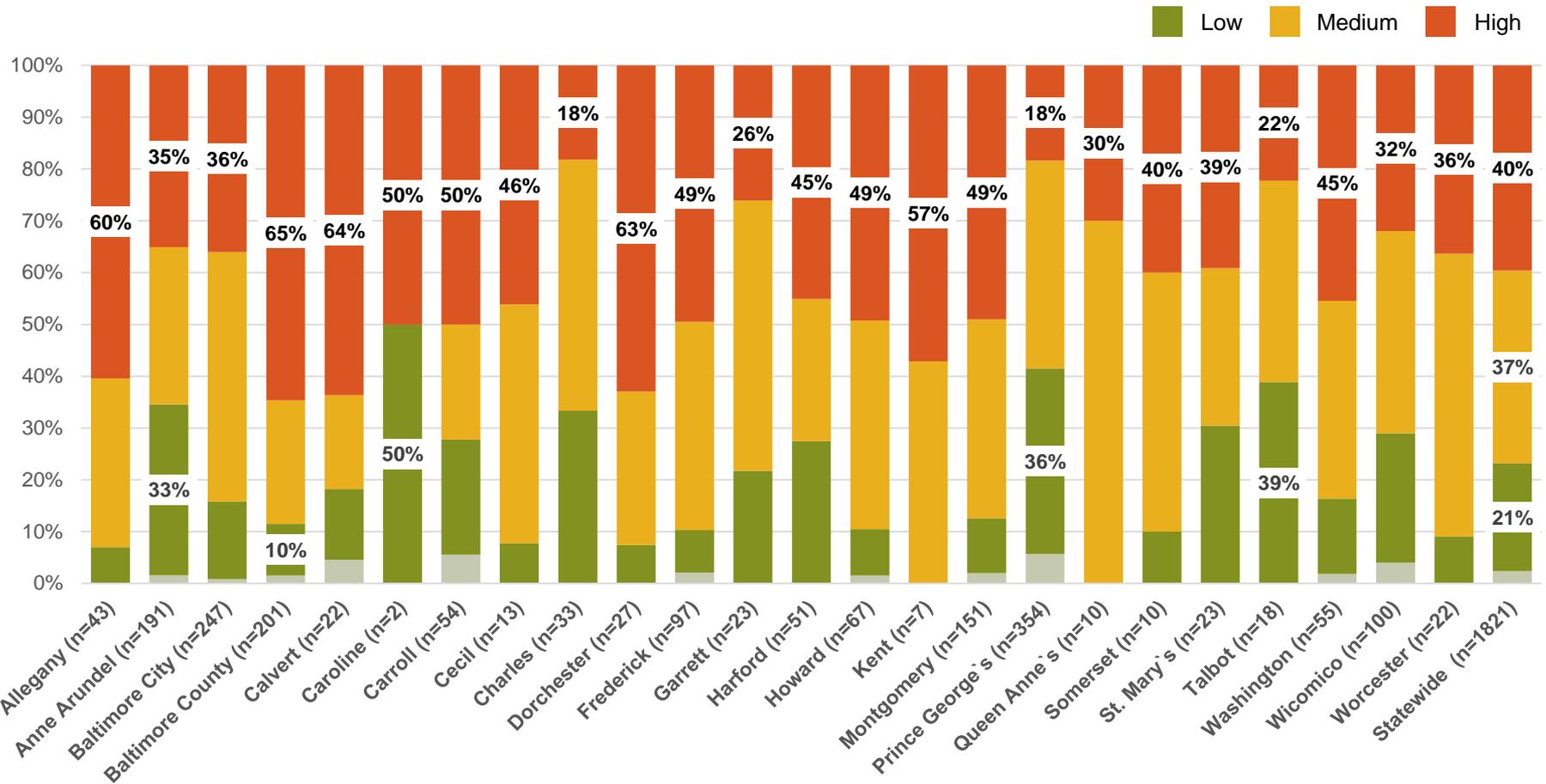
Number of Disposition Decisions for FY13 Complaints, by most restrictive disposition & county



Rate of Disposition Decisions per 1,000 youth, by most restrictive disposition & county



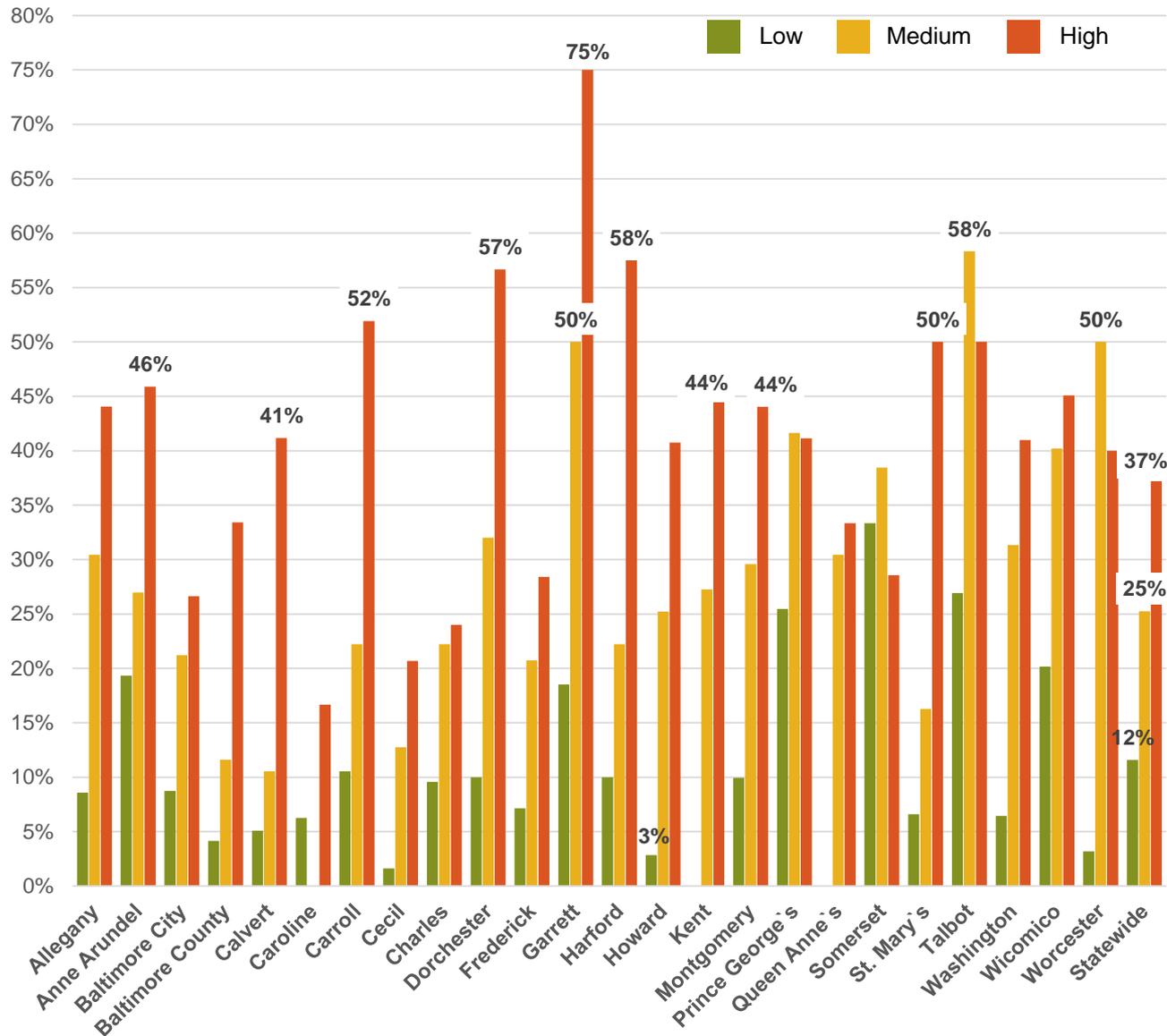
MCASP RISK PROFILE: % SHARE DISTRIBUTION OF DJS COMMITMENTS, BY MCASP RISK LEVEL AND BY COUNTY



On average, only 40% of disposition decisions to DJS commitment involve High-Risk youth. Medium-Risk youth account for 37% of commitment decisions, and Low-Risk youth account for 21%. In some counties, however, the numbers are vastly different.

- In Prince George's and Charles Counties, High-Risk youth are less than 20% of commitment decisions.
- In four counties (Allegany, Baltimore County, Calvert and Dorchester), High-Risk youth are more than 60% of commitment decisions.

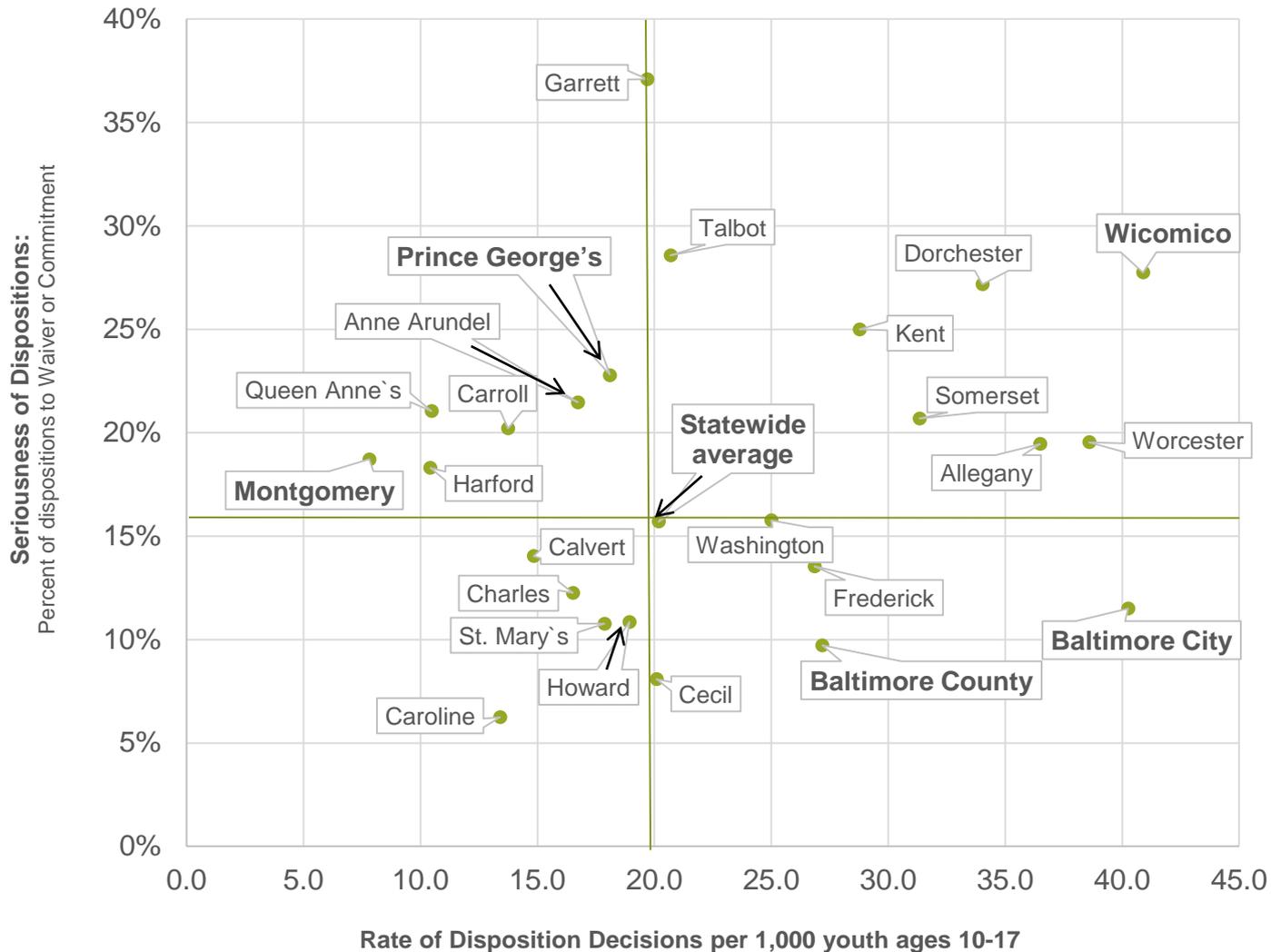
DJS COMMITMENTS AS PERCENT OF TOTAL DISPOSITIONS, BY RISK LEVEL AND BY COUNTY



Observations:

- In six counties, the commitment rate for Medium-Risk youth is higher than the statewide average for High-Risk youth.
- In some counties, the rate of commitment is relatively low at all MCASP levels (e.g., Caroline, Cecil, Frederick & Baltimore City).
- In some counties, Medium-Risk youth are committed at almost the same rate as those assessed High-Risk (e.g. Somerset, Talbot, Wicomico, Worcester, Queen Anne's and Prince George's).
- And in some, while there is evidence of the risk principle being applied, it also seems to be the case that "high-risk" is almost synonymous with commitment (e.g. in Carroll, Dorchester, Garrett, Hartford and St. Mary's the majority of high-risk youth are committed).

At the local level, there is no consistent relationship between the rate of disposition decisions & how restrictive they tend to be.



There was no clear relationship between a county's rate of dispositions per capita (i.e., how often the juvenile court makes disposition decisions, relative to the population) and its tendency to use the most restrictive dispositions (i.e., the percentage of the county's dispositions that involve waiver to adult court or commitment).

However, counties can be compared to one another based on these two dimensions.

- NW quadrant: One group of counties (including Prince George's, Anne Arundel, and Montgomery) disposed fewer cases per capita than the state average, but tended to use the most restrictive dispositions.
- SE quadrant: A second group (including Baltimore City and County) disposed cases at a higher rate than the statewide average, but was less likely to use the most restrictive dispositions.
- NE quadrant: A third group (including Wicomico) exceeded the state average on both dimensions.
- SW quadrant: A fourth group (including Howard) are below the state average on both dimensions.