2019 Session: JJRC Established

- Use a data-driven approach to develop a statewide framework of policies to invest in strategies to increase public safety and reduce recidivism of youth offenders
- Research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems
- Identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems
- Form an advisory stakeholder group to conduct roundtable discussion forums to seek public input regarding juvenile justice system reform in all geographic regions of the state
Background JJRC

- Staffed by DLS
- Vera Institute of Justice served as Technical Assistance Provider
- 12 Council Meetings
  - 3 in-person, 9 virtual
- Report to Legislature
  - Interim Dec. 2019
  - Final Dec. 2020
## JJRC Membership

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<tr>
<th>Name</th>
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<td>Sam J. Abed, Chair</td>
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<td>Sen. Will Smith</td>
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<td>Sen. Bobby Zirkin*</td>
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<td>Sen. Jill P. Carter</td>
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<td>Sen. Chris West</td>
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<td>Del. Luke Clippinger</td>
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<td>Del. Michael Jackson</td>
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<td>Del. Jesse Pippy</td>
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<td>Robert L. Green</td>
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<td>Betsy Fox Tolentino</td>
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<td>Hannibal Kemerer</td>
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<td>Jenny Egan</td>
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<td>Hon. Michael J. Stamm</td>
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<td>Debbie Marini*</td>
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<td>Michael T. Guilbault, Ph.D.</td>
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<td>Sylvia A. Lawson, Ph.D.</td>
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<td>Melissa Sickmund, Ph.D.</td>
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<td>Nathaniel R. Balis</td>
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<td>Michael Harrison</td>
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<td>Scott D. Shellenberger</td>
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<td>Lynn D. Davis</td>
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<td>Pauline Mandel</td>
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<td>Jabriera Handy</td>
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<td>Terry Dodson</td>
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<td>V. Glenn Fueston, Jr.</td>
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<td>Stuart Campbell</td>
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<td>Heather Chapman</td>
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<td>Rosemary King Johnston</td>
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<td>Jinney Smith, Ph.D.*</td>
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<td>David McGlone</td>
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<td>Eric Ford</td>
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<td>Matthew E. Fonseca</td>
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<td>Ricardo Flores*</td>
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<td>Shanna Wideman*</td>
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<td>Valerie Douglas</td>
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* Indicates members who only served during 2019.
Statewide Listening Sessions

16 Listening sessions were held in all geographic regions of the State

Sessions occurred between January 2020 and March 2020

530 individuals participated

Listening sessions were recorded and archived online

Listening sessions were made possible through a partnership with Maryland’s Local Management Boards
JJRC Process: Topic Selection

- Education
- Minimum Age of Juvenile Court Jurisdiction
- Juvenile Probation
- Out of Home Placement/Commitment and Detention Use
- Diversion
- Services
- Youth Charged as Adults
The JJRC was presented with:

- an overview of the principles of race equity
- the disproportionate outcomes for youth of color in Maryland
- opportunities to approach reform initiatives through a race equity framework

**Recommendation**

Use a race equity lens:

- To "vet" the impact of system policy, practice, and programming to determine the explicit impact on youth of color (disparities)
- To continually embed principles of equity by advancing opportunities and mitigating burdens experienced by youth and families of color (strategies)
Minimum Age of Jurisdiction: Background

Maryland does not have a minimum age of jurisdiction

The presentations identified states that have raised the age of jurisdiction and reviewed adolescent development considerations

- Young people under the age of 13 accounted for about 10% of all DJS intakes in FY2019
- 90% of cases for this group of youth are dismissed/withdrawn
- In comparison to the full sample, Black youth and girls accounted for a larger percentage of intakes for youth under the age of 13
- 10-12 year-olds accounted for over 90% of intakes for youth under the age of 13
Minimum Age of Jurisdiction: Recommendation

Eliminate delinquency jurisdiction for children under 13 years old, with the following exceptions for youth between 10 and 12:

- Life crimes
- Child Abuse 1st Degree and Child Abuse (resulting in death of a victim under 13)
- Child Abuse under 3-602(b) of the Criminal Law Article
- Murder 2nd degree
- Armed Carjacking under 3-705 of the Criminal Law Article
- Rape 2nd degree
- Sex Offense (continuing course of conduct) under 3-315 of the Criminal Law Article
- Sex offense 3rd degree
Probation: Background

Maryland law does not provide for any statutory limits on the length of probation supervision

Youth have better safety outcomes when the juvenile justice system helps them set rehabilitation goals compared to a surveillance approach

Several states have recently passed legislation to make probation shorter and more goal-oriented

Approximately, 72% of cases terminated successfully, while 28% terminated unsuccessfully

Length of Stay on Probation

For this cohort of probation releases, length of stay on probation ranged from 0 to 2,744 days (91.5 months)

Average length of stay: 450 days (15.0 months)

Vera
Probation: Recommendations

Set statutory maximum length of supervision for juvenile probation

Prohibit the use of detention or commitment due to a technical violation of probation

Establish a statutory process to return certain petitions forwarded to the Court back to DJS intake for assessment, services and supervision

Establish a workgroup through legislation to study and inventory evidence-based and promising practices
Detention Utilization: Background

DJS has detention decision making authority, with court review on the next day that court is open.

JJRC examined national practices which increasingly recognize that young people should be held in the least restrictive setting.

Misdemeanor offenses accounted for about 40% of pre-disposition detention admissions.

Black youth were disproportionately represented in pre-disposition detention admissions, with 78% of admissions in FY2019.
Detention Utilization: Recommendations

- Require Courts to consider the findings of a validated risk assessment
- Require Courts to review a child’s detention status at least every 14 days
- Require DJS to develop and submit a community release plan within 10 days of a decision to detain a child
- Prohibit pre-adjudication detention for an offense that would be a misdemeanor if committed by an adult with exceptions for handgun offenses and repeated offenses
- DJS report to the Maryland General Assembly on detention programming and policies
Utilization of Out-of-Home Committed Treatment Programs: Background

The JJRC examined commitment practices in Maryland, reform efforts in other states including New York, and explored ways to prioritize treatment of youth in their communities.

- Black youth represented 71% of youth in committed programming.
- Misdemeanor offenses accounted for over half of commitment admissions.
Utilization of Out-of-Home Committed Treatment Programs: Recommendations

Prohibit commitments to the DJS for misdemeanors or for technical probation violations, with an exception for a second firearm offense.

Plan to ensure every region has access to nonresidential and residential community–based services that employ evidence–based, culturally competent programming.

Comprehensive educational programing in every DJS facility.

Ensure vocational education with on-the-job training is available in every DJS facility and contracted program.
Diversion: Background

The JJRC focused on expanding opportunities for diversion at the beginning of the Maryland juvenile justice system and reviewing other state’s systems of diversion.

- About 80% of young people who take part in pre-court supervision successfully complete it.
- 90% of young people who complete pre-court supervision are not re-adjudicated/re-convicted within one year.
- In 2019, 45% of cases were resolved at intake while 17% resulted in pre-court supervision.
- Hispanic/Latinx youth were least likely to have their cases resolved at intake for low-level offenses while Black youth were least likely to receive pre-court supervision for low-level offenses.
Diversion: Recommendations

Require informal adjustment of all first referrals for misdemeanor and non-violent felonies to DJS, except for firearm offenses.

Eliminate the requirement of victim consent for an informal adjustment to proceed.

Eliminate the requirement that DJS forward all complaints alleging non-violent felonies to the State’s Attorney for review for approval for informal adjustment.
Diversion: Recommendations

Eliminate the requirement that certain citations must be forwarded to the State’s Attorney, allow for the use of citations for misdemeanor offenses, and allow for police citations to be resolved through police diversion or through complaint to DJS.

Narrow the definition of “delinquent act” to mirror the language already found in Maryland’s Code of Regulations: “Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school.”

The Governor’s Office of Crime Prevention, Youth and Victim Services to develop a model law enforcement diversion program.
Youth Charged As Adults: Background

States across the country are re-evaluating laws which place youth in the adult criminal justice system.

Data challenge:

- Incomplete Data
- Multiple Systems

Young people typically wait 3.5 months detained in juvenile facilities pending a transfer hearing.

More than 75 percent of cases are transferred down to juvenile court or dismissed.

Black youth accounted for 73% of youth charged as adults in MDEC counties and 94% of youth charged as adults in Baltimore City.
Youth Charged as Adults: Recommendations

Improve data-sharing among agencies that serve youth charged as adults by requiring the Governor’s Office of Crime Prevention, Youth and Victim Services to work with key stakeholders to develop a data collection plan.

Extend the Juvenile Justice Reform Council to continue researching and evaluating opportunities to improve Maryland’s juvenile justice system.
Additional Resources

For the Juvenile Justice Reform Council’s:

- Final report
- Meeting video and presentations
- Resources and research

Please visit the DJS JJRC webpage at:

https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx

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