



Maryland

DEPARTMENT OF
JUVENILE SERVICES

SAM ABED, SECRETARY

JUDICIARY COMMITTEE BRIEFING: JUVENILE JUSTICE
REFORM COUNCIL RECOMMENDATIONS

JANUARY 6, 2021

2019 Session: JJRC Established



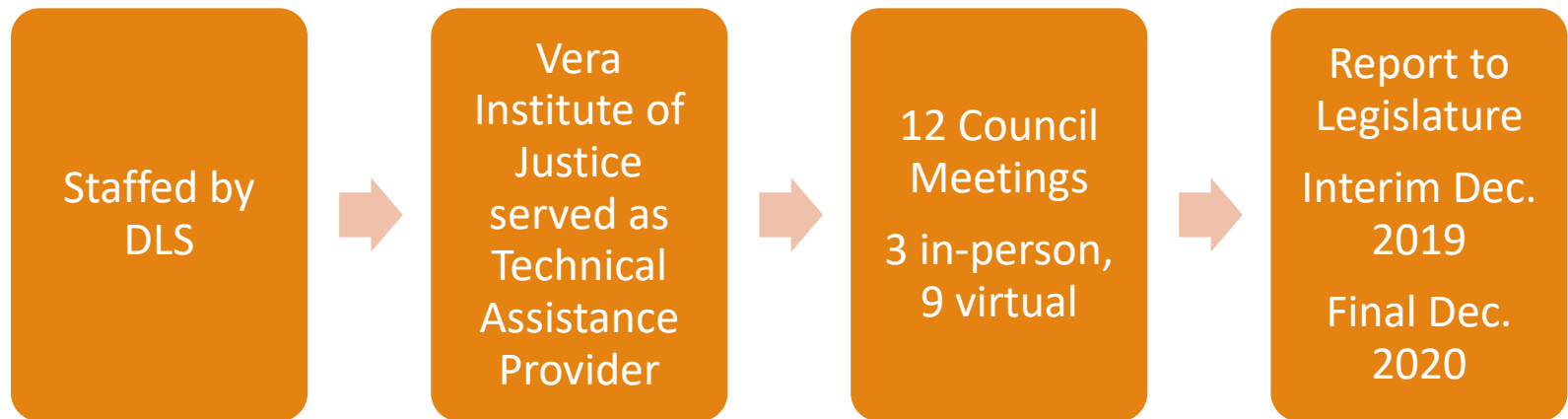
Senate Bill
856 / House
Bill 606
2019
Session

Staffed by
Department
of
Legislative
Services

The JJRC
was asked
to:

- 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



JJRC Membership

Sam J. Abed, Chair

Sen. Will Smith

Sen. Bobby Zirkin*

Sen. Jill P. Carter

Sen. Chris West

Del. Luke Clippinger

Del. Michael Jackson

Del. Jesse Pippy

Robert L. Green

Betsy Fox Tolentino

Hannibal Kemerer

Jenny Egan

Hon. Michael J. Stamm

Debbie Marini*

Michael T. Guilbault, Ph.D.

Sylvia A. Lawson, Ph.D.

Melissa Sickmund, Ph.D.

Nathaniel R. Balis

Michael Harrison

Scott D. Shellenberger

Lynn D. Davis

Pauline Mandel

Jabriera Handy

Terry Dodson

V. Glenn Fueston, Jr.

Stuart Campbell

Heather Chapman

Rosemary King Johnston

Jinney Smith, Ph.D.*

David McGlone

Eric Ford

Matthew E. Fonseca

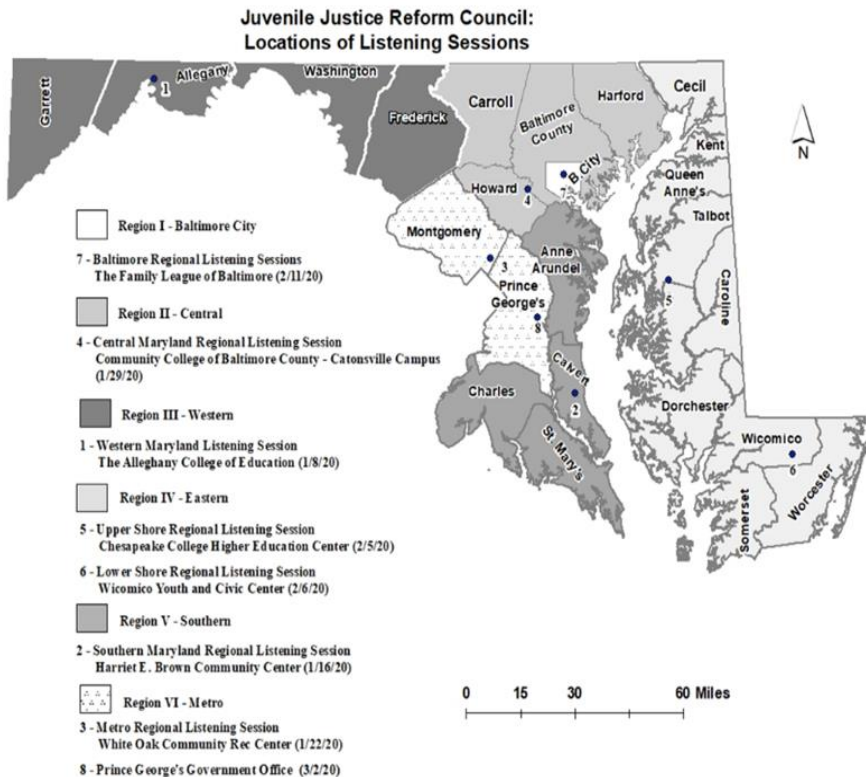
Ricardo Flores*

Shanna Wideman*

Valerie Douglas

** 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



The diagram illustrates the JJRC Topic Selection Process. On the left, three orange rounded rectangular boxes are arranged horizontally, each containing a step in the process. These boxes are set against a large, light-orange arrow pointing to the right. The steps are: 'Listening Sessions', 'Surveys of JJRC Members', and 'Feedback from JJRC members, advocates, and stakeholders'. To the right of the arrow, a vertical list of eight topics is presented, each preceded by a horizontal orange line. The topics are: 'Education', 'Minimum Age of Juvenile Court Jurisdiction', 'Juvenile Probation', 'Out of Home Placement/Commitment and Detention Use', 'Diversion', 'Services', and 'Youth Charged as Adults'.

Listening Sessions

Surveys of
JJRC
Members

Feedback
from JJRC
members,
advocates,
and
stakeholders

Education

Minimum Age of Juvenile Court Jurisdiction

Juvenile Probation

**Out of Home Placement/Commitment and
Detention Use**

Diversion

Services

Youth Charged as Adults

Racial Equity and Reform

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

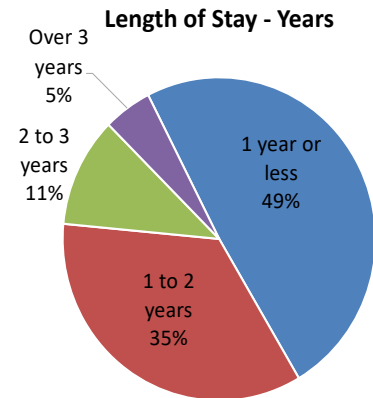
Several states have recently passed legislation to make probation shorter and more goal-oriented

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)



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 programming 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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