



## MARYLAND DEPARTMENT OF JUVENILE SERVICES

### ALTERNATIVES TO DETENTION & INFORMAL CASE PROCESSING

#### PERFORMANCE REPORT

DECEMBER 30, 2019

Submitted pursuant to the Report on the Fiscal 2020 State Operating Budget (HB 100) and the State Capital Budget (HB 101) and Related Recommendations - Joint Chairmen's Report, 2019 Session, page

220

Prepared by the  
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## EXECUTIVE SUMMARY

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### PART I – PRE-COURT SUPERVISION OUTCOME ANALYSIS

While the total number of complaints received by DJS decreased by more than 50% over the last 10 years, the proportion of total cases that was resolved by means of pre-court supervision remained stable statewide. During FY 2010, 19% of the total number of cases resulted in pre-court supervision decision compared to 18% in FY 2019. Cases resolved at intake increased during the last five years (32% to 45%), while cases forwarded to the State’s Attorney for formal processing decreased (49% to 37%).

Between FY 2016 and FY 2018, roughly three-quarters of the cases placed on pre-court supervision were misdemeanor cases. Youth supervised under pre-court supervision were 15 years of age on average. Females accounted for almost one-third of the pre-court supervision cases, and youth of color represented approximately 60% of the pre-court supervision cases. For most youth in this study, the current pre-court supervision case was their first pre-court supervision case.

During each fiscal year (FY 2016 – FY 2018), approximately 4 out of every 5 youth (80%) successfully completed the terms of pre-court supervision. Recidivism analyses revealed that 4% of the youth under pre-court supervision were referred to DJS for a new misdemeanor or felony offense that was ultimately found sustained by the juvenile court. During a one-year, post-supervision follow-up period, between 9% and 10% of youth each year committed a new offense that was ultimately found sustained by the juvenile court.

The DJS decision whether to place a youth on pre-court supervision or resolve a case at intake is guided by the Maryland Comprehensive Assessment Services Planning (MCASP) Risk Assessment. Generally speaking, youth whose cases are handled informally are referred for less serious offenses and are expected to pose a lower risk of recidivism than youth forwarded to the State’s Attorney for formal court processing. Comparison of one-year recidivism rates indicated that youth forwarded to the State’s Attorney for formal processing were more likely to have a new sustained offense during the one-year follow-up period than youth handled informally by means of either pre-court supervision or case resolved at intake (15% as compared to 9% and 7%, respectively).

### PART II – ALTERNATIVES TO DETENTION (ATD) OUTCOME ANALYSIS

Alternatives to detention (ATDs) in Maryland may be authorized at intake or ordered by a juvenile court. The Detention Risk Assessment Instrument (DRAI) helps guide whether secure detention is appropriate. Maryland operates multiple alternative to detention programs and collaborates with private providers on others. Community detention, with or without electronic monitoring, is offered statewide, while other programs are offered in a limited number of jurisdictions, such as Baltimore City, Prince George’s, and Montgomery counties.

In FY 2017 and 2018, ATD programs served a population that was demographically similar to that placed in secure detention, although ATDs served a slightly larger proportion of white youth and a slightly smaller proportion of Hispanic/Latino youth. More than 80% of the youth in ATDs were male, with an average age of 15.8. About 78% of the youth were African American. Community detention with electronic monitoring (CD/EM) was the most widely utilized ATD program.

Outcomes examined whether youth in ATDs appeared for required court hearings or committed a new offense while under supervision. Analysis of youth in ATDs for the fiscal years examined indicates that less than 5% of the youth failed to appear in court, and less than 10% committed a new offense. Rates of failure to appear and new arrests varied across individual ATD programs. Among the youth arrests for new offenses, the majority of offenses were not sustained.

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INTRODUCTION

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In the Report on the Fiscal 2020 State Operating Budget (HB 100) and the State Capital Budget (HB 101) and Related Recommendations - Joint Chairmen's Report, 2019 Session, page 220, the budget committees requested that the Department of Juvenile Services (DJS) submit a performance measure and outcomes analysis for youth who participate in alternatives to detention (ATD) programs that are designed to avoid the need for detention placements for youth who do not pose a public safety risk. The budget committees directed that the analysis should specifically evaluate all existing ATD programs, providing measurable data to determine whether participation in those programs is successful.

Additionally, it was requested that DJS provide outcome analysis for youth whose complaints were informally processed at the intake stage. The budget committees directed that the report include information regarding informal processing of juvenile complaints, and evaluate and compare recidivism outcomes with youth who are formally processed through the court system.

The report consists of two sections:

- Part I – Pre-Court Supervision Outcome Analysis
- Part II – Alternatives to Detention Outcome Analysis

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## PART I – PRE-COURT SUPERVISION OUTCOME ANALYSIS

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### 1. Overview

This section of the report examines the outcomes of youth whose complaints were handled informally through a period of informal adjustment (also known as pre-court supervision). Specifically, the report assesses whether youth successfully complete pre-court supervision by complying with the terms of the pre-court supervision agreement and, additionally, whether youth are referred to the Department of Juvenile Services (DJS) for a new offense while under pre-court supervision or during a one-year follow-up period. As requested, the report also compares the recidivism outcomes of youth subject to formal case processing through the authorization of a formal petition to the recidivism outcomes of youth processed through informal means, including either (a) case resolved at intake; or (b) pre-court supervision.

The report begins with a description of pre-court supervision and an examination of ten-year intake trends (see Section 3). It reviews the total number of complaints received during each fiscal year<sup>1</sup> and examines the primary means of case resolution (case resolved at intake, pre-court supervision, or formal processing through the authorization to file a petition). Attention then shifts to a regional analysis of intake trends during three fiscal years (FY 2016 – FY 2018). The case forwarding decision is examined by region with a focus on cases resolved at intake and cases resulting in pre-court supervision. This section also compares the types of offenses that are received, e.g., misdemeanor versus felony, by each region.

An assessment of pre-court supervision outcomes follows, with an examination of whether youth successfully complete pre-court supervision by complying with the terms of the pre-court supervision agreement (see Section 4). This section also assesses recidivism by determining whether youth on pre-court supervision were referred for a new misdemeanor or felony offense while under pre-court supervision or during a one-year, post-supervision period.

The final section compares the recidivism outcomes of youth whose cases were handled informally (either by resolving the case at intake or through pre-court supervision) to youth whose cases were forwarded to the State’s Attorney for formal court processing (Section 5). Cases resolved at intake do not require any further youth involvement with DJS, whereas cases culminating in pre-court supervision require youth to meet the terms of the pre-court supervision agreement. Each youth is followed for one year beginning on the case forwarding decision date. Recidivism is defined as a new

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<sup>1</sup> A fiscal year is defined here as a 12-month period beginning on July 1<sup>st</sup> and ending on June 30<sup>th</sup>.

misdemeanor or felony offense occurring during the one-year follow-up period that was found sustained by the juvenile court.

## 2. Maryland Department of Juvenile Services Statutory Intake Authority

Juvenile justice system processing for youth who may be subject to juvenile court jurisdiction begins with a complaint, citation, or peace order request forwarded to the Maryland Department of Juvenile Services (DJS). DJS intake officers are required to *make an inquiry within 25 days as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or child*. This inquiry may include an intake interview (or intake conference) with the youth and youth's parent, guardian, or custodian. An intake interview is not required for youth alleged to have committed a felony offense, a handgun (CR, §4-203) offense, or certain weapons (CR, §4-204) offense (Md. Code, Courts and Judicial Proceedings, §3-8A-10).

Subsequent to the DJS review and inquiry, the DJS intake officers are empowered to either: (a) *authorize the filing of a petition or peace order request or both*; (b) *propose an informal adjustment of the matter*; or (c) *refuse authorization to file a petition or a peace order request or both*<sup>2</sup>. DJS intake officers may refuse to authorize the filing of a petition if the complaint is found not to be legally sufficient, e.g., lack of jurisdiction or lack of a statement of probable cause. Legally sufficient cases may still be resolved at intake if it is determined that it is in the best interests of the public and/or child (§3-8A-10).

If the complaint alleges the commission of a felony offense and the intake officer either proposes a period of informal adjustment or refuses to authorize the filing of a petition, the State's Attorney is required to review this preliminary decision. Within 30 days of the receipt of the complaint, the State's Attorney may file a petition or peace order request, refer the complaint to DJS for informal adjustment, or dismiss the complaint (§3-8A-10).

### 2.1 Informal Adjustment or Pre-Court Supervision

The decision to propose a period of informal adjustment is based on the determination by the DJS intake officer that even though the juvenile court has jurisdiction, it would be in the best interests of the public and the youth to handle the complaint informally without judicial action. A period of informal adjustment requires the consent of all parties, including the victim, the youth, and the youth's parent, guardian, or custodian. If all parties consent, the intake officer develops a written contract or agreement that outlines the purpose, proposed length, sanctions, conditions of behavior, and services to be accessed.

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<sup>2</sup> Maryland Annotated Code, Courts and Judicial Proceedings Article, Juvenile Causes Subtitle §3-8A-10

Agreements are tailored to the individual circumstances of the case and may include the payment of restitution, the completion of community service hours, or participation in specialized counseling or treatment programs such as substance abuse treatment. While the length of the informal adjustment period should not exceed 90 days, the term may be extended to 180 days to allow youth to participate in a substance use disorder or mental health treatment program.

In order to obtain the victim's consent, the intake officer sends the victim(s) a Victim Consent Letter. If the victim does not consent to the conditions of this supervisory period, it is not possible to proceed with the informal adjustment. At this point, the DJS intake officer may forward the complaint to the State's Attorney or close the case. If the case is closed by the intake officer, the victim may appeal the decision to the State's Attorney.

If a youth fails to complete the terms of the informal adjustment, the intake officer may either authorize the filing of a petition or close the case. All parties (including the victim and the arresting law enforcement officer) are subsequently notified of the youth's failure to complete the terms of the informal adjustment, the intake officer's subsequent decision, and the right to appeal this decision.

## *2.2 MCASP Intake Risk Screen*

The DJS intake officer's case forwarding decision is guided by the Maryland Comprehensive Assessment and Service Planning (MCASP) Intake Risk Screen<sup>3</sup>. The MCASP Intake Risk Screen is completed at intake for all referrals alleging delinquency. It is not required for citations, Child in Need of Supervision (CINS) offenses (e.g., runaway and truant complaints), and traffic offenses. This tool is used to assess the youth's risk for reoffending and the youth's potential need for services. The current tool was implemented in February 2010. It is presently being validated by the University of Maryland School of Social Work, The Institute for Innovation and Implementation.

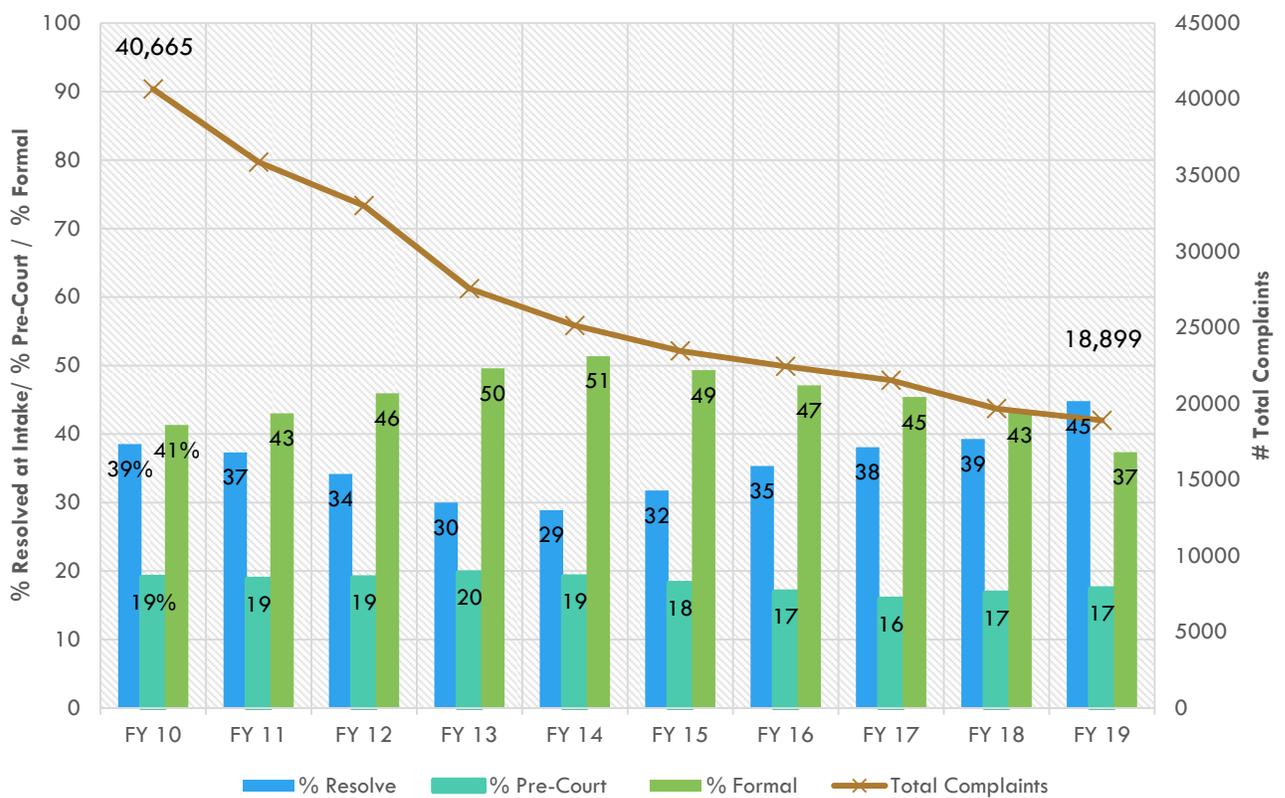
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<sup>3</sup> See the Maryland DJS Data Resource Guide, Appendix M, for more detail on MCASP Risk Assessment items and responses: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

### 3. Statewide DJS Intake Trends

- The total number of complaints received by DJS intake decreased by 54% over the last ten years.
- The percentage of cases resulting in a pre-court supervision case forwarding decision each year has remained stable, exhibiting a slight downward trend during the latter half of the series.<sup>4</sup>
- The percentage of cases resolved at intake decreased by 10 percentage points during the first five years (39% to 29%), and then increased again by 13 percentage points between during the last five years (32% to 45%).
- The percentage of cases forwarded to the State’s Attorney increased by 10 percentage points during the first five years (41% to 51%), and then decreased by 12 percentage points during the last five years (49% to 37%).

Figure 1 – Total Number of Complaints and Case Forwarding Decisions<sup>5</sup>



<sup>4</sup> For purposes of this outcome analysis, pre-court supervision includes all cases where the original case forwarding decision was pre-court supervision. This number therefore includes unsuccessful pre-court supervision cases that were ultimately forwarded to the State’s Attorney for formal processing. As a consequence, the numbers presented here may differ slightly from the DJS Data Resource Guide.

<sup>5</sup> Note that the bar chart excludes a small percentage of cases disapproved or missing at intake (< 1%).

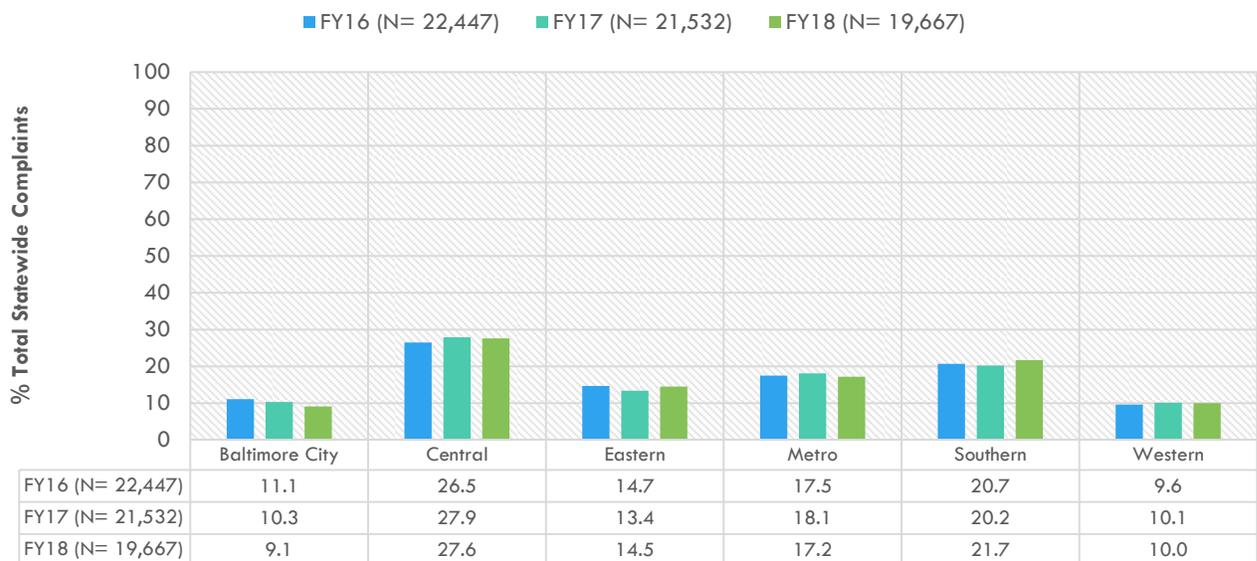
### 3.1 DJS Case Forwarding Decisions Regional Analysis (FY 2016 – FY 2018)

- Between FY 2016 and FY 2018, the percentage of cases forwarded to the State’s Attorney for formal processing decreased from 47% to 43%, while the percentage of cases that were resolved or closed at intake increased from 35% to 39%. Between 16% and 17% of cases each year were resolved through pre-court supervision.

| Table 1.                            | Fiscal Year   |               |               |
|-------------------------------------|---------------|---------------|---------------|
|                                     | FY 2016       | FY 2017       | FY 2018       |
| Case Forwarding Decisions at Intake |               |               |               |
| Forwarded to State’s Attorney (%)   | 47.1%         | 45.4%         | 43.4%         |
| Pre-Court Supervision <sup>3</sup>  | 17.0%         | 15.9%         | 16.8%         |
| Resolved / Closed                   | 35.3%         | 38.1%         | 39.3%         |
| Disapproved                         | 0.54%         | 0.55%         | 0.46%         |
| <b>STATEWIDE TOTAL</b>              | <b>22,447</b> | <b>21,532</b> | <b>19,667</b> |

- Figure 2 presents the total number of complaints received by DJS region. The Central and Southern regions received the greatest proportion of complaints each year, with the Central region accounting for roughly one quarter of the total number of statewide complaints each year.

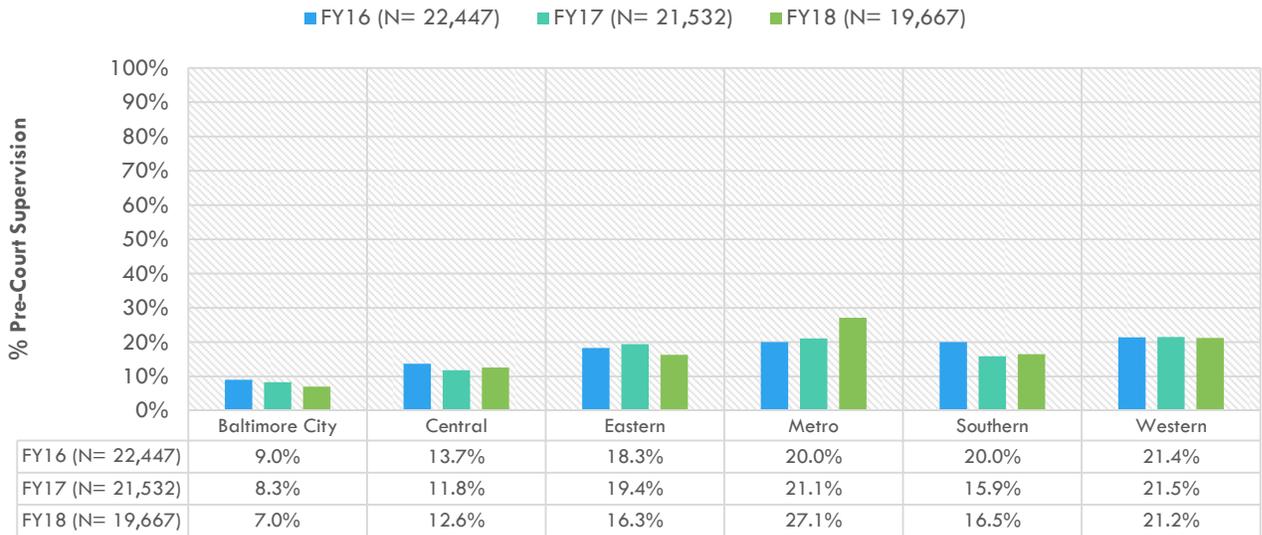
Figure 2 – Total Complaints by DJS Region<sup>6</sup> (FY 2016 – FY 2018)



<sup>6</sup> The *Baltimore City* region includes Baltimore City. The *Central* region includes: Baltimore, Carroll, Harford, and Howard counties. The *Eastern* region includes: Caroline, Cecil, Dorchester, Kent, Queen Anne’s, Somerset, Talbot, Wicomico, and Worcester counties. The *Metro* region includes: Montgomery and Prince George’s counties. The *Southern* Region includes: Anne Arundel, Calvert, Charles, and St. Mary’s counties. The *Western* region includes: Allegany, Frederick, Garrett, and Washington counties.

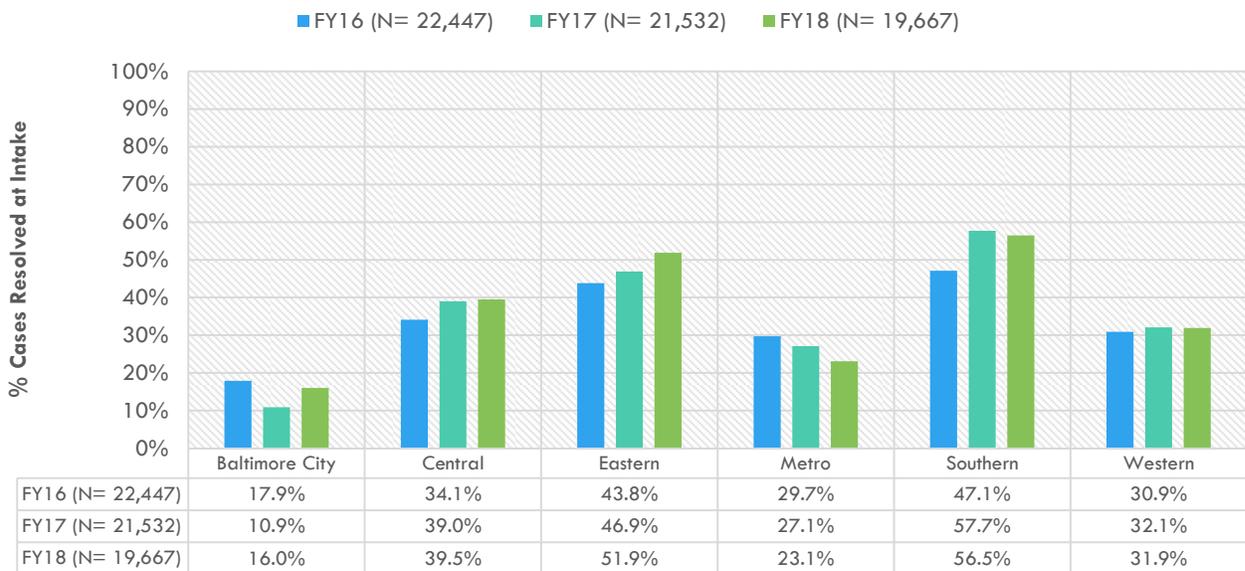
- Over the three-year period, pre-court supervision was used most commonly in the Metro and Western regions and least commonly in the Baltimore City region. During FY 2018, for example, 27% of the Metro region cases were resolved by pre-court supervision as compared to 7% of all complaints received in Baltimore City.

Figure 3 – Total Complaints within Each DJS Region Resulting in Pre-Court Supervision (FY 2016 – FY 2018)



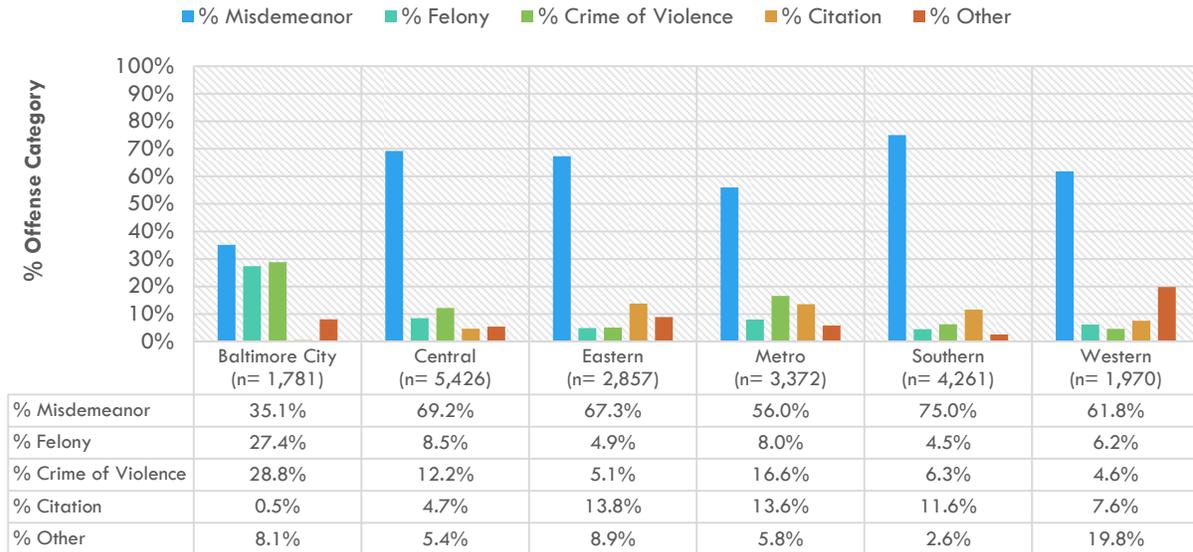
- Over the three-year period, cases were more commonly resolved at intake in the Eastern and Southern regions. During FY 2018, for example, 52% of the Eastern region cases were resolved at intake as compared to 16% of all complaints received in Baltimore City.

Figure 4 – Total Complaints within each DJS Region Resulting in *Case Resolved* (FY 2016 – FY 2018)



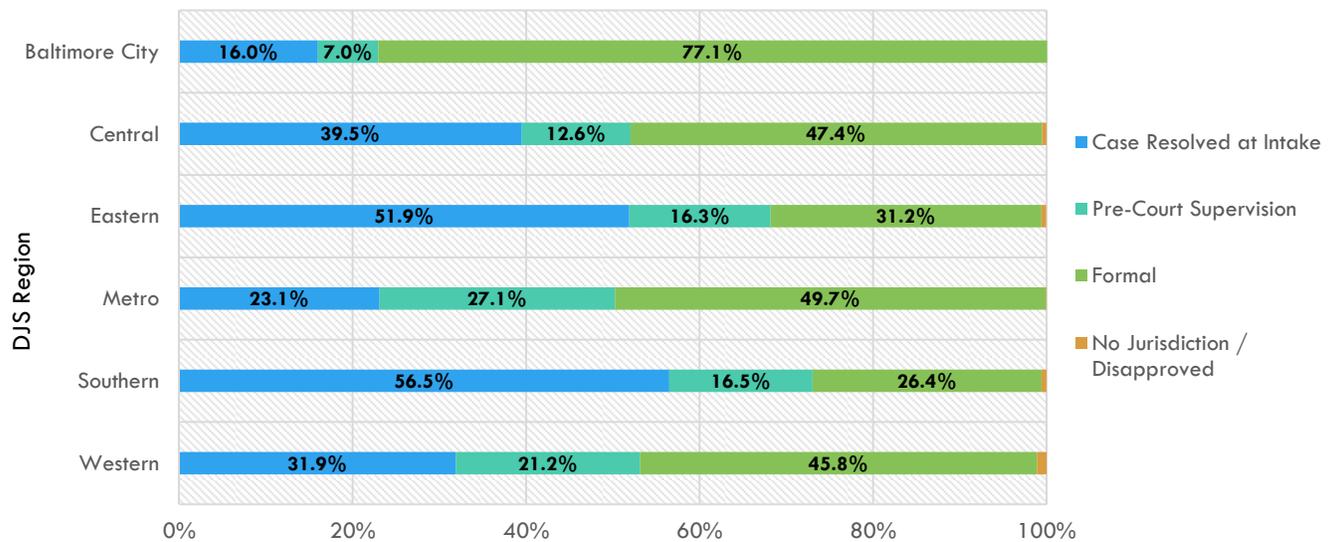
- Informal resolution of cases is in part a reflection of the types of referrals received at intake (e.g., delinquent versus non-delinquent) and the seriousness of the alleged offense (e.g., felony versus misdemeanor). Baltimore City receives a substantially higher percentage of felony offenses and crimes of violence than any other DJS region (see Figure 5 below). Consequently, fewer cases are eligible for informal resolution.<sup>7</sup>

Figure 5 – Most Serious Offense in Complaint by DJS Region in FY 2018<sup>8</sup>



- During FY 2018, complaints received by DJS in the Southern and Eastern regions were most likely to be resolved by informal means (including either case resolved or pre-court supervision).

Figure 6 – Case Forwarding Decision Summary by DJS Region in FY 2018



<sup>7</sup> Note that these percentages will differ slightly from the DJS Data Resource Guide because violations of probation have not been re-categorized by the original offense, i.e., the offense that resulted in a term of probation supervision.

<sup>8</sup> "Other" includes: CINS, local ordinance violations, and violations of probation.

#### 4. Pre-Court Supervision Outcome Analysis

##### 4.1 Overview

The pre-court supervision outcome analysis focuses on three years of pre-court supervision cases (FY 2016 – FY 2018)<sup>9</sup>. The outcome analysis examines whether each pre-court supervision case is completed successfully, i.e., whether the youth complied with the conditions of the pre-court agreement as determined by the DJS intake officer. The analysis also examines whether youth placed on pre-court supervision were referred to DJS for a new offense either during the period of pre-court supervision or during a one-year follow-up period.

Successful completion of the terms of the pre-court supervision agreement is assessed at the “case” level, while recidivism is measured at the “youth” level. As shown in Table 2, some youth had more than one DJS referral during the fiscal year that resulted in a case forwarding decision of pre-court supervision. For purposes of the study, all complaints received at intake with a case forwarding decision of pre-court supervision and a corresponding term of pre-court supervision are followed. The final study cohort is highlighted at the bottom of Table 2.

| Table 2.<br>Pre-Court Supervision Study Cohort    | Fiscal Year   |               |               |
|---|---------------|---------------|---------------|
|   | FY 2016       | FY 2017       | FY 2018       |
| Number of Intake Complaints                       | 3,812         | 3,430         | 3,309         |
| Number of Youth at Intake                         | 3,394         | 3,021         | 2,859         |
| Number of Pre-Court Complaints per Youth          |               |               |               |
| One   | 3,053 (90.0%) | 2,721 (90.1%) | 2,498 (87.4%) |
| Two   | 285 (8.4%)    | 244 (8.1%)    | 296 (10.4%)   |
| Three or more                                     | 56 (1.6%)     | 56 (1.9%)     | 65 (2.3%)     |
| <b>Matched Pre-Court Supervision <u>Cases</u></b> | <b>3,445</b>  | <b>3,077</b>  | <b>3,000</b>  |

<sup>9</sup> FY 2019 data are not included in the analysis because they do not allow for a sufficient follow-up period.

#### 4.2 Sample Descriptive Statistics

- Cases resolved through pre-court supervision involved primarily misdemeanor offenses (73% to 76%).

| Table 3.<br>Most Serious Offense Category in Complaint | Fiscal Year  |              |              |
|--|--------------|--------------|--------------|
|  | FY 2016      | FY 2017      | FY 2018      |
| Crime of Violence (%) <sup>10</sup>                    | 2.7%         | 4.5%         | 4.0%         |
| Felony   | 4.7%         | 6.3%         | 4.7%         |
| Misdemeanor  | 76.4%        | 73.7%        | 73.4%        |
| Citations  | 13.2%        | 13.5%        | 15.8%        |
| Child in Need of Supervision                           | 2.6%         | 1.6%         | 2.0%         |
| Ordinance  | 0.4%         | 0.4%         | 0.1%         |
| <b>TOTAL Complaints</b>                                | <b>3,812</b> | <b>3,430</b> | <b>3,309</b> |

- Youth with a pre-court supervision case forwarding decision were slightly over 15 years of age on average on the complaint date. Nearly one-third of pre-court supervision participants were female (28% to 29%). Slightly less than two-thirds of all youth were youth of color (58% and 62%).

| Table 4.<br>Youth Demographics | Fiscal Year  |              |              |
|--------------------------------|--------------|--------------|--------------|
|                                | FY 2016      | FY 2017      | FY 2018      |
| Age on Complaint Date, X (SD)  | 15.38 (1.92) | 15.48 (1.87) | 15.38 (1.96) |
| Gender (%)                     |              |              |              |
| Female                         | 27.9%        | 29.0%        | 28.9%        |
| Male                           | 72.1%        | 71.0%        | 71.1%        |
| Race/ Ethnicity (%)            |              |              |              |
| Black / African American       | 55.5%        | 51.1%        | 51.9%        |
| White                          | 36.6%        | 40.2%        | 36.8%        |
| Hispanic / Latino              | 6.0%         | 7.0%         | 9.1%         |
| Other/Unknown <sup>11</sup>    | 1.9%         | 1.7%         | 2.2%         |
| DJS Region of Jurisdiction (%) |              |              |              |
| Baltimore City                 | 6.3%         | 6.0%         | 4.1%         |
| Central                        | 21.3%        | 20.5%        | 20.3%        |
| Eastern                        | 16.1%        | 16.9%        | 14.7%        |
| Metro                          | 20.5%        | 22.7%        | 26.6%        |
| Southern                       | 24.3%        | 20.6%        | 21.8%        |
| Western                        | 11.5%        | 13.4%        | 12.5%        |
| <b>TOTAL Youth</b>             | <b>3,394</b> | <b>3,021</b> | <b>2,859</b> |

<sup>10</sup> Examination of crimes of violence offenses revealed that they included predominantly: (1) Burglary 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree; or (2) Robbery (together accounting for 75% to 83% of the total number of crimes of violence each year).

<sup>11</sup> Other includes: Asian or Pacific Islander, American Indian or Alaskan Native.

#### 4.3 Pre-Court Supervision Offense History

- The average age of youth placed on pre-court supervision for the first time was 15 years.
- For slightly over one-half of these youth, the current complaint was their first complaint or referral to DJS (55% to 57%).
- The majority of youth did not have a prior pre-court supervision case (81% to 83%).

| Table 5.   | Fiscal Year                   |                               |                               |
|--|-------------------------------|-------------------------------|-------------------------------|
|  | FY 2016                       | FY 2017                       | FY 2018                       |
| Youth Juvenile Offense History                       |                               |                               |                               |
| Age at 1 <sup>st</sup> Pre-Court Supervision, X (SD) | 14.99 (2.05)<br>Median= 15.25 | 15.10 (2.02)<br>Median= 15.29 | 14.96 (2.07)<br>Median= 15.19 |
| First Pre-Court Supervision <i>ever</i> , N (% yes)  | 2,806 (82.7%)                 | 2,519 (83.4%)                 | 2,312 (80.9%)                 |
| First DJS Complaint <i>ever</i> , N (% yes)          | 1,868 (55.0%)                 | 1,728 (57.2%)                 | 1,544 (54.0%)                 |
| <b>TOTAL Youth</b>                                   | <b>3,394</b>                  | <b>3,021</b>                  | <b>2,859</b>                  |

#### 4.4 MCASP Risk Assessment<sup>12</sup>

- Roughly four out of five pre-court supervision cases matched to an MCASP Risk Assessment. Cases that did not match were predominantly Citations or CINS offenses that did not require the completion of a MCASP Risk Assessment. By and large, youth placed on pre-court supervision were low-risk youth (89% to 91%).

| Table 6.   | Fiscal Year   |               |               |
|--|---------------|---------------|---------------|
|  | FY 2016       | FY 2017       | FY 2018       |
| MCASP Risk Assessment                                      |               |               |               |
| Risk Level, N (% yes) <sup>13</sup>                        |               |               |               |
| Low  | 2,441 (89.4%) | 2,216 (90.6%) | 2,032 (89.1%) |
| Moderate   | 259 (9.5%)    | 197 (8.1%)    | 215 (9.4%)    |
| High   | 30 (1.1%)     | 34 (1.4%)     | 34 (1.5%)     |
| <b>TOTAL Youth Matched to Risk Assessment<sup>14</sup></b> | <b>2,730</b>  | <b>2,447</b>  | <b>2,281</b>  |

<sup>12</sup> See the Maryland DJS Data Resource Guide, Appendix M, for more detail on MCASP Risk Assessment items and responses: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

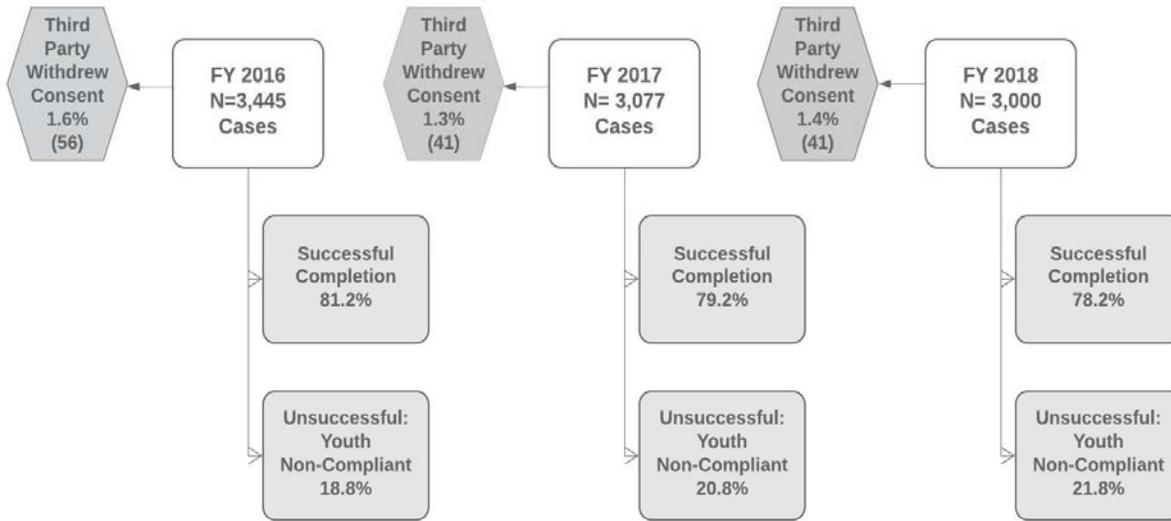
<sup>13</sup> This calculation uses the delinquency and social scores calculated at intake and risk level cut-offs developed for the MCASP Risk and Needs Assessment.

<sup>14</sup> For youth with multiple pre-court cases within the fiscal year, the first case is selected.

4.5 Pre-Court Supervision Length of Stay and Case Outcomes

- Most youth spent between 61 and 90 days on pre-court supervision.
- The majority of pre-court supervision cases were closed successfully, ranging from 78% to 81% during each fiscal year. A small percentage of pre-court supervision cases were closed because a third party, generally the victim, withdrew consent.

Figure 7 – Pre-Court Supervision Case Outcomes



4.6 Case Forwarding Decision among Unsuccessful Pre-Court Supervision Cases

- Approximately four out of ten unsuccessful cases were forwarded to the State’s Attorney for formal processing.

| Table 7.<br>Pre-Court Supervision Case Unsuccessful              | Fiscal Year |            |            |
|--|-------------|------------|------------|
|  | FY 2016     | FY 2017    | FY 2018    |
| Case Forwarding Decision, N (%)<br>Forwarded to State’s Attorney | 246 (38.7)  | 223 (35.3) | 259 (40.1) |
| <b>TOTAL Unsuccessful Cases</b>                                  | <b>636</b>  | <b>632</b> | <b>646</b> |

Figure 8 – Illustration of Pre-Court Supervision Case Outcomes during FY 2018



4.7 Re-Referral during Pre-Court Supervision<sup>15</sup>

- Between 12% and 14% of youth under pre-court supervision were referred to DJS for a new offense allegedly committed while they were under supervision.
- Approximately 4% of youth under pre-court supervision committed a new offense while under supervision that was ultimately found sustained (see Table 8).

| Table 8.   | Fiscal Year  |              |              |
|--|--------------|--------------|--------------|
|  | FY 2016      | FY 2017      | FY 2018      |
| DJS Referral <u>During</u> Pre-Court Supervision |              |              |              |
| New, Sustained Offense, N (%)                    | 114 (3.6%)   | 111 (3.9%)   | 107 (3.9%)   |
| <b>TOTAL Youth</b>                               | <b>3,196</b> | <b>2,883</b> | <b>2,746</b> |

4.8 Re-Referral during One-Year Follow-up Period<sup>16</sup>

- During each fiscal year, 27% of youth were referred for a new offense allegedly committed during the one-year follow-up period.
- Approximately 9% to 10% of youth under pre-court supervision committed a new offense during the one-year follow-up period that was ultimately found sustained (see Table 9).

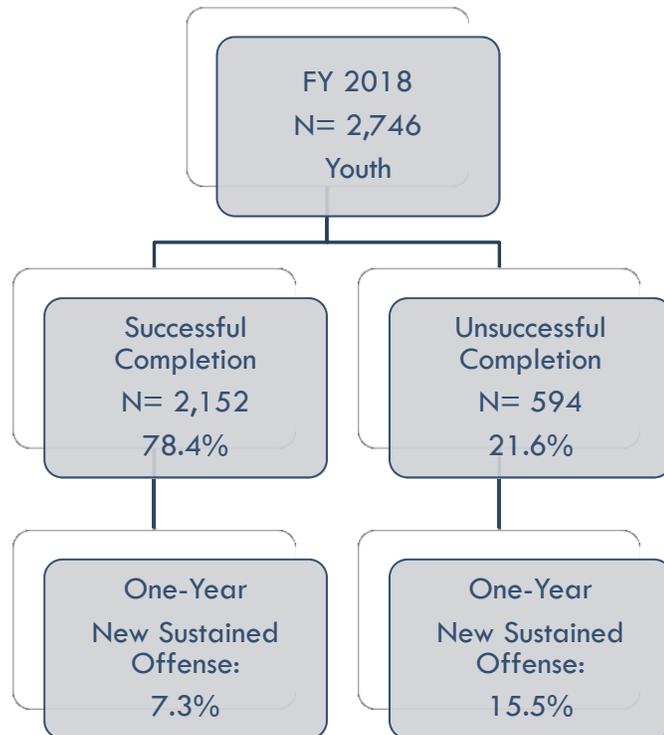
| Table 9.                                      | Fiscal Year  |              |              |
|---|--------------|--------------|--------------|
|   | FY 2016      | FY 2017      | FY 2018      |
| DJS Referral <u>During</u> One-Year Follow-up |              |              |              |
| New, Sustained Offense, N (%)                 | 303 (9.5%)   | 284 (9.9%)   | 249 (9.1%)   |
| <b>TOTAL Youth</b>                            | <b>3,196</b> | <b>2,883</b> | <b>2,746</b> |

<sup>15</sup> Recidivism is analyzed at the youth level. For youth with multiple pre-court supervision cases during the fiscal year, the first pre-court supervision case opened was selected for analysis. Note that the analysis excludes cases where third-party consent was withdrawn. Any new DJS referral for a misdemeanor or felony offense with an offense date that falls between the pre-court supervision case open and case close dates is counted as a new offense. DJS Referrals for Child in Need of Supervision offenses (e.g., Runaway), Civil Violations, and local ordinance offenses are excluded.

<sup>16</sup> Youth are followed for one-year beginning on the date that the pre-court supervision case was closed. Any new DJS referral for a misdemeanor or felony offense with an offense date that occurs during the follow-up period is counted as a new offense.

- During FY 2018, youth who successfully completed the pre-court supervision term were less likely to be referred for a new offense that was ultimately sustained by the juvenile court during the one-year follow-up period than youth who were unsuccessful in the program.
- Seven percent (7%) of successful pre-court supervision youth recidivated as compared to 16% of unsuccessful youth.

Figure 9 – Illustration of One-Year **Sustained** Re-Offense Rate by Completion Status (FY 2018)



#### *4.9 Pre-Court Outcome Analysis Summary*

While the total number of complaints received by DJS decreased by more than 50% over the last 10 years, the proportion of total cases that was resolved by means of pre-court supervision remained stable statewide. During FY 2010, 19% of the total number of cases resulted in pre-court supervision decisions compared to 18% in FY 2019. The use of pre-court supervision was more common in some DJS regions (e.g., the Metro and Western regions) than others. The Baltimore City region was least likely to use pre-court supervision; however, it was also the region that received the highest percentage of felony and crimes of violence, resulting in a smaller pool of eligible cases.

Between FY 2016 and FY 2018, roughly three-quarters of the cases placed on pre-court supervision were misdemeanor cases. Youth supervised under pre-court supervision were 15 years of age on average. Females accounted for almost one-third of the pre-court supervision cases, and youth of color represented approximately 60% of the pre-court supervision cases. For most youth in study, the pre-court supervision case was their first pre-court supervision case. Roughly 20% of the youth had a prior case that was resolved by means of pre-court supervision, and approximately 45% had a prior DJS complaint.

The MCASP Risk Assessment instrument was completed for over 80% of the cases in the sample. When the MCASP Risk Assessment was not completed, it was most frequently because the youth was referred for an offense class that did not require the completion of the tool (e.g., Citation or CINS offense). Review of the Risk Assessment confirmed that most youth referred to pre-court supervision were low-risk youth, i.e., at low risk of re-offending.

During each fiscal year, approximately 4 out of every 5 youth (80%) successfully completed the terms of pre-court supervision. Recidivism analyses revealed that 4% of the youth under pre-court supervision were referred for a new misdemeanor or felony offense while under pre-court supervision that was ultimately found sustained by the juvenile court. During the one-year follow-up period, between 9% and 10% of youth each year committed a new offense that was ultimately found sustained by the juvenile court.

## 5. Examination of Recidivism by DJS Case Forwarding Decision

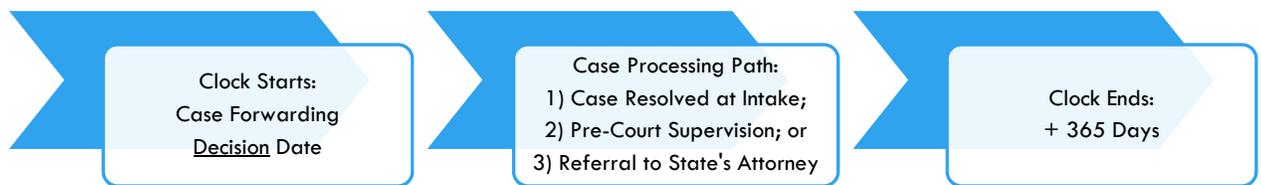
### 5.1 Overview

This section compares the recidivism rates of youth whose cases were handled informally through pre-court supervision or by resolving the case at intake to the recidivism rate of youth whose cases were forwarded to the State’s Attorney for formal court processing. The assessment compares one-year juvenile recidivism rates, defined as a new misdemeanor or felony offense committed during the one-year follow-up period and sustained by the juvenile court.

The DJS decision whether to resolve a case at intake or place a youth on pre-court supervision is guided by the MCASP Risk Assessment. As described earlier, the tool provides case forwarding recommendations based on the assessed risk level of youth (specifically, the risk for re-offending) and the seriousness of the referred offense, i.e., whether it is a misdemeanor or felony. By and large, youth forwarded to the State’s Attorney for formal processing are referred for a more serious offense or are expected to pose a higher risk of recidivism than youth whose cases are handled informally.

To compare the re-offending rates of youth subject to different case processing timelines, the recidivism assessment begins on the *case forwarding decision date*. Each youth is followed for one year. Any new referral to DJS for a misdemeanor or felony offense is counted as recidivism if the offense date falls within the 365-day window *and* is ultimately sustained by the juvenile court.

Figure 10 – Recidivism Study Timeline by Sample

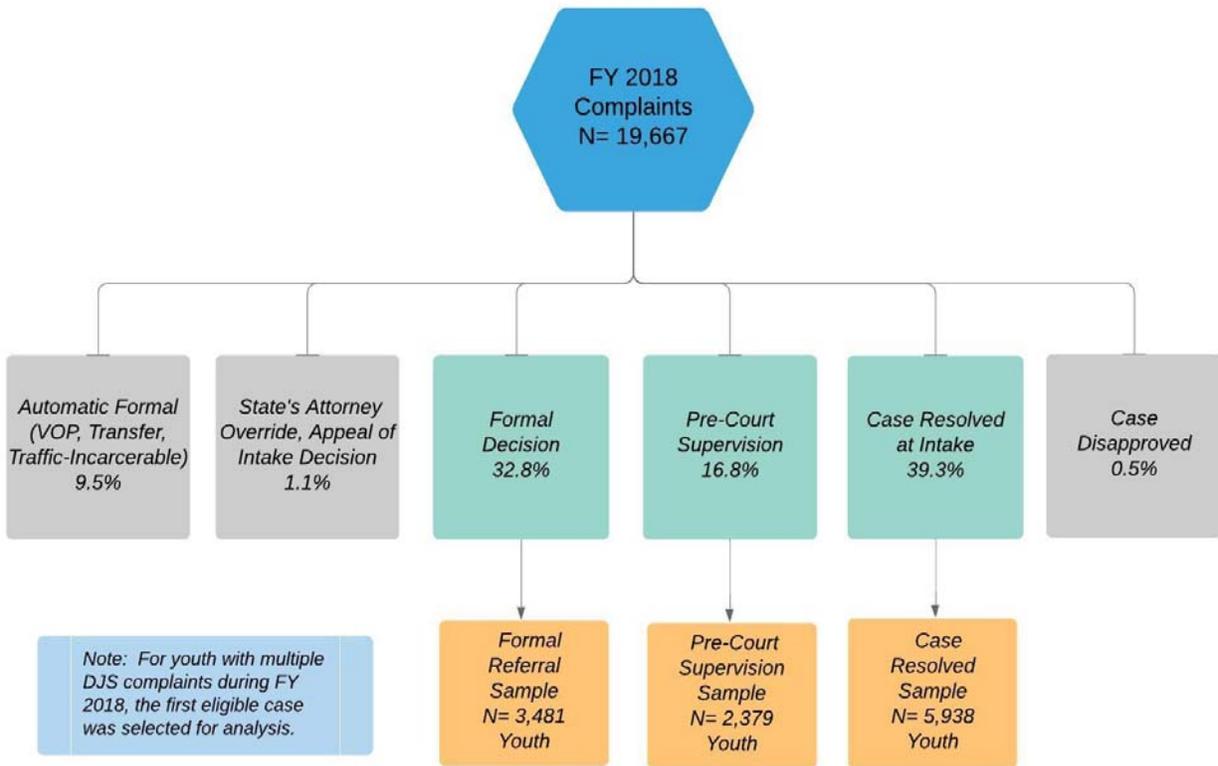


### 5.2 Sample Selection

The study focuses on complaints received during FY 2018. Recidivism is measured at the *youth* level. All cases forwarded to the State’s Attorney are included in the study except for referrals involving an automatic formal (i.e., violations of probation or transfers down from adult court) or cases that were overridden by the State’s Attorney or appealed (1%). For youth with multiple complaints during the fiscal

year, the first eligible complaint received during the fiscal year is used to determine sample membership<sup>17</sup>. See Figure 11 for an illustration of the sample selection process.

Figure 11 – Sample Selection (FY 2018)



For youth whose cases are resolved at intake, the follow-up period does not involve any further DJS or juvenile court involvement related to the *current* case. For pre-court supervision youth, the follow-up period includes the period of pre-court supervision and the possibility of juvenile court involvement for youth who are non-compliant with the terms of the agreement. For youth whose cases are forwarded to the State’s Attorney, the follow-up period may include a period of juvenile court processing and the potential imposition of a juvenile court intervention, e.g., probation or commitment.

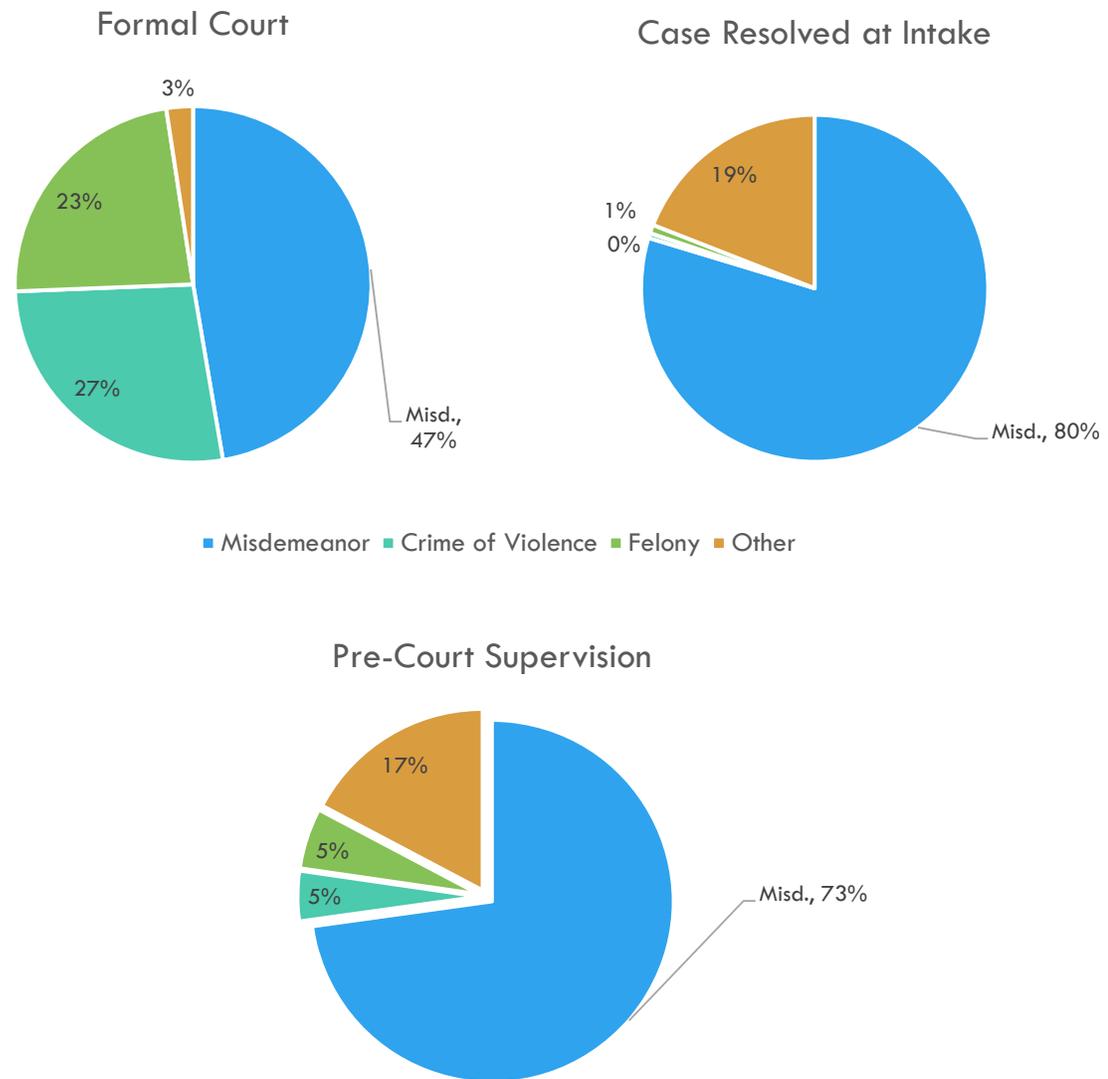
Examination of the final case outcome for youth in the *formal referral sample* revealed that 32% of the sample was placed on probation and 7% of the sample was committed to DJS. A petition was either not filed or withdrawn by the State’s Attorney for 12% of the cases. Over one-third of the cases were either dismissed or *nolle prossed* (28%) or placed on the *Stet* docket (11%).

<sup>17</sup> For youth with multiple complaints received on the same date with *different* case forwarding outcomes, the most serious case forwarding decision is selected.

### 5.3 Most Serious Offense Category in Complaint

- Youth handled informally by resolving the case at intake or through pre-court supervision were more likely to have been referred for a misdemeanor offense (80% and 73%, respectively) than youth forwarded to the State’s Attorney (47%).
- Fifty percent of youth forwarded to the State’s Attorney for formal processing were originally referred for either a crime of violence or felony offense.

Figure 12 – Most Serious Offense Category by Sample<sup>18</sup>



<sup>18</sup> “Other” offenses include citations, ordinance violations, and CINS referrals.

#### 5.4 Youth Demographics

- Youth placed on pre-court supervision were slightly younger on average than youth forwarded to the State’s Attorney for formal processing.
- Youth forwarded to the State’s Attorney for formal processing were more likely to be males (80%) and youth of color (76%).
- The region of jurisdiction varied by sample due in part to the type and volume of cases received in each region. For example, fewer youth in both the pre-court supervision and case resolution samples fell under the jurisdiction of Baltimore City.

| Table 10.<br>Youth Demographics | FY 2018                      |                              |                              |
|---------------------------------|------------------------------|------------------------------|------------------------------|
|                                 | Formal Referral              | Pre-Court Supervision        | Case Resolved at Intake      |
| Age on Complaint Date, X (SD)   | 15.77 (1.70)<br>Median= 16.0 | 15.35 (1.98)<br>Median= 15.7 | 15.49 (2.03)<br>Median= 15.9 |
| Gender, %                       |                              |                              |                              |
| Female                          | 20.4%                        | 28.8%                        | 38.2%                        |
| Male                            | 79.6%                        | 71.2%                        | 61.8%                        |
| Race/ Ethnicity, %              |                              |                              |                              |
| Black / African American        | 69.1%                        | 50.1%                        | 57.6%                        |
| White                           | 22.6%                        | 38.1%                        | 35.1%                        |
| Hispanic / Latino               | 7.1%                         | 9.4%                         | 5.5%                         |
| Other / Unknown <sup>19</sup>   | 1.2%                         | 2.4%                         | 1.8%                         |
| DJS Region of Jurisdiction, %   |                              |                              |                              |
| Baltimore City                  | 16.7%                        | 4.0%                         | 3.8%                         |
| Central                         | 31.0%                        | 21.2%                        | 28.1%                        |
| Eastern                         | 10.3%                        | 14.5%                        | 18.9%                        |
| Metro                           | 19.0%                        | 27.8%                        | 11.0%                        |
| Southern                        | 14.6%                        | 20.5%                        | 30.8%                        |
| Western                         | 8.5%                         | 12.0%                        | 7.4%                         |
| <b>TOTAL Youth</b>              | <b>3,481</b>                 | <b>2,379</b>                 | <b>5,938</b>                 |

<sup>19</sup> Other race/ethnicity includes: Asian or Pacific Islander, American Indian or Alaskan Native

### 5.5 Youth Offense History

- Relative to youth whose cases were forwarded to the State’s Attorney, youth who were diverted by resolving the case at intake or through pre-court supervision were older on average on the date of their first DJS complaint.
- Youth who were diverted by resolving the case at intake or through pre-court supervision were less likely to have a prior referral for an alleged felony offense (8% to 9% as compared to 32%) and less likely to have a prior referral for an alleged misdemeanor offense (30% to 35% as compared to 55%).
- A match to the MCASP Risk Assessment revealed that the delinquency history score of youth forwarded to the State’s Attorney was higher on average than the scores of youth handled informally through pre-court supervision or case resolution.<sup>20</sup>

| Table 11.<br>Juvenile Offense History            | FY 2018                      |                              |                              |
|--|------------------------------|------------------------------|------------------------------|
|  | Formal Referral              | Pre-Court Supervision        | Case Resolved at Intake      |
| Age at 1 <sup>st</sup> DJS Complaint, X (SD)     | 14.21 (2.13)<br>Median= 14.4 | 14.49 (2.17)<br>Median= 14.7 | 14.67 (2.32)<br>Median= 15.0 |
| Number of Prior DJS Complaints, X (SD)           | 2.54 (3.97)<br>Median= 1     | 0.85 (1.8)<br>Median= 0      | 0.95 (2.28)<br>Median= 0     |
| Prior Felony <i>Alleged</i> , % Yes              | 32.0%                        | 8.3%                         | 9.3%                         |
| Prior Misdemeanor <i>Alleged</i> , % Yes         | 55.3%                        | 34.5%                        | 30.4%                        |
| Delinquency History Score <sup>21</sup> , X (SD) | 7.26 (4.58)<br>Median= 6     | 4.42 (2.76)<br>Median= 4     | 4.14 (3.26)<br>Median= 4     |
| <b>TOTAL Youth</b>                               | <b>3,481</b>                 | <b>2,379</b>                 | <b>5,938</b>                 |

<sup>20</sup> The delinquency history score is a summary measure of juvenile offense history that ranges from 0 to 31. See the Maryland DJS Data Resource Guide, Appendix M, for more detail on MCASP Risk Assessment items and responses: [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf)

<sup>21</sup> Eighty-nine (89%) of the youth in the formal court sample, 82% of the youth in the pre-court supervision sample, and 80% of the youth in the case resolution sample matched to a MCASP Risk Assessment. Pre-court supervision youth and youth whose cases were resolved at intake were less likely to have a completed risk assessment because certain classes of offenses (e.g., CINS or citations), which were more common in the pre-court and case resolution samples, did not require the completion of the tool.

5.6 Re-Referral within One Year of the Complaint Decision Date

- Youth referred to the State’s Attorney for formal processing were more likely to commit a new offense during the one-year follow-up period that was ultimately found sustained than youth diverted by means of pre-court supervision or case resolution (15% as compared to 9% and 7%, respectively).

| Table 12.<br>DJS Referral <u>During</u> One-Year Follow-up | FY 2018         |                       |                         |
|--|-----------------|-----------------------|-------------------------|
|  | Formal Referral | Pre-Court Supervision | Case Resolved at Intake |
| New, Sustained Offense, N (%)                              | 532 (15.3%)     | 216 (9.1%)            | 437 (7.4%)              |
| <b>TOTAL Youth</b>   | <b>3,481</b>    | <b>2,379</b>          | <b>5,938</b>            |

5.7 Recidivism by DJS Intake Decision Summary

This section compared a sample of youth whose cases were forwarded to the State’s Attorney for formal processing to samples of youth whose cases were handled informally, that is, by resolving the case at intake or by placing the youth on pre-court supervision. The DJS decision whether to place a youth on pre-court supervision or resolve a case at intake is guided by the MCASP Risk Assessment. Generally speaking, youth whose cases are handled informally are referred for less serious offenses and are expected to pose a lower risk of recidivism than youth forwarded to the State’s Attorney for formal court processing.

The majority of youth handled informally by DJS through case resolution or pre-court supervision had been referred for a misdemeanor offense (73% and 80%, respectively). In comparison, 50% of the comparison sample of youth forwarded to the State’s Attorney for formal processing had been referred for either a crime of violence or felony offense. Demographic analyses reveal that youth handled informally were younger on average than youth forwarded to the State’s Attorney, more likely to be female, and less likely to be a youth of color. Further, youth handled informally were much less likely to have a prior DJS referral for either a misdemeanor or felony offense.

Comparison of the one-year recidivism rates revealed that youth forwarded to the State’s Attorney for formal processing were more likely to commit a new offense during the one-year follow-up period that was ultimately found sustained than youth handled informally by means of either pre-court supervision or case resolution at intake (15% as compared to 9% and 7%, respectively).

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## PART II – ALTERNATIVE TO DETENTION (ATD) OUTCOME ANALYSIS

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### 6. Introduction

Maryland State Law limits the use of juvenile detention or community detention to only when such action is required to protect the child or others, or when the child is likely to leave the jurisdiction of the court (Md. Code, Courts and Judicial Proceedings, §3-8A-15). The detention decision is driven by the juvenile court; however, juvenile detention or community detention may be authorized by DJS intake officers on a temporary/emergency basis at the request of a law enforcement officer. If a youth is detained or placed in community detention, the youth must appear before the court the next court day. The court, at that next day hearing, determines if the youth should remain in detention or community detention while waiting for a juvenile delinquency case to be processed by the court (§3-8a-15).

As mentioned above, the Department and courts may utilize community detention for youth that may not require placement in a secure detention facility. Community detention consists of various alternatives to detention that provide the necessary supervision to hold youth accountable to court-ordered guidelines to maintain public safety and ensure that youth appear for required court hearings.

This report examines the performance and outcomes of the alternative to detention (ATD) programs operated by DJS. It will describe the types of programs operated by the Department, summarize characteristics of the youth who have participated in these programs, and summarize the outcomes of these programs. Outcomes of ATDs include whether a youth appeared for court hearings or committed a new offense while under supervision. The report will focus on youth who participated in ATDs in fiscal years (FY) 2017 and 2018.

### 7. Background on ATDs

ATDs are approaches taken by juvenile justice agencies to prevent youth from being placed in secure detention facilities when other options or community-based programs are more appropriate. These alternatives emerged in response to research suggesting that confinement may do more harm than good for many youth, especially youth who pose a low risk to public safety (Office of Juvenile Justice and Delinquency Prevention (OJJDP), 2014). ATDs strive to reduce the unnecessary use of detention, as well as maintain ties between juveniles and their families and communities.

Research suggests that juveniles who remain in the community through ATD programs recidivate less often than youths held in secure detention (OJJDP, 2014). Because of this, some researchers and juvenile justice advocates suggest that community-based programs such as ATDs may serve public safety better than secure detention.

Types of ATDs include in-home supervision, day and evening reporting centers, and shelter care. Under home confinement, juvenile offenders live at home, go to school or a job, but do so under close supervision to ensure they comply with court-imposed conditions. Monitoring may be done electronically or through regular contact with case managers. Offenders supervised in this manner may leave their homes only for court-approved activities such as school, work, court hearings, or appointments with juvenile authorities. Day and evening reporting centers are nonresidential, community-based facilities that provide a more intensive level of supervision. Youth must report to the center on a daily basis, where they attend classes or participate in pro-social programs, such as tutoring, before returning home at night.

Shelter care, another type of ATD, offers residential care for youths who need short-term placement outside their homes. Such programs serve juveniles who require more supervision than nonresidential programs, as well as youths whose families are unable to provide them with a residence. The Annie E. Casey Foundation has been a leader in advocating for the use of detention alternatives. In 1992, the funder launched its Juvenile Detention Alternatives Initiative (JDAI), which aimed to reduce unnecessary use of juvenile secure detention and reduce racial disparities in the nation's juvenile justice system. Casey Foundation (2017) has identified two key measures of effectiveness for detention alternatives: the rate at which juveniles in ATD programs fail to appear for court hearings and the rate at which they are rearrested before resolution of their cases. The Foundation has acknowledged the difficulty in assembling meaningful data on the effectiveness of ATDs. Existing data are "sometimes incomplete or based on nonstandard calculation methods" (Annie E. Casey Foundation, 2017). Only about half of the sites in Casey's JDAI initiative reported collecting data on rearrests or failures to appear in court (Casey, 2017).

Past studies have revealed mixed results for different types of ATD programs, according to an OJJDP literature review (2014). The review cited a 2010 study of a day reporting center program, which found that participating youth were less likely to be adjudicated or convicted of an offense within 1 year of release from the program, compared to youths who completed residential programming, such as in secure detention. A review of evening reporting centers (ERCs) by Garland, Moore, Stohr, and Kyle (2016) found that the rate of juveniles who went through an ERC without a law violation prior to their next court date ranged from 77% to 97%. Other research has indicated that community-based ATDs may increase public safety while being more cost-effective than secure detention.

## 8. ATDs in Maryland

In Maryland, ATDs may be either authorized at intake or ordered by a court. During intake, DJS personnel administer the Detention Risk Assessment Instrument (DRAI) to determine whether secure detention or an ATD is appropriate. The DRAI calculates a risk score based on a series of items pertaining to a youth's most serious offense, offense history, supervision, and history of failing to appear for court. The risk score helps DJS gauge a youth's risk to the community and risk of failing to appear in court. The DRAI also generates a recommendation to either detain the youth, place in an ATD, or release.

Youths placed in secure detention or an ATD must appear in court the next business day for an emergency detention hearing, at which time a judge determines whether to order secure detention or an ATD until the youth's adjudicatory or dispositional hearing. Youths also may be court-ordered to an ATD or detention at other hearings that occur between the intake decision and the adjudicatory hearing.

Alternatives to detention operated by DJS include Community Detention (CD), which may or may not include Electronic or GPS Monitoring (EM), and Evening Reporting Centers (ERC). In addition to these, DJS has collaborated with private programs to offer additional ATD programs. These include the Pre-Adjudication Coordination and Transition Center (PACT) and the Detention Reduction Advocacy Program (DRAP) for youth in Baltimore City, and Hearts and Homes for Youth Inc., which operates an ERC in Montgomery County. As of February 2018, however, DRAP is no longer part of the Baltimore City ATD continuum. Shelter care may serve as an ATD when release-eligible youth are unable to return home. ATDs operated by DJS are described in greater detail below.

- Community Detention (CD), including with Electronic Monitoring (CD/EM): DJS began its CD program in 1998. Youth on CD are permitted to leave home only for court-ordered or DJS-approved activities, such as school or employment. CD has varying levels of restrictiveness. The least restrictive form requires random face-to-face contacts each week with a Community Detention Officer. More restrictive forms of CD include the use of EM and GPS. Under EM, a monitoring unit in the youth's home sends a radio frequency to a youth's ankle monitor to confirm when the youth is at home and when the youth leaves. GPS allows satellite-based time and location tracking for youth under supervision, via a global positioning system receiver.
- Evening Reporting Centers (ERC): DJS operates evening reporting centers in Baltimore City, as well as Montgomery and Prince George's counties. In addition, Hearts and Homes for Youth Inc. operates an ERC in Montgomery County. Youths in these programs receive meals, academic

tutoring, counseling, and other services in a supervised environment. They also are transported to and from the centers.

- Shelter Care: Shelter beds may serve as an ATD in circumstances in which release-eligible youth are unable to return home, often because a parent is unavailable or refuses to retrieve the youth.
- Pre-Adjudication Coordination and Transition (PACT) Center: Located in Baltimore City, PACT is an enhanced ERC program that includes a case management component to ensure access to community-based programs and services for youth and their families.
- Detention Reduction and Advocacy Program (DRAP): A private firm, Building Communities Today for Tomorrow Inc., operated DRAP, which included regular supervision, mentoring, counseling, and life skills training. Supervision consisted of in-person contact with participating youth, such as daily visits at school to ensure they attend. As of February 2018, DRAP is no longer part of the Baltimore City ATD continuum. However, because this report focuses on youths who participated in ATD programs in FY 2017 and FY 2018, DRAP is included.

Table 13 summarizes ATD programs by jurisdiction. While all jurisdictions had CD and CD/EM programming, only the largest jurisdictions had a greater array of ATD programming.

Table 13. ATD Programming by Jurisdiction

| Jurisdiction     | CD | CD/EM | ERC | Shelter | PACT | DRAP <sup>1</sup> |
|------------------|----|-------|-----|---------|------|-------------------|
| Baltimore City   | X  | X     | X   |         | X    | X                 |
| Baltimore County | X  | X     |     | X       |      |                   |
| Carroll          | X  | X     |     |         |      |                   |
| Harford          | X  | X     |     |         |      |                   |
| Howard           | X  | X     |     |         |      |                   |
| Allegany         | X  | X     |     | X       |      |                   |
| Frederick        | X  | X     |     |         |      |                   |
| Garrett          | X  | X     |     | X       |      |                   |
| Washington       | X  | X     |     | X       |      |                   |
| Caroline         | X  | X     |     |         |      |                   |
| Cecil            | X  | X     |     |         |      |                   |
| Dorchester       | X  | X     |     |         |      |                   |
| Kent             | X  | X     |     |         |      |                   |
| Queen Anne's     | X  | X     |     |         |      |                   |
| Somerset         | X  | X     |     |         |      |                   |
| Talbot           | X  | X     |     |         |      |                   |
| Wicomico         | X  | X     |     |         |      |                   |
| Worcester        | X  | X     |     |         |      |                   |
| Anne Arundel     | X  | X     |     |         |      |                   |
| Calvert          | X  | X     |     |         |      |                   |
| Charles          | X  | X     |     |         |      |                   |
| St. Mary's       | X  | X     |     |         |      |                   |
| Montgomery       | X  | X     | X   | X       |      |                   |
| Prince George's  | X  | X     | X   |         |      |                   |

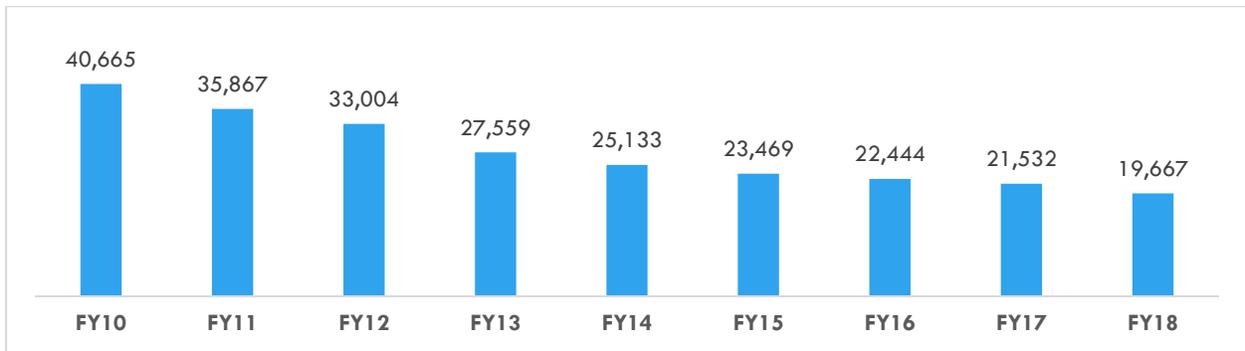
<sup>1</sup> As of February 2018, DRAP was no longer part of the Baltimore City ATD continuum.

## 9. Methodology and Context

The next sections of this report will examine the use and outcomes of ATD programming by examining two cohorts of ATD admissions: FY 2017 and FY 2018. Together, these cohorts represent 4,831 cases and 2,902 unduplicated youth. For comparisons where appropriate, the report also examines cohorts of secure detention admissions during the same two fiscal years.

Contextually, FY 2017 and 2018 are two years that are part of a longer trend that has seen an overall decline in juvenile complaints statewide, as well as lower detention populations. Since FY 2010, juvenile complaints have declined more than 50%, as shown in Figure 13.

Figure 13. Maryland Juvenile Complaints, FY 2010 to FY 2018



The overall reduction in juvenile complaints has meant reduced detention populations, as well. Figure 14 shows that the average daily population (ADP) for pre-disposition youth has declined more than 50% between FY 2010 and FY 2018. It is important to examine the use and outcomes of ATDs against this larger backdrop of declining complaints and detention populations.

Figure 14. Pre-Disposition Detention Average Daily Population, FY 2010 to FY 2018

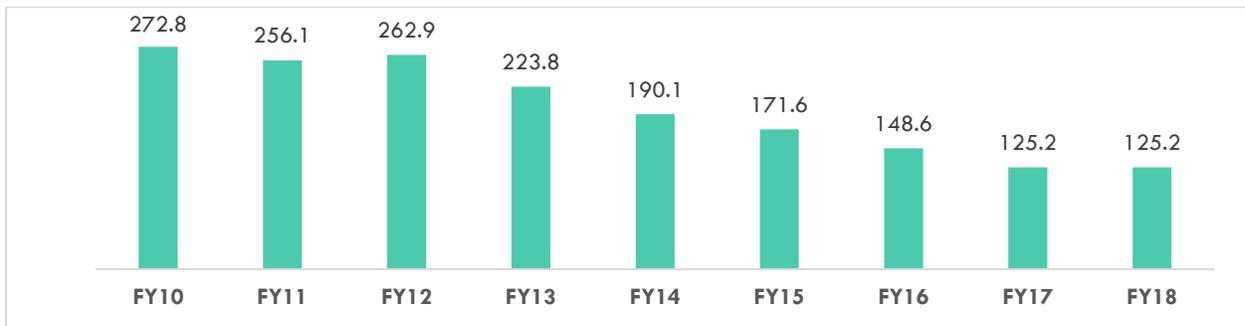
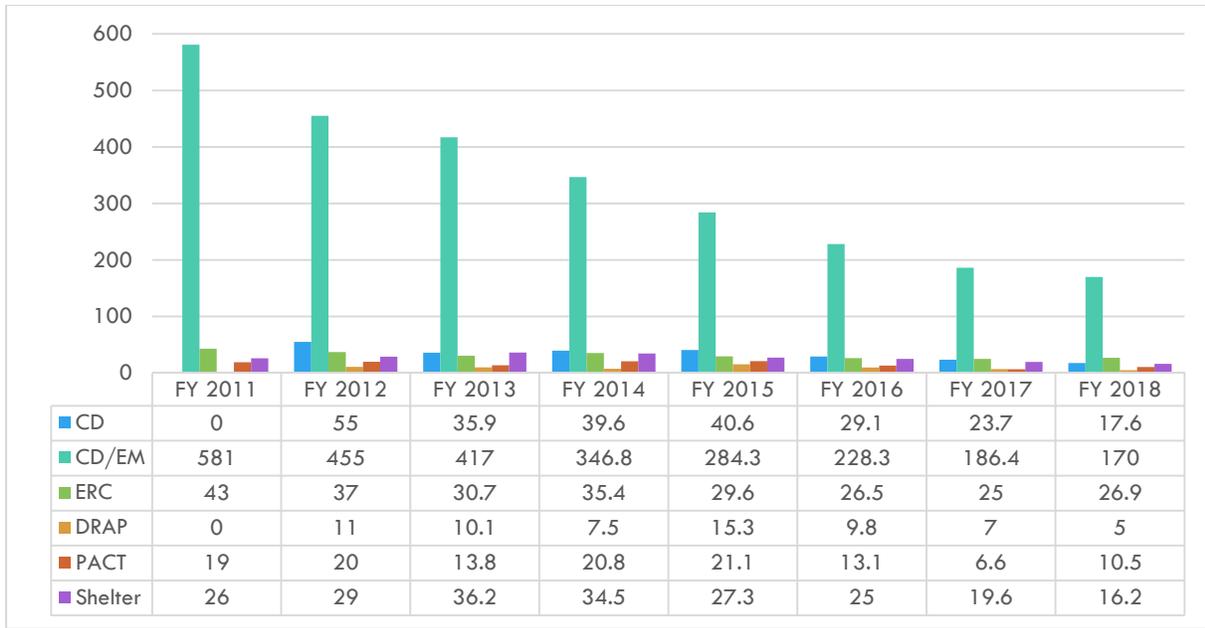


Figure 15 displays average daily population (ADP) figures for various categories of ATD programs from FY 2011 to FY 2018. ADP data were taken from the annual Data Resource Guide (DRG), which was first published in FY 2011, the first year for which these data were available. As shown in Figure 15, CD/EM is by far the largest ATD category, and its ADP has been trending downward over the years. CD, ERC, and Shelter care also exhibit downward trends, while DRAP and PACT have fluctuated.

Figure 15. Average Daily Population (ADP) by ATD Program Type, FY 2011-2018



Note: The FY 2011 DRG treated CD and CD/EM as a single category. Therefore, CD is not reported separately for that year.

## 10. Characteristics of ATD Admissions

This section examines characteristics of youth referred to ATD programming in FY 2017 and 2018, compared to youth placed in detention during the same periods. Table 14 displays ATD and detention populations by gender. As shown in Table 14, male youth represented more than 80% of youth placed in detention and in ATD programs. In FY 2017, female youth were slightly more likely to be placed in an ATD program than in detention. However, in FY 2018, a slightly higher proportion of female youth were referred to detention than to ATDs.

Table 14. ATD and Detention Populations by Gender, FY 2017 and 2018

| Gender, Fiscal Year | ATD   |      | Detention |      |
|---------------------|-------|------|-----------|------|
|                     | N     | %    | N         | %    |
| <b>FY 2017</b>      |       |      |           |      |
| Male                | 2,197 | 83.7 | 2294      | 85.0 |
| Female              | 429   | 16.3 | 405       | 15.0 |
|                     |       |      |           |      |
| <b>FY 2018</b>      |       |      |           |      |
| Male                | 1,848 | 83.7 | 1971      | 82.9 |
| Female              | 375   | 16.3 | 406       | 17.1 |

Table 15 displays ATD and detention populations by race and ethnicity for Fiscal Years 2017 and 2018. Race and ethnic data are based on law enforcement or DJS staff identification of youths taken into custody and processed at intake, and therefore may not be fully representative of the racial or ethnic categories with which youths themselves identify.

In FY 2017, African Americans accounted for the majority of youths in both ATD and detention, followed by white and Hispanic/Latino youths. ATD programs had a slightly greater proportion of white youth, while detention had a higher proportion of Hispanic/Latino youth. FY 2018 reflects similar patterns to those seen in FY 2017.

Table 15. ATD and Detention Populations by Race/Ethnicity<sup>22</sup>, FY 2017

| Race/Ethnicity, Fiscal Year | ATD   |       | Detention |       |
|-----------------------------|-------|-------|-----------|-------|
|                             | N     | %     | N         | %     |
| <b>FY 2017</b>              |       |       |           |       |
| Black/African American      | 2,034 | 77.5  | 2,090     | 77.4  |
| White                       | 443   | 16.9  | 443       | 16.4  |
| Hispanic/Latino             | 126   | 4.8   | 166       | 6.2   |
| Other                       | 23    | 0.9   | 0         | 0.0   |
| Total                       | 2,626 | 100.0 | 2,699     | 100.0 |
| <b>FY 2018</b>              |       |       |           |       |
| Black/African American      | 1,737 | 78.8  | 1,844     | 77.6  |
| White                       | 355   | 16.1  | 352       | 14.8  |
| Hispanic/Latino             | 96    | 4.4   | 181       | 7.6   |
| Other                       | 17    | 0.8   | 0         | 0.0   |
| Total                       | 2,205 | 100.0 | 2,377     | 100.0 |

Table 16 summarizes youth in ATDs and secure detention in FY 2017 by age. As shown in the table, both groups had nearly identical average ages. The youngest youth admitted to ATD programs was 10 years old, while the youngest youth admitted to secure detention were 11. The oldest detention youth were 18, while the oldest ATD youth were 19.

Table 16. ATD and Detention Admissions by Age, FY 2017

| Age | ATD |      | Detention |      |
|-----|-----|------|-----------|------|
|     | N   | %    | N         | %    |
| 10  | 1   | 0.0  | 0         | 0.0  |
| 11  | 7   | 0.3  | 6         | 0.2  |
| 12  | 31  | 1.2  | 29        | 1.1  |
| 13  | 153 | 5.8  | 133       | 4.9  |
| 14  | 353 | 13.4 | 340       | 12.6 |
| 15  | 561 | 21.4 | 561       | 20.8 |
| 16  | 618 | 23.5 | 613       | 22.7 |

<sup>22</sup> Note: Percentages may not sum to 100% due to rounding. Racial/ethnic data here are based on law enforcement or DJS staff identification of youth, and therefore may not be fully representative of the racial or ethnic categories with which youths themselves identify.

| Age      | ATD  |       | Detention |       |
|----------|------|-------|-----------|-------|
|          | N    | %     | N         | %     |
| 17       | 715  | 27.2  | 686       | 25.4  |
| 18       | 169  | 6.4   | 331       | 12.3  |
| 19       | 18   | 0.7   | 0         | 0.0   |
| Total    | 2626 | 100.0 | 2,699     | 100.0 |
| Avg. Age | 15.7 |       | 15.8      |       |

Table 17 summarizes ATD and detention admissions in FY 2018 by age. Average age for ATD and detention admissions was 15.8. ATD admissions ranged in age from 9 to 20, while detention admissions ranged from 11 to 18.

Table 17. ATD and Detention Admissions by Age, FY 2018

| Age      | ATD   |       | Detention |       |
|----------|-------|-------|-----------|-------|
|          | N     | %     | N         | %     |
| 9        | 2     | 0.1   | 0         | 0.0   |
| 10       | 2     | 0.1   | 0         | 0.0   |
| 11       | 5     | 0.2   | 8         | 0.3   |
| 12       | 20    | 0.9   | 18        | 0.8   |
| 13       | 101   | 4.6   | 99        | 4.2   |
| 14       | 279   | 12.7  | 312       | 13.1  |
| 15       | 484   | 22.0  | 520       | 21.9  |
| 16       | 558   | 25.3  | 576       | 24.2  |
| 17       | 574   | 26.0  | 563       | 23.7  |
| 18       | 171   | 7.8   | 281       | 11.8  |
| 19       | 8     | 0.4   | 0         | 0.0   |
| 20       | 1     | 0.0   | 0         | 0.0   |
| Total    | 2,205 | 100.0 | 2,377     | 100.0 |
| Avg. Age | 15.8  |       | 15.8      |       |

Baltimore City accounted for the largest share of ATD admissions by region. As shown in Table 18, Baltimore City accounted for more than one-third of ATD program admissions in both FY 2017 and 2018. The Central and Metro regions accounted for another 30% of ATD admissions. The Central region consists

of Baltimore, Cecil, Harford, and Howard counties, while the Metro region comprises Montgomery and Prince George’s counties.

Year-to-year comparisons, however, show that the Baltimore City and Metro regions accounted for a declining proportion of ATD admissions (53.4% in FY 2017, 48.1% in FY 2018). Meanwhile, the share of ATD admissions from the Central, Western, and Eastern Shore regions have risen (31.6% in FY 2017 to 38.2% in FY 2018).

Table 18. ATD Participants by Region of Residence, FY 2017 and 2018

| Region of Residence | 2017         |              | 2018         |              |
|---------------------|--------------|--------------|--------------|--------------|
|                     | N            | %            | N            | %            |
| Baltimore City      | 984          | 37.5         | 770          | 34.9         |
| Central             | 380          | 14.5         | 404          | 18.3         |
| Eastern Shore       | 250          | 9.5          | 253          | 11.5         |
| Metro               | 417          | 15.9         | 291          | 13.2         |
| Southern            | 337          | 12.8         | 264          | 12.0         |
| Western             | 200          | 7.6          | 186          | 8.4          |
| Out of State        | 58           | 2.2          | 37           | 1.7          |
| <b>Total</b>        | <b>2,626</b> | <b>100.0</b> | <b>2,205</b> | <b>100.0</b> |

Community Detention with Electronic Monitoring (CD/EM) was the most frequently utilized detention alternative. As shown in Table 19, CD/EM accounted for more than 70% of ATD admissions in both FY 2017 and FY 2018. The use of CD/EM increased 4.4 percentage points between the two years, despite an overall lower number of admissions. Community detention and shelter care represented the next-largest categories for ATD admissions, followed by Evening Reporting Centers (ERC). The ERC option exists in only three jurisdictions: Baltimore City, Montgomery County, and Prince George’s County.

In addition, Baltimore City offered two additional options in its ATD continuum: PACT and DRAP. Together, they accounted for a low proportion of overall admissions. PACT functioned as an enhanced ERC with a case management component. DRAP ended in February 2018 and is no longer a part of the Baltimore City ATD continuum. It should be noted that because youths could be placed in more than one ATD program, the categories reported in Table 19 are based on the program a youth was in as of the recorded date of release. This avoids double counting of youths in multiple programs.

Table 19. ATD Cases by Program Category, FY 2017 and 2018

| Program Category                                  | 2017         |              | 2018         |              |
|---|--------------|--------------|--------------|--------------|
|   | N            | %            | N            | %            |
| Community Detention (CD)                          | 271          | 10.3         | 191          | 8.7          |
| Evening Reporting Center (ERC)                    | 176          | 6.7          | 125          | 5.6          |
| Detention Reduction Advocacy Program (DRAP)       | 32           | 1.2          | 19           | 0.9          |
| Electronic Monitoring (EM)                        | 1,837        | 70.0         | 1,639        | 74.4         |
| Pre-Adjudication Coordination and Training (PACT) | 39           | 1.5          | 64           | 2.9          |
| Shelter   | 271          | 10.3         | 167          | 7.6          |
| <b>Total</b>                                      | <b>2,626</b> | <b>100.0</b> | <b>2,205</b> | <b>100.0</b> |

### 11. Outcomes of ATD Programs

Successful alternatives to detention require juvenile justice officials to agree on the purpose of secure detention and alternatives. Without such agreement, ATDs simply “widen the net” with more youth in custody, whether in secure detention or various alternatives. For pre-adjudicated youth, detention and alternatives should minimize or prevent the commission of new offenses and ensure the youths appear at subsequent court hearings. Therefore, ATDs are not primarily designed to punish or to provide treatment (DeMuro, 1999).

This section applies the outcome framework of ensuring court appearances and preventing new offenses. It will examine the rate at which youth admitted to ATDs failed to appear in court or committed a new offense while still in an ATD program. Nationally, many jurisdictions do not collect data on these outcomes, and those that do employ differing calculation methods, making it difficult to compile national data on the success rates of ATD programs (Annie E. Casey Foundation, 2017). Some jurisdictions across the country have reported on outcomes of their ATD programming, and those results will be reported here to provide context for viewing Maryland’s results. However, because data from other jurisdictions were collected at different times and with differing methods, these results and those of Maryland ATDs for FY 2017 and 2018 should be interpreted with caution.

As shown in Table 20, 12.3% of youth in ATD programs in FY 2017 or FY 2018 either failed to appear for court or committed a new offense. By individual fiscal year, the rates were 11% in FY 2017 and 13.9% in FY 2018. A z-score test revealed that the increase between FY 2017 and FY 2018 was statistically significant at the .05 level. While the proportion of youth failing to appear or committing a new offense while in an ATD increased by 2.9 percentage points between FY 2017 and 2018, it is important to note

that the overall number of ATD cases declined 16% during the same period, from 2,626 in FY 2017 to 2,205 in FY 2018.

The proportion of youth with a failure to appear (FTA) alert increased from 4.2% in FY 2017 to 5.4% in FY 2018, an increase of 1.2 percentage points. The proportion of youth with a new offense while under supervision increased 2 percentage points, from 7.1% in FY 2017 to 9.1% in FY 2018.

Results for Maryland are similar to those reported by other jurisdictions across the country. For example, a 2012 study of ATD programs in St. Paul, MN, found that only 13% of youth in the ATDs had a new offense, a probation violation, or a failure to appear in court. A 2017 study of ATDs in San Diego, CA, found that only 9% of youth in its detention alternative program had a new juvenile offense during ATD participation. However, because of differing measures of success, as well as variations in data collection methods, comparing these results with those of Maryland should be done with caution.

Table 20 also suggests that new offenses were a bigger problem with ATD youth than failing to appear in court. A higher percentage of ATD youth committed new offenses than failed to appear for court hearings.

Table 20. ATD Youth With a Failure to Appear (FTA) or New Offense, FY 2017-18

| Fiscal Year                      | FTA or New Offense |      | FTA Only |     | New Offense Only |     |
|----------------------------------|--------------------|------|----------|-----|------------------|-----|
|                                  | N                  | %    | N        | %   | N                | %   |
| 2017 (N=2,626)                   | 289                | 11.0 | 111      | 4.2 | 187              | 7.1 |
| 2018 (N=2,205)                   | 307                | 13.9 | 119      | 5.4 | 200              | 9.1 |
| Both Years Combined<br>(N=4,831) | 596                | 12.3 | 230      | 4.8 | 387              | 8.0 |

Tables 21-23 add additional details to the ATD outcomes for Maryland, disaggregating the results by ATD program type. Most detention alternatives saw an increase in the percentage of youth who failed to appear in court or committed a new offense between FY 2017 and 2018, as shown in Table 21. CD/EM, the largest program, stood as the lone exception, with its rate staying nearly the same across the two years.

Table 21. ATD Youth With a Failure to Appear or New Offense, by Program, FY 2017-2018

| Program | FY 2017 |      | FY 2018 |      |
|---------|---------|------|---------|------|
|         | N       | %    | N       | %    |
| CD      | 26      | 9.6  | 31      | 16.2 |
| ERC     | 21      | 11.9 | 37      | 29.6 |
| DRAP    | 1       | 3.1  | 4       | 21.1 |
| CD/EM   | 210     | 11.4 | 188     | 11.5 |
| PACT    | 4       | 10.3 | 20      | 31.3 |
| Shelter | 27      | 10.0 | 27      | 16.2 |
| Total   | 289     | 11.0 | 307     | 13.9 |

Table 22 looks only at youths in ATD programs who failed to appear in court during FY 2017 and 2018. The proportion of youth who failed to appear increased 1.2 points from FY 2017 to FY 2018. Most program types saw increases, but CD/EM saw only a small increase.

Table 22. ATD Youth with a Failure to Appear Alert, FY 2017-2018

| Program | FY 2017 |     | FY 2018 |      |
|---------|---------|-----|---------|------|
|         | N       | %   | N       | %    |
| CD      | 10      | 3.7 | 9       | 4.7  |
| ERC     | 7       | 4.0 | 12      | 9.6  |
| DRAP    | 0       | 0.0 | 2       | 10.5 |
| CD/EM   | 74      | 4.0 | 73      | 4.5  |
| PACT    | 2       | 5.1 | 9       | 14.1 |
| Shelter | 18      | 6.6 | 14      | 8.4  |
| Total   | 111     | 4.2 | 119     | 5.4  |

Table 23 looks at youth charged with a new offense while in an ATD. While CD/EM saw a small decrease from FY 2017 to FY 2018 in the proportion of youth with a new offense, other ATD program types saw increases. CD/EM is the largest detention alternative program in the state.

Table 23. ATD Youth With New Offense, FY 2017-2018

| Program | FY 2017 |     | FY 2018 |      |
|---------|---------|-----|---------|------|
|         | N       | %   | N       | %    |
| CD      | 16      | 5.9 | 23      | 12.0 |
| ERC     | 16      | 9.1 | 30      | 24.0 |
| DRAP    | 1       | 3.1 | 2       | 10.5 |
| CD/EM   | 143     | 7.8 | 119     | 7.3  |
| PACT    | 2       | 5.1 | 12      | 18.8 |
| Shelter | 9       | 3.3 | 14      | 8.4  |
| Total   | 187     | 7.1 | 200     | 9.1  |

Among the youth in ATD programs who were arrested for new offenses, the majority were not sustained by a court. As shown in Table 24, only 2.7% of all youth in ATDs in FY 2017 had new offenses that were sustained by a court. In FY 2018, 2.9% committed new offenses that were sustained by courts.

Table 24. New Offenses by Adjudication Status for ATD Youth, FY 2017-2018

|                            | FY 2017 |       | FY 2018 |       |
|----------------------------|---------|-------|---------|-------|
|                            | N       | %     | N       | %     |
| No New Offense             | 2,439   | 92.9  | 2,005   | 90.9  |
| New Offense, Sustained     | 72      | 2.7   | 63      | 2.9   |
| New Offense, Not Sustained | 115     | 4.4   | 137     | 6.2   |
| Total                      | 2,626   | 100.0 | 2,205   | 100.0 |

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## CONCLUSION

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While the total number of complaints received by DJS decreased by more than 50% over the last 10 years, the proportion of total cases that was resolved by means of pre-court supervision remained stable statewide. Youth whose cases are handled informally through pre-court supervision are generally referred for less serious offenses and are expected to pose a lower risk of recidivism than youth forwarded to the State's Attorney for formal court processing. During fiscal years 2016, 2017, and 2018, about 80% of youth successfully completed the terms of pre-court supervision.

Comparison of one-year recidivism rates indicated that youth forwarded to the State's Attorney for formal processing were more likely to have a new sustained offense during the one-year follow-up period than youth handled informally by means of either pre-court supervision or case resolved at intake (15% as compared to 9% and 7%, respectively).

Maryland operates multiple alternative to detention programs and collaborates with private providers on others. Analysis of youth in ATDs for the fiscal years 2017 and 2018 indicates that less than 5% of the youth failed to appear in court, and less than 10% committed a new offense, and the majority of offenses were not sustained.

The results of the analyses conducted for this report will be used to help inform DJS policies and practices. The outcomes reported here can be considered as baseline measures as new strategies and initiatives are being considered and implemented.