MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
BRIEFING ON THE JUVENILE JUSTICE REFORM COUNCIL
JANUARY 27, 2022
DJS Trends
Complaints

DECLINED 78% over 10 years
Nearly all complaints are generated by law enforcement

33,004 Complaints FY 2012
-78%
7,129 FY 2021

Crime

Juvenile complaints have DECLINED in ALL categories over 10 years

• Crime of Violence Declined 57%
• Misdemeanor Declined 82%
• Non-Violent Felony Declined 69%

Detention

DECLINED 64% over 10 years
Youth Charged as Adults now make up 51% of the DJS detained population

263 Juvenile ADP -80%
53
167 Pending Placement ADP FY 2012 -87%
22 FY 2021
**Dispositions**

- Probation Dispositions **DECLINED** FY2012 to FY2021
  - 4458
  - 720
  - -83.8%

- Committed Dispositions
  - 958
  - Committed ADP -85% 146
  - 123
  - Out-of-State ADP -90.2% 12

**Budget**

- **58%** residential and community budget reductions over 10 years
- Residential Services went from **56 million to 9 million** of the total budget.
- Community Services went from **32 million to 27 million** of the total budget.

**Recidivism**

- 12-month re-conviction rates **DECLINED**
  - Residential committed programs are serving youth with higher level crimes and higher risk levels.

- Probation Recidivism is down **3.8%** points
  - FY 2014 20% FY 2019 16.2%

- Committed Recidivism is down **2.6%** points
  - FY 2014 21% FY 2019 18.4%
Maryland’s Juvenile Justice Reform Council

16 Listening Sessions held in all geographic regions of the State

- JJRC Submitted Recommendations (#1)

530 Individuals Across the State Participated!

HB0459/SBXXX
JJRC #1 Recommendations

SB0165/HB0294
JJRC #2 Recommendation

Legislation Enacted to Convene the JJRC

Vera Institute of Justice Provided Technical Assistance

Legislation extended the JJRC to 6/30/2022

- JJRC Submitted Recommendations (#2)

The JJRC convened between 10/2019 - 12/2020 and 8/2021 – 10/2021
### JJRC Membership: Diverse and Bipartisan

<table>
<thead>
<tr>
<th>Legislators</th>
<th>Judiciary</th>
<th>Prosecutors / Defense Lawyers / Legal Experts</th>
<th>State Agencies / Local Child Serving Agencies</th>
<th>Educators</th>
<th>Law Enforcement</th>
<th>Former Justice Involved Youth</th>
<th>National / Local Juvenile Justice Experts</th>
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<tbody>
<tr>
<td>Del. Michael Jackson</td>
<td>Del. Jesse Pippy</td>
<td>Pauline Mandel (Legal Srvcs-MD Crime Victims)</td>
<td>Betsy Tolentino* (DJS)</td>
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<td>Rosemary King Johnston (SAB)</td>
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<td>Del. Charlotte Crutchfield</td>
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<td>Scott D. Shellenberger (Baltimore County SAO)</td>
<td>Debbie Marini* (DHS)</td>
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<td>Jinney Smith, Ph.D.* (UMD)</td>
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<td>Eric Ford (UMBC)</td>
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<td>Shanna Wideman* (MDH)</td>
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<td>Lynn D. Davis (CCYSB)</td>
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<td>Valerie Douglas (DHS)</td>
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<td>Matthew Fonseca (DJS)</td>
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<td>Stuart Campbell (DHCD)</td>
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* Indicates members who only served during 2019.
Voting: JJRC Statutory Recommendations

- Rec. 1: Minimum Age of Jurisdiction
  - Yes: 23
  - No: 1
  - Abstain: 1

- Rec. 2: Probation Duration
  - Yes: 28
  - No: 1
  - Abstain: 0

- Rec. 3: Return to Intake
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 4: No Detention/Commit-Tech VOP
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 5: Risk Assessment Tool
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 6: Detention Review 14 Day
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 7: Pre-Adjudication Detention Utilization
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 8: Community Release Plan 10 Day Pre-D
  - Yes: 28
  - No: 0
  - Abstain: 1

- Rec. 9: Out-Of-Home Commitment Utilization
  - Yes: 23
  - No: 3
  - Abstain: 1

- Rec. 10: No Barriers-Informal Adjustment
  - Yes: 0
  - No: 1
  - Abstain: 0

- Rec. 11: End Direct File
  - Yes: 13
  - No: 3
  - Abstain: 3

Legend:
- Yes
- No
- Abstain
JJRC Recommendations: Round 1

October 2019 - December 2020
Sam Abed, Chair
Minimum Age of Juvenile Court Jurisdiction

JJRC Considerations

Maryland does not have a minimum age of jurisdiction

22 states have a minimum age of jurisdiction

Predominate topic in the statewide listening sessions

Pre-teens have diminished capacity to be held culpable for their actions, and are unlikely to understand charges against them and their role in an adversarial system

In comparison to all referred cases, Black youth and girls accounted for a larger percentage of intake for youth under the age of 13

JJRC Recommendations

Raise the minimum age for delinquency jurisdiction to 10 for serious violent offenses and 13 for all offenses

Serious Violent Offenses:

- 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
Total complaints for youth under 13 declined 68.7% in FY 2021 from 1472 to 589 complaints.

Young people under 13 accounted for 8% of DJS intakes in FY 2021.

72% of under 13 cases did not receive a court disposition of probation or commitment.

10-12 year olds accounted for over 90% of intakes for youth under the age of 13.

**Data / Maryland Child and Family Interventions**

- **Dept. Human Services**: Child protective services assists children believed to be neglected or abused. CPS provides interventions, supports, and services to decrease the risk of any continuing physical, sexual or mental abuse, or neglect.

- **Local Care Teams**: LCTs provide support to families of children with intensive needs, and identify resources through a coordinated interagency approach. LCTs offer a strong continuum of community resources and may support requests for voluntary placements for children with developmental disabilities or mental illness.

- **Maryland Youth & Family State Agency Supports**: A CINS petition may be filed with the court that alleges a child 1) does not go to school; 2) cannot be controlled; 3) acts in a way that is dangerous to self or others; or 4) has committed a status offense. If found to be CINS, a court can place a child under DJS supervision or place the youth in a committed facility.

- **DJS – Child in Need of Supervision**: Child protective services assists children believed to be neglected or abused. CPS provides interventions, supports, and services to decrease the risk of any continuing physical, sexual or mental abuse, or neglect.

- **Local Care Teams**: LCTs provide support to families of children with intensive needs, and identify resources through a coordinated interagency approach. LCTs offer a strong continuum of community resources and may support requests for voluntary placements for children with developmental disabilities or mental illness.

- **MD Dept. Health**: MDH Behavioral Health Administration provides oversight for publicly funded mental health and substance use treatment services.
Probation/Community Supervision

JJRC Considerations

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

Many courts utilize “indefinite probation”

Youth have better safety outcomes when the juvenile justice system helps them set rehabilitation goals

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

JJRC Recommendations

Set statutory probation timeframes

Misdemeanor – court review at 6 months, and may extend to 12 months
  • Felony – court review at 12 and 24 and may extend to 36 months
  • Life Crimes – court review 24 months. May extend supervision as along as the court has jurisdiction

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

Technical violations do not include youth charged with a new offense or abscond from supervision
JJRC Considerations

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

Detention harms youth → detention events lead to increased recidivism, trauma, severe mental health issues, increased suicidal tendencies, and interrupts education.

Black youth were disproportionately represented in pre-disposition detention admissions. Black youth accounted for 75.8% of admissions in FY2021.

Misdemeanor offenses accounted for about 35% of pre-disposition detention admissions in FY 2021 – over 90% of those admissions were for HGV or repeat offenders.

JJRC 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.
Utilization of Out-of-Home Committed Treatment Programs

JJRC Considerations

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.

National reform efforts prioritize treating youth in their community using evidence-based programming.

Black youth represented 63% of youth in committed programming.

JJRC Recommendations

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

Ensure comprehensive educational programming in every DJS facility.

Ensure vocational education with on-the-job training is available in every DJS facility and contracted program.
JJRC Considerations

The JJRC focused on expanding opportunities for diversion and reviewed other state diversion systems

DJS diversion “pre-court supervision” leads to positive outcomes for youth:

- 80% of youth successfully complete pre-court supervision
- 90% of youth who complete pre-court supervision are not re-adjudicated/re-convicted within one year

Hispanic/Latinx youth were least likely to have their cases dismissed at intake for low-level offenses

Black youth were least likely to be diverted for low-level offenses

JJRC Recommendations

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

DJS must make reasonable efforts to contact victims, invite the victim to engage in restorative practices, and notify the victim of DJS decisions. The Victim is not required to consent to diversion

Permit DJS to divert non-violent felonies, with State’s Attorney notification

Establish a process to return complaints to intake for assessment, services and supervision from Court processing when all parties agree
Establish a workgroup through legislation to study and inventory evidence-based and promising practices

The Governor’s Office of Crime Prevention, Youth and Victim Services to develop a model law enforcement diversion program

Report on detention programming and policies, including community detention

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

Report on the utilization of the Facility for Children and data related to competency evaluations and/or attainment services

Report on Objective Risk Assessment Tool data in the Data Resource Guide
Implementation Safeguards and Monitoring

- DJS Quality Assurance and Auditing Teams
- Juvenile Justice Monitor
- Legislative Reporting and Oversight
DJS Service Continuum

Statewide Community Based Programming

- Mental Health
- Substance Use
- Family
- Parenting
- Education
- Employment
- Peers
- Mentoring
- Use of Free Time
- Anger Management
- Restorative
- Victim

Community Programs by Region

- **Region 1** - Dorechester, Somerset, Wicomico, Worcester
- **Region 2** - Caroline, Cecil, Kent, Queene Anne’s, Talbot
- **Region 3** - Baltimore & Harford
- **Region 4** - Allegany, Garrett, Washington
- **Region 5** - Anne Arundel, Howard, Carroll
- **Region 6** - Frederick & Montgomery
- **Region 7** - Calvert, Charles, Prince George’s, St. Mary’s
- **Region 8** - Baltimore City
Community-Based Residential Programs
- Group Homes
- Treatment Foster Care
- Independent Living Programs (including Alternative Living Units)
- Residential Treatment Centers (including Diagnostic/Clinical Evaluation Unit)

Evidence-Based Services
- Family Centered Treatment (FCT)
- Functional Family Therapy (FFT)
- Multisystemic Therapy (MST)

- 3 Evidence-Based Community Interventions (Functional Family Therapy; Multi-Systemic Therapy; Family Centered Treatment)
- Evidence Based Programming in every County
- 487 youth were placed in an Evidence-Based Programs in FY 2021
- 194 youth on average are in an Evidence-Based Program each day in FY 2021
JJRC Recommendations: Round 2

July 2021 - October 2021
Glenn Fueston, Chair
Executive Director
Governor’s Office of Crime Prevention, Youth & Victim Services
Youth Charged as Adults

States across the country are changing laws which place youth in the adult criminal justice system.

Youth charged as adults typically wait 155 days detained in juvenile facilities pending a transfer hearing.

Approximately 80% 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.

The Federal Juvenile Justice and Delinquency Prevention Act requires youth under 18 to be removed from adult jails and served in juvenile detention facilities. Failure to comply will reduce federal crime prevention dollars available to Maryland.

Maryland should end the automatic charging of juveniles as adults and require that all court proceedings against juveniles be initiated in the juvenile court system.

* MDEC counties are all Maryland Counties except; Prince George’s; Montgomery; and Baltimore City
FY 2021

Number of youth charged as adult admitted into Juvenile Detention: **308 youth**

Number of days detained waiting for a hearing to determine if case stays in adult court or transfers to juvenile court: **155 days**

Number of youth charged as an adult transferred back to juvenile court: **328 youth**

- **88** – committed
- **146** – placed on probation
- **94** - dismissed

A youth’s case may be waived to adult court for any charge as long as the youth is at least 15 **AND** for life crimes at any age
Additional Resources

Juvenile Justice Reform Council:
  • [https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx](https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx)
    • Reports
    • Meeting video and presentations
    • Resources, research and data

• Contact:
  • Betsy Tolentino – Deputy Secretary, Community Operations
    • [betsy.tolentino@maryland.gov](mailto:betsy.tolentino@maryland.gov) or 410-599-8004 (c)