

Research Spotlight

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Pre-Court Supervision

“Pre-court supervision and the Evening Reporting Center (ERC) program I did helped me to learn about respecting myself and others.”
- a youth on pre-court supervision

“Elijah” was a 16-year-old boy living with his mother and father in Baltimore City. He attended school regularly, but did not participate in any structured after-school activities. In November of 2019, Elijah was arrested for being in a stolen vehicle. During the DJS Intake conference, it was found that Elijah did not have any prior offenses and was not considered a risk to public safety. His parents stated that there were also some issues in the home and that the family could benefit from counseling services. In consideration of these and other factors, Elijah’s case was deemed eligible for pre-court supervision. Since the incident happened after school, it was determined that Elijah would benefit from participation in the Evening Reporting Center (ERC) for structured activities and programming. The family was also referred for Multi-Systemic Family Therapy. Elijah, his mother and father, and the owner of the stolen vehicle agreed to the terms of the pre-court agreement, and Elijah did not have to have his case formally processed by the Court. Elijah’s Intake Case Manager followed up with Elijah and his service providers regularly to see how he was progressing. Elijah loved the ERC, in which he was taken to a Washington Wizards game and other places he had never been before. Within a few months, Elijah completed all of the conditions of his Pre-Court agreement, and the matter was closed successfully. Elijah even asked if he could continue attending ERC. Months after Elijah’s pre-court supervision case was successfully closed, Elijah’s mother reported that he was doing well in the community and working with an elderly man who has a food truck.

Elijah’s story is similar to that of many youth the juvenile justice system comes into contact with, and it is certainly not a new one. Because youth do not fall into a cookie-cutter mold of service needs, the Maryland Department of Juvenile Services offers numerous options to suit the needs of all youth it serves. One of these options, pre-court supervision, is a statewide program that serves as the primary means of diverting youth from formal juvenile court processing. Sometimes called informal adjustment, pre-court supervision is a special agreement among the youth, DJS, and other involved parties that holds youth accountable for their actions while enabling access to supportive and rehabilitative services. Simply stated, pre-court supervision is an alternative to traditional court processing that can serve to keep youth from moving deeper into the system while offering them services.

RELEVANT RESEARCH

While it is generally agreed that the juvenile justice system is intended to rehabilitate youth rather than simply to punish, a great amount of research has suggested that formal involvement in the juvenile justice system, especially when used for lower-risk youth, may cause harm to youth¹. Scholars over the past few decades have theorized that the juvenile justice system may do harm by labelling youth as deviant and by increasing their exposure to other system-involved youth¹. Normal adolescent development, it is thought, often includes risk-taking and experimentation, but most youth mature out of these behaviors when allowed to maintain a normal life trajectory while being held accountable for their actions². Some scholars have found that youth become less likely to naturally grow out of offending the deeper they penetrate into the system³. In fact, one study found that recidivism, or reoffending, rates were generally lower for programs that diverted youth from the formal system⁴. Maryland’s Department of Juvenile Services (DJS) has

Youth with cases assigned to pre-court supervision in FY 16-18 were:

- On average, slightly over age 15 on the complaint date.
- Nearly one-third female (28% to 29%).
- Slightly less than two-thirds youth of color (58% to 62%).
- Primarily referred for misdemeanor offenses (73% to 76%).
- Over half for their first complaint/referral to DJS (55% to 57%).
- Mostly first-time pre-court supervision (81% to 83%).
- Mostly low-risk youth (89% to 91% of those with a risk assessment rating).
- Most likely on pre-court supervision for between 61 and 90 days.

embraced these findings and worked to identify lower-risk youth and to divert them from court and detention.

As greater rehabilitative and evidence-based services are identified in the community, DJS has developed a front-end process for offering these services to low-risk youth outside of facilities, precluding the need for further system involvement for the vast majority.

PRE-COURT SUPERVISION PROCESS IN MARYLAND

When DJS processes a referral at intake⁵, DJS officials are guided by the Intake Decision Tool. Intake officers then have three options:

1. Resolve the case at intake,
2. Authorize the filing of a formal petition and forward the case to the State's Attorney's Office,
3. Initiate pre-court supervision.

Pre-court supervision can be proposed by a DJS case manager when the case is eligible for juvenile court, but it

would be in the best interests of the public and the youth to handle the complaint without judicial action. Youth referred for less serious offenses and with a lower risk of recidivism are those more likely to be handled informally based on the recommendation from the Intake Decision Tool. The State's Attorney must approve pre-court supervision for youth charged with a felony or handgun violation.

A pre-court supervision agreement is a contract unique to each case that outlines the purpose, proposed length, conditions of youth behavior, and services to be accessed. The victim, the youth, and the youth's parent or guardian all agree to participate, and the DJS intake staff member serves as a coach through the process, checking in regularly and providing support to ensure that youth and families can access the services. If either parents/guardians or victims choose not to consent or to withdraw support for the pre-court agreement at any time, DJS may either close the case or forward it to the State's Attorney's Office for formal processing. The term of a pre-court agreement is up to 90 days, but it may be extended to 180 days for substance abuse and /or mental health treatment needs by DJS or as otherwise ordered by the court.

If a youth completes the conditions of the agreement successfully, the case is generally closed. If a youth fails to complete the terms of the contract, the case manager may either forward the case to the State's Attorney for formal processing or close the case. All parties (youth, victims, parent/guardian, arresting officer) are informed about the outcome and have a right to appeal.

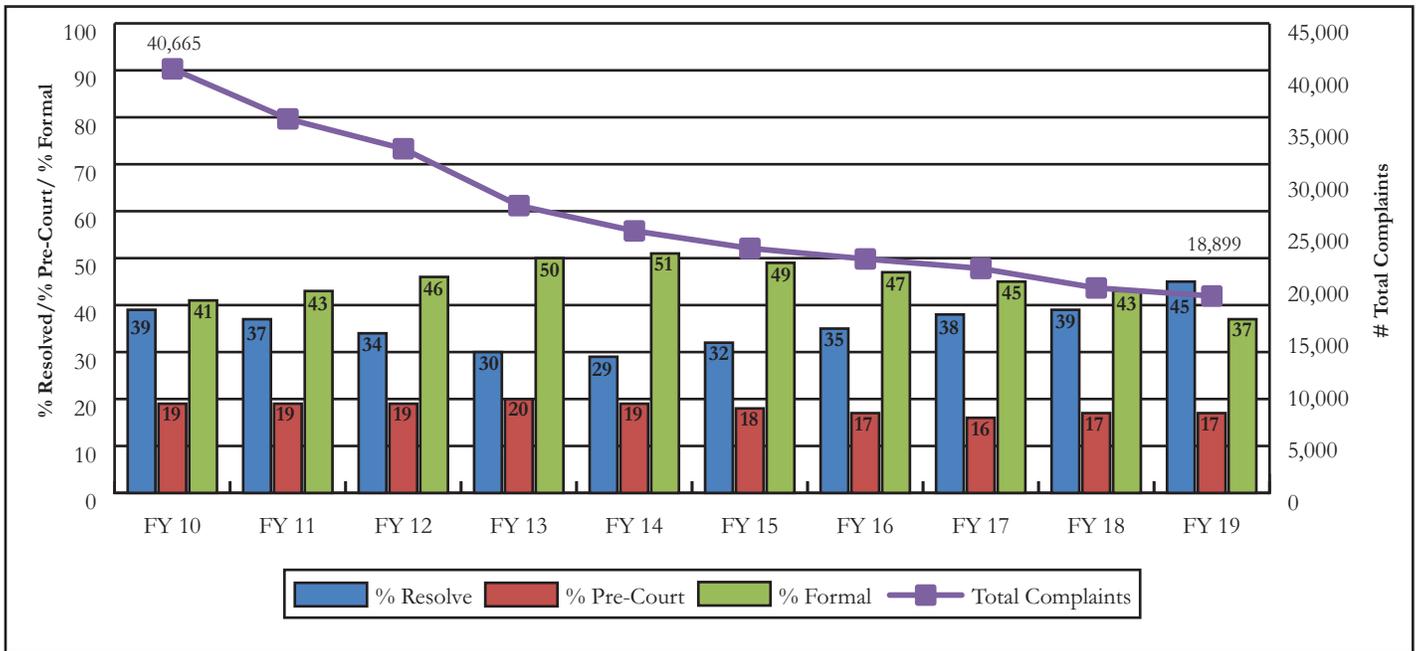
STATEWIDE 10-YEAR TRENDS IN COMPLAINTS AND CASE FORWARDING DECISIONS

- As shown in Figure 1, the percentage of pre-court supervision cases yearly has remained fairly stable over the past decade, between 16% and 20%, with a slight decrease in the last 5 years.
- Including the percentage of cases resolved at intake along with pre-court cases, DJS has generally diverted over half of cases from formal processing in the past decade.

Conditions of pre-court supervision may include:

- short-term participation in an Evening Reporting Center (ERC) Program (for first-time serious offenders),
- evidence-based Multi-Systemic Therapy (MST) or Functional Family Therapy (FFT)
- referral to work with a family peer support specialist with Maryland Coalition of Families
- Neighborhood Youth Panels
- teen court
- paying restitution
- completing community service
- specialized substance abuse/mental health counseling or treatment programs

Figure 1: Total Number of Complaints and Case Forwarding Decisions



PRE-COURT SUPERVISION PROGRAM, FY16-FY18

To explore the outcomes of pre-court supervision in Maryland, three years of data from FY16 to FY18 were reviewed.

The prevalence of pre-court supervision varied greatly by region. In FY18, Metro (27.1%) and Western (21.2%) regions had the highest use of pre-court supervision, followed by Southern (16.5%), Eastern (16.3%), and Central (12.6%). Baltimore City had the lowest rate (7.0%), in part because of the greater number of felony charges there. It is important to note that youth accused of more severe offenses are less often eligible for pre-court supervision and that the severity of charges varies widely throughout the state (see report⁶ for a complete discussion of offenses by county).

PRE-COURT SUPERVISION OUTCOMES, FY16-FY18

Outcomes of the pre-court supervision program were measured by: 1) successful completion of pre-court supervision,

in other words, cases in which the youth completed the requirements of the pre-court agreement and 2) rate of youth recidivism.

Recidivism is measured here by a referral to DJS for a new alleged misdemeanor or felony and also by having an offense ultimately sustained by the juvenile court. Recidivism rates were measured both while under pre-court supervision and in the one-year period after pre-court supervision had ended.

For purposes of comparison, the recidivism rate was also recalculated on a different timeline to compare pre-court youth to youth whose cases were processed formally and later received probation.

Rate of successful closure for pre-court supervision cases (See Figure 2):

- The majority of pre-court supervision cases were closed successfully, from 78% to 81% during FY16-FY18.

Recidivism while under supervision:

- Referred to DJS for alleged new offense: 12% to 14% of pre-court youth
- New offense ultimately sustained: 4% of pre-court youth (see Table 1).

Recidivism during the one-year follow-up period:

- Referred to DJS for alleged new offense: 27% of youth each fiscal year
- New offense ultimately sustained: 9% to 10% of pre-court youth (see Table 1).

Figure 2: Pre-Court Supervision Case Outcomes

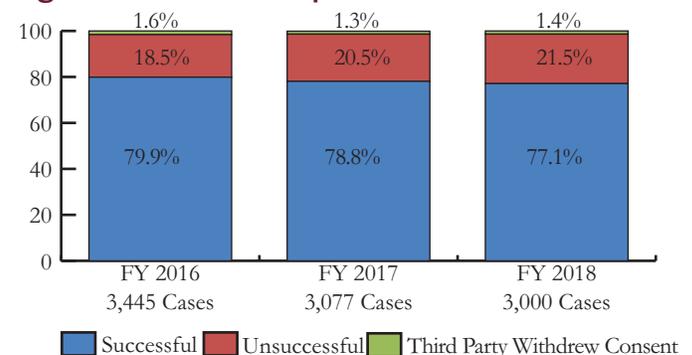


Table 1: Pre-Court Supervision Recidivism: Sustained Charges

Pre-Court Supervision Recidivism: Sustained Charges	FY 2016	FY 2017	FY 2018
New, Sustained Offense, N (%): DJS Referral for an offense occurring during Pre-Court Supervision	114 (3.6%)	111 (3.9%)	107 (3.9%)
New, Sustained Offense, N (%): DJS Referral for an offense occurring during One-Year Follow-up	303 (9.5%)	284 (9.9%)	249 (9.1%)
Total Youth	3,196	2,883	2,746

Recidivism Comparison: Pre-Court Supervision and Probation Cases, FY 2018:

It is useful to compare pre-court outcomes to those of youth that did go to court with a resulting probation order, though the types of cases do differ significantly. Not only are youth in pre-court supervision and probation not randomly assigned to groups, they are intentionally assigned, with youth having more serious crimes, more history of offending, and greater risk level being more likely to have their cases formally processed and receive probation. Nonetheless, recidivism rates from FY 2108 were calculated for misdemeanor or felony offenses committed during the one-year follow-up beginning on the case forwarding decision date. As presented in Table 2, the recidivism rate was 9.1% for youth under pre-court supervision, whereas it was nearly double, 16.9%, for youth who were later put on probation.

CONCLUSION

Pre-court supervision offers an important means of improving outcomes for low-risk youth by diverting them from the

Table 2: New, Sustained Offense within 12 Months of Case Forwarding Decision: Pre-Court and Probation Youth

Pre-Court (N=2,379)		Probation (N=1,129)	
#	Reoffense	#	Reoffense
216	9.1%	191	16.9%

formal juvenile justice system. Pre-court supervision has been well established in Maryland for over a decade and was used in 16-17% of cases in FY16-FY18. While the statewide rate of pre-

court supervision has been fairly stable over time, it varied greatly by region in part due to the variation in severity of charged offenses. The program is highly successful: around 8 in 10 pre-court cases were closed with youth having met the terms of their contracts in FY-16-18. Recidivism is also quite low. 96% of youth while under supervision and over 90% of youth in the year following did not have a new sustained offense. The results of this analysis support the long-standing idea that diverting low-risk youth from formal processing of their cases can be done with high rates of success. Pre-court supervision in Maryland is designed to offer low-risk youth the accountability and support they need without formal court involvement that may get them off track, possibly even leading to unnecessary and harmful commitment away from their families and communities. At the same time as it serves youth and families, pre-court supervision is also an efficient use of DJS resources. DJS strives to ensure that as many eligible youth as possible are able to access this program and encourages other systems to reform policies and reduce statutory barriers to do the same.

ENDNOTES

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⁵Maryland Department of Juvenile Services. (2019). *Data Resource Guide*. https://djs.maryland.gov/Documents/DRG/Intake_and_Community_Supervision.pdf.

⁶ Maryland Department of Juvenile Services. (2019). Alternatives to Detention and Informal Case Processing Performance Report. https://djs.maryland.gov/Documents/publications/2019_p220-DJS-Juvenile-Services-ATD-Report.pdf.