



Research Spotlight

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VOLUME V
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ACKNOWLEDGEMENTS
 The cooperation and assistance provided by numerous DJS staff was invaluable to this report. Special thanks are extended to Claire Souryal-Shriver, Lisa Reynolds, and Lisa Garry.

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Alternatives to Detention (ATDs)

“Being on community detention has shown me that my freedom means a lot to me. It has shown me doing right in life can get you a lot farther than doing wrong. I can’t spend time with family and friends like I used to. I can’t go out whenever I want. My freedom means a lot more than it has before and I never realized it.”

-Youth on Community Detention

Jay is a 15-year-old male who lives in Baltimore County. One day after school, Jay and his friends were arrested for stealing a car. When Jay went to court, the Judge ordered that he be placed on an alternative to detention, awaiting his disposition. This allowed Jay to remain at home and continue to go to school and his therapy appointments instead of being placed in secure detention. Jay was court ordered into the Community Detention program and placed on electronic monitoring. Jay received random daily face-to-face visits and phone calls to ensure he complied with his court-ordered conditions. The CD program also checked in with Jay’s guardian and his school to provide support to Jay. While Jay was only allowed to attend school and therapy, he did earn supervised outings with his guardian because of his compliance. The CD program offered Jay the opportunity to be at home with supervision to ensure that he did not commit any new offenses and returned to court for his disposition.

Jay’s story is not unique, but it represents an alternative to the confinement too often used by the juvenile justice system. Many times when youth are alleged to have committed offenses, it is determined that they need to be detained in a facility. In Maryland, juvenile detention or community detention can be legally used only to protect the child or others or when the child is a flight risk from court (Md. Code, Courts and Judicial Proceedings, §3-8A-15). Yet, juvenile detention is associated with greater recidivism in the long term, and detention and adjudication cause harm to youth, families, and communities^{1,2}. Further, detention disproportionately harms youth of color, who, due to bias and police activity, experience greater rates of arrest, formal processing, and disproportionate detention, as compared to their white peers with the same risk level³.

WHAT ARE ATDs?

Alternatives to detention (ATDs) are programs used to mitigate public safety risk by preventing detention placements for youth. ATDs apply to youth whose cases are being processed formally and who might otherwise be detained in a facility, but are instead placed in one of several types of ATD programs in the community. Like detention, ATDs are neither designed to punish nor to provide treatment⁴; rather, their purpose is to 1) minimize or prevent the commission of new offenses and 2) ensure that youth appear at subsequent court hearings. Youth who remain in the community through ATD programs recidivate less often overall than youth held in secure detention¹; therefore, ATDs serve public safety better than secure detention. A recent study found that pretrial detention was associated with a 33% increase in felony recidivism for youth with the same level of risk⁵. Additionally, ATDs help youth stay connected to their families and communities; research finds that this also benefits youth outcomes⁶. Significantly, ATD programs also help reduce racial disparity by increasing equitable options for youth of color who can be successfully supervised in the community³.

Juvenile Detention Alternatives Initiative (JDAI) in Maryland:

For more than 12 years, Baltimore City has been a site for the Annie E. Casey Foundation’s (AECF)’s JDAI. JDAI findings from across the country and Baltimore City have demonstrated that reducing secure juvenile detention can increase public safety, reduce racial disparity, and improve youth outcomes.

HOW DO ATDs WORK IN MARYLAND?

In response to findings about the harm of detention, Maryland’s Department of Juvenile Services (DJS) identifies lower-risk youth and assigns them to ATD programs.

At the point of intake, a DJS officer administers the Detention Risk Assessment Instrument (DRAI), a tool designed to help objectively determine a youth’s risk for reoffending or nonappearance for court. The risk score generated by the DRAI recommends whether a youth will be released, assigned to an ATD, or placed in secure detention.

ATDs in Maryland may also be ordered by a juvenile court to keep youth out of secure detention while awaiting adjudication or committed placement.

Maryland youth in ATD programs are often referred for additional services and community supports as well.

WHAT TYPES OF ATDs ARE USED IN MARYLAND?

- Community Detention (CD) and CD/Electronic Monitoring (CD/EM) - a 24/7 program in which youth live in the community, leaving only for school, work, and court-approved appointments. Community Detention Officers monitor youth with random daily face-to-face and phone contacts. Some youth also have electronic monitoring equipment (signals at home or away) or a GPS (point-by-point tracking). This is the most common ATD, available statewide. DJS began its CD program in 1998.
- Evening Reporting Centers (ERCs) - non residential,

community-based tutoring, counseling, recreation, services, and supervision programs Monday - Friday after school. Youth receive meals and transportation to and from the program. On school breaks, youth participate in community outings like college tours, museum visits, sporting events and community service. The program’s family component engages kids and families in dinners at the program and weekly progress updates. There are DJS-operated ERCs in Baltimore City and Prince George’s County. Privately contracted ERC’s are located in Baltimore City, Montgomery, and Wicomico Counties.

- Pre-Adjudication Coordination and Transition Center (PACT) - an enhanced ERC in Baltimore City that includes case management to access community-based programs and services for youth and their families.
- Detention Reduction and Advocacy Program (DRAP) - a former ERC that included mentoring, counseling, life skills training, and close in-person supervision in Baltimore City. Since February 2018, DRAP is no longer a Maryland ATD program, but it was an option for the youth cohort covered in this report.
- Shelter Care - short-term residential placement outside the home for youth requiring more supervision or whose families are unable or unwilling to provide a home.

ATDs AND JUVENILE JUSTICE TRENDS, 2011-2018

For well over a decade, there has been an overall decline in juvenile complaints. From 2011 to 2018, complaints decreased 45% from 35,967 to 19,667. Likewise, pre-disposition detention has declined over the same period. Not surprisingly, the number of youth assigned to ATDs has also declined since 2011 (See Figure 1).

At the same time that juvenile complaints overall have decreased tremendously, the proportion of serious offenses has become

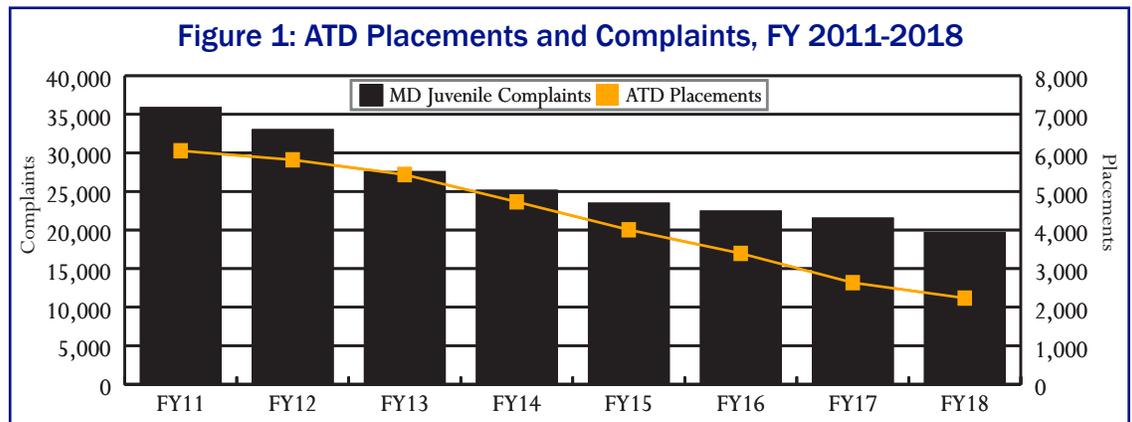
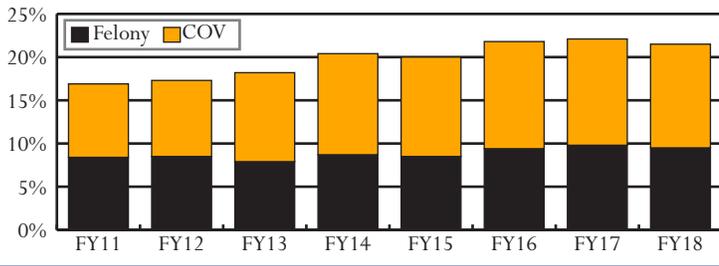


Figure 2: Proportion of Felonies and Crimes of Violence among Intakes, 2011-2018



somewhat greater. Figure 2 shows that the proportion of felonies and crimes of violence among intakes has risen from 16.9% of all intakes in FY 2011 to 21.5% in FY 2018. The increase in severe offenses means fewer youth are eligible for ATDs.

DJS strives to use incarceration only when necessary to protect public safety. Unfortunately, the proportional rise in crimes of violence and felonies since 2011 reduces the opportunities to use detention alternatives. Youth accused of more serious crimes are more likely to warrant detention to protect public safety, and some serious offenses require detention either by law or by DJS policy. This helps explain why average daily ATD population has declined somewhat more steeply than the ADP for Pre-D detention placements (see Figure 3).

ATD PROGRAM 2017-2018

Two years of ATD youth data were examined to explore Maryland’s ATD program outcomes. FY 2017 and FY 2018 cohorts together represent 4,831 cases and 2,902 individual youth in ATD programs.

DEMOGRAPHICS OF ATD ADMISSIONS VERSUS DETENTION ADMISSIONS

To examine the equitable use of ATDs, demographics were compared for ATD admissions and detention admissions for both cohort years. Overall, the use of ATDs is generally comparable to detention in terms of age and gender of youth, with some variation based on race (See Table 1).

- Although the percentage of ATD versus detention youth in FY 2017 who were black was

similar, for both fiscal years, but more so in FY 2018, whites were slightly overrepresented in ATDs, and Latinos were slightly overrepresented in detention.

- Males made up more than 80% of youth in both detention and ATDs. In FY 2017, females were slightly more likely to receive an ATD (16.3% of the ATDs; 15.0% of the detention population), but were slightly more likely to be detained in FY 2018 (16.3% of the ATDs; 17.1% of the detention population).
- Ages of youth in ATDs matched the ages of youth in detention closely in FY 2017 and FY 2018, except there was a small proportion of 19- and 20-year-olds in ATDs (0.7% in FY 2017; 0.4% in FY 2018) but none in detention.

ATD OUTCOMES

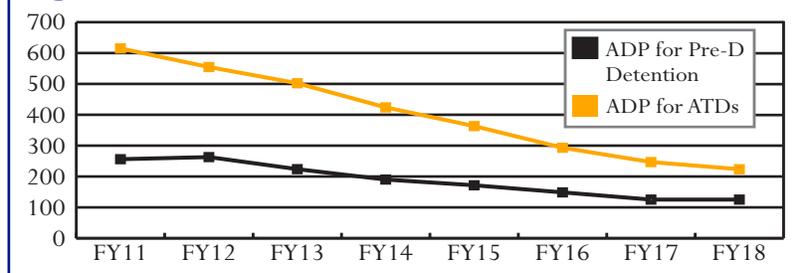
As discussed above, ATDs are not explicitly designed to treat youth; they prevent harm associated with detention, in part by preserving youth ties to family and community, while fulfilling the dual purpose of detention. These two proximate goals of ATDs—the outcomes examined here—are:

- 1) youth appearance at court hearings and
- 2) prevention of recidivism while under supervision.

Table 1: ATD and Detention Populations by Race/Ethnicity, FY 2017-2018

Race/Ethnicity	ATD	Detention
FY 2017		
Black	77.5%	77.4%
White	16.9%	16.4%
Hispanic/Latino	4.8%	6.2%
Other	0.9%	0.0%
Total	2,626	2,699
FY 2018		
Black	78.8%	77.6%
White	16.1%	14.8%
Hispanic/Latino	4.4%	7.6%
Other	0.8%	0.0%
Total	2,205	2,377

Figure 3: ADP for ATDs versus Pre-D Detention



FAILURE TO APPEAR (FTA) OR NEW OFFENSE

Overall, nearly 9 in 10 ATD youth neither failed to appear in court nor were arrested for a new offense. The proportion of ATD youth who failed to appear in court was low (4.8%) across FY 2017 and FY 2018. New

Table 2: ATD Youth with a Failure to Appear or New Offense, FY 2017-2018

	2017	2018	Both Years
FTA or New Offense	11.0%	13.9%	12.3%
FTA Only	4.2%	5.4%	4.8%
New Offense Only	7.1%	9.1%	8.0%
Total	2,626	2,205	4,831

Table 3: New Offenses by Adjudication Status for all ATD Youth, FY 2017-2018

	FY 2017	FY 2018
No New Offense	92.9%	90.9%
New Sustained Offense	2.7%	2.9%
Total Cases	2,626	2,205

offenses were also low for ATD youth, with only 8.0% of youth across both years committing a new offense. The rate of youth who had a failure to appear or were accused of committing a new offense across FY 2017 and FY 2018 was 12.3%.

Over 90% of ATD youth in both fiscal years did not recidivate. Of those who did, most new offenses were not ultimately sustained. For youth in ATDs, only 2.7% in FY 2017 and 2.9% in FY 2018 had new offenses that were ever sustained by a court (See Table 3).

CONCLUSION

The DJS data support abundant research findings that many youth can be safely held accountable for their actions, and public safety can be increased without the use of secure detention. Maryland data demonstrate that ATD programs are successful in preventing failure to appear in court (for 95-96% of youth) and reoffending, with 97% of youth having no new sustained offenses. DJS and other systems should remain committed to offering ATDS because they are effective and can help reduce racial disparity.

ENDNOTES

¹ Office of Juvenile Justice and Delinquency Prevention. (2014). Alternatives to detention and confinement. <https://www.ojjdp.gov/mpg/litreviews/AlternativesToDetentionandConfinement.pdf>

² Office of Juvenile Justice and Delinquency Prevention. (2017). Diversion from formal juvenile court processing. https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf

³ Annie E. Casey Foundation. (2009). Detention reform: An effective approach to reduce racial and ethnic disparities in juvenile justice. Detention reform brief 3. <https://www.aecf.org/m/resourcedoc/aecf-DetentionReform3ReduceRacialDisparities-2009.pdf>

⁴ DeMuro, P. (1999). Consider the alternatives: Planning and implementing detention alternatives. Pathways to Juvenile Detention Reform 4. Annie E. Casey Foundation. <https://eric.ed.gov/?id=ED441051>

⁵ Walker, S. C., & Herting, J. R. (2020). The impact of pretrial juvenile detention on 12-month recidivism: A matched comparison study. *Crime and Delinquency*. <https://doi.org/10.1177/001128720926115>.

⁶ Office of Juvenile Justice and Delinquency Prevention. (2018). Family Engagement in Juvenile Justice. <https://www.ojjdp.gov/mpg/litreviews/Family-Engagement-in-Juvenile-Justice.pdf>