



2024

LEGISLATION & POLICY UPDATE

COURTESY REVIEW OF HB-814, RISK ASSESSMENT INSTRUMENT,
AND COMMUNITY DETENTION

Vincent Schiraldi, Secretary

Presenters:

Lisa M. Garry, Deputy Secretary of Community Services
Sherika Shnider, Esq., Senior Director of Strategic Initiatives
Kate Figiel-Miller, Senior Research Analyst



SESSION OBJECTIVES



1. To provide an update on DJS steps taken to implement HB-814;
2. To preview the newly validated Detention Risk Assessment Instrument (DRAI); and
3. Introduce the new DJS Community Detention Continuum and Service Agreement.



I

HB-814

Some Important Facts...

- Passed in the 2024 Legislative Session.
- DJS Operations are being updated to comply with the new law.
- Changes go into effect November 1, 2024.



JJRC: Minimum Age of Jurisdiction

The minimum age of juvenile court jurisdiction is age 13 for alleged delinquent acts.

The Juvenile Court has jurisdiction if the child is:

- ✓ age 13 and over alleged to have committed an act that would be a crime if committed as an adult.
- ✓ age 10 and over **only** when alleged to have committed an act that, if committed by an adult, would be a crime of violence. (§14-101 of the Criminal Law Article)

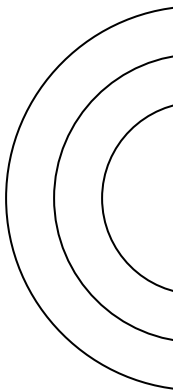
The Juvenile Court **DOES NOT** have jurisdiction of children under the age of 10 alleged to have committed a delinquent act.



HB-814: Minimum Age of Jurisdiction

Maryland juvenile courts have jurisdiction if a child is:

- **13 and up:** when alleged to have committed an act that would be a crime if committed by an adult.
- **10-12:** only when alleged to have committed an act that if committed by an adult would be considered:
 - ✓ A Crime of Violence
 - ✓ **Handgun Offenses**
 - ✓ **Firearm Offenses**
 - ✓ **Aggravated Cruelty to Animals**
 - ✓ **Sex Offense in the 3rd Degree.**



OFFENSES

Handgun Offenses

Source: Criminal Law Article §4-203 & §4-204

Wearing, carrying, or transporting a handgun either on or about the person or in a vehicle

1. While on public school property OR
2. With the deliberate purpose of injuring or killing another OR
3. Handgun loaded with ammunition.



OFFENSES

Firearm Offenses

SOURCE: Public Safety Article §5-133, §5-134, §5-138, §5-142, §5-203, & §5-703

1. Possession of a regulated firearm or ammunition;
2. Sale of a regulated firearm;
3. Possession, sale, transfer, or disposal of a stolen regulated firearm;
4. Removal, change, or altering of serial number on a firearm;
5. Possession of a short-barreled rifle or shotgun; or
6. Purchase, receive, sell, or transfer a firearm without a serial number.

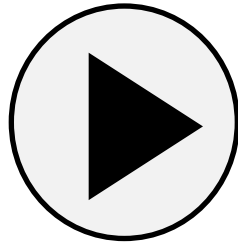


CHANGES IN DJS OPERATIONS

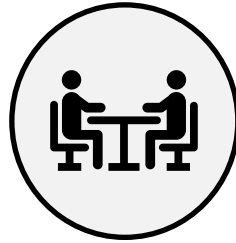
DJS HAS UPDATED ITS OPERATIONS TO MEET THE REQUIREMENTS OF HB-814 RELATED TO THE FOLLOWING:



**INTAKE
DECISION
TIMEFRAME**



**CASE
FORWARDING
DECISIONS**



**INQUIRY
REQUIREMENTS**



**UNDER 13
MOTOR VEHICLE
THEFT**



**CASE
AUTHORIZATION
DENIAL**



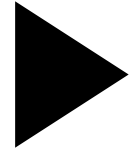
INTAKE DECISION TIMEFRAME



- Intake has 15 BUSINESS DAYS to complete an inquiry.
- If law enforcement requests detention and Intake does not authorize detention:
 - Intake has 2 BUSINESS DAYS to make an inquiry.



CASE FORWARDING DECISIONS



JJRC

CASE FORWARDING DECISIONS

Non violent felony complaints referred to Intake DO NOT have to be forward the complaint to the SAO if:

- The Intake Officer determines that the matter can be resolved with an informal adjustment; AND
- The act did not involve (or attempt to cause) intentional physical injury or death; AND
- The act was not a crime of violence.

The Intake Officer must make reasonable efforts to contact the victim before proceeding with informal supervision

HB-814

CASE FORWARDING DECISIONS

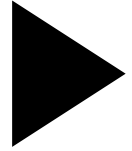
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Intake **must forward** a complaint to the State's Attorney when:

- Proposing an informal adjustment **or** denying authorization to file a petition if a child is alleged to have committed:
 - Handgun Offenses;
 - **All felony offenses (violent or non-violent);**
 - **Firearm Offenses; OR**
 - **Any offense if the child is under court ordered DJS supervision at the time of the alleged offense.**



CASE FORWARDING DECISIONS



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JJRC CASE FORWARDING DECISIONS

Non violent felony complaints referred to Intake DO NOT have to be forward the complaint to the SAO if:

- The Intake Officer determines that the matter can be resolved with an informal adjustment; AND
- The act did not involve (or attempt to cause) intentional physical injury or death; AND
- The act was not a crime of violence.

The Intake Officer must make reasonable efforts to contact the victim before proceeding with informal supervision.



HB-814 CASE FORWARDING DECISIONS

Intake *shall* forward the case to the State's Attorney when:

- **There is a failed informal adjustment**
and
- **Intake denies authorization to file a petition.**

Intake may proceed with an informal adjustment while the State's Attorney conducts a preliminary review.



INQUIRY REQUIREMENTS



Inquiry *does not* need to include an interview of the child if the complaint alleges:

- A crime that would be a felony if committed by an adult (violent *or* nonviolent);
- Handgun offenses; or
- Firearm offenses

...However,

DJS policy requires Intake Officers to interview the young person for all complaints in which an inquiry is conducted, consistent with the agency's vision and values.



UNDER AGE 13: MOTOR VEHICLE THEFT



Intake *shall authorize the filing of a
CINS petition if:*

- A complaint alleges a child under the age of 13 committed a motor vehicle theft.



CASE DENIAL AUTHORIZATION



When an Intake Officer denies authorization to file a petition or peace order, Intake shall notify the:

- Victim;
- Arresting officer; and
- Person/agency that filed the complaint.

by electronic means.



CASE AUTHORIZATION PROCEDURES



DJS IT Updates:

- Law enforcement and victim emails will be documented in ASSIST.
- Youth and parent email information shall be documented in “Client Profile” in ASSIST.

Intake Decisions:

Notification letters are to be downloaded, stored or scanned as a PDF and emailed to:

- Victim;
- Arresting officer; and
- Person/agency that filed the complaint.



LAW ENFORCEMENT PRACTICES

HB-814 REQUIRES LAW ENFORCEMENT AGENCIES TO UPDATE PRACTICES FOR THE FOLLOWING:



**CUSTODY
REQUIREMENTS**



**UNDER 13
MOTOR VEHICLE
THEFT**





CUSTODY REQUIREMENTS

If a child is taken into police custody, pursuant to the law, the Law Enforcement Officer *shall*:

- Complete and forward a written complaint or citation to DJS

OR

- Complete and forward a written report to DJS indicating no further action was taken.





CUSTODY REQUIREMENTS

If the law enforcement officer referred a child to a diversion program: That Officer ***shall complete and forward a written report*** including the identified diversion program to DJS.

In compliance with the law, DJS has created an email address to receive written reports statewide:

DJS.Diversion@maryland.gov





UNDER 13: MOTOR VEHICLE THEFT

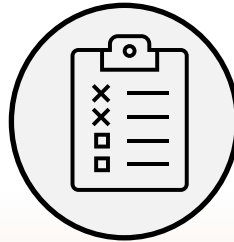
Law Enforcement Officers are *required* to forward complaints to DJS to file a CINS petition if:

- Officer alleges that a child under age 13 committed a motor vehicle theft.



DETENTION REQUIREMENTS

DJS HAS UPDATED ITS OPERATIONS TO MEET THE REQUIREMENTS OF HB-814 RELATED TO THE FOLLOWING:



DETENTION
ELIGIBILITY



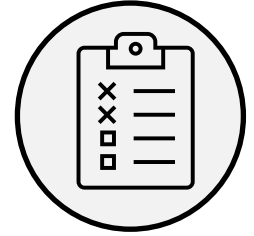
DETENTION
FOR YOUTH
UNDER AGE 13



DETENTION
REVIEW



DETENTION ELIGIBILITY



- A child **MAY NOT** be placed in detention **BEFORE** a hearing if the most serious offense would be a misdemeanor *unless*:
 - The alleged act was a handgun offense or **a firearm offense**;
 - The child has been adjudicated delinquent **at least twice in the past two years**; OR
 - **The child was under court-ordered DJS supervision when the alleged act occurred, and the alleged act carries a penalty of two or more (2+) years of imprisonment (EXCEPT 2nd Degree Assault).**



DETENTION FOR YOUTH UNDER AGE 13

A child 10-13 *MAY BE* detained if:

- The alleged act would be a misdemeanor handgun or **firearm offense**
AND
- Has a prior adjudication for one same listed offense.



DETENTION REVIEW



A 14-day detention review hearing **MAY BE WAIVED** one time with the consent of:

- The Court;
- The State's Attorney; and
- Child's Counsel.

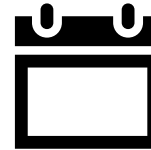


PROBATION REQUIREMENTS

DJS HAS UPDATED ITS OPERATIONS TO MEET THE REQUIREMENTS OF HB-814 RELATED TO THE FOLLOWING:



PROBATION
EXTENSIONS



TREATMENT
SERVICE PLAN
REQUIREMENTS



JJRC Probation/Community Supervision Terms

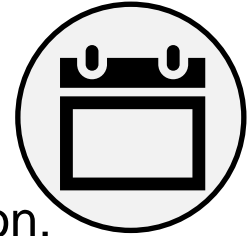
	Initial Term of Probation	Extension	Additional Extension
Misdemeanor Offenses <i>*Most serious adjudicated offense is a misdemeanor</i>	Up to 6 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: <ul style="list-style-type: none"> ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than one year .	Not Applicable
Felony Offenses <i>*Most serious adjudicated offense is a felony (not including a Crime of Violence)</i>	Up to 12 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: <ul style="list-style-type: none"> ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than two years .	The court may extend probation past the 2-year maximum, if after a hearing the court finds: <ul style="list-style-type: none"> ✓ that there is clear and convincing evidence that there is good cause to extend; AND ✓ Extending probation is in the best interest of the child. The total probation, including all extensions, cannot exceed 3 years.
Crimes of Violence (COV) <i>*most serious offense is a COV</i>	No Statutory Time Frames		



HB 814 Probation/Community Supervision Terms

	Initial Term of Probation	Extension	Additional Extension
Misdemeanor Offenses <i>*Most serious adjudicated offense is a misdemeanor</i>	Up to 12 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: <ul style="list-style-type: none"> ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than two years .	Not Applicable
Felony Offenses <i>*Most serious adjudicated offense is a felony (not including a Crime of Violence)</i>	Up to 24 Months	After the initial term of probation, the court may hold a hearing and extend probation by terms of <u>3 months</u> if the court finds: <ul style="list-style-type: none"> ✓ Good cause to extend the probation; AND ✓ The purpose is to ensure the child completes treatment or a rehabilitative program. The total time of the probation, including extensions, cannot be more than three years .	The court may extend probation past the three-year maximum, if after a hearing the court finds: <ul style="list-style-type: none"> ✓ Good cause to extend; AND ✓ Extending probation is in the best interest of the child. The total probation, including all extensions, cannot exceed four years .
Crimes of Violence (COV) <i>*most serious offense is a COV</i>	No Statutory Time Frames		

TSP REQUIREMENTS



If the court adopts a Treatment Service Plan (TSP) at disposition, DJS shall:

- Ensure implementation occurs within 25 days after disposition
 - If the TSP requires specific supervision, mentoring, mediation, monitoring, or placement, implementation is considered to have occurred **ONLY** when the action occurs (e.g., supervision, mentoring, mediation, monitoring, or placement occurs).
- **Provide certification *in writing* to the court within 25 days after disposition if TSP implementation has occurred ***and*** explain attempts made to ensure implementation.**

DJS shall forward a copy of certifications to the Commission for the purpose of evaluating patterns of failed implementation



COMMUNITY DETENTION REQUIREMENTS

DJS HAS UPDATED ITS OPERATIONS TO MEET THE REQUIREMENTS OF HB-814 RELATED TO THE FOLLOWING:



ELECTRONIC
MONITORING
NOTIFICATION



ELECTRONIC MONITORING NOTIFICATION



- If a child on electronic monitoring violates the Community Detention Agreement, DJS is *required* to notify:
 - Juvenile Court;
 - State's Attorney's Office; and
 - Child's Counsel

within 24 hours.



II

DRAI

Some Important Facts...

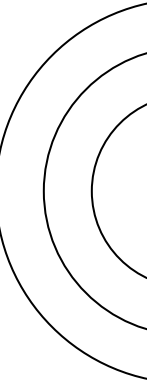
- The Detention Risk Assessment Instrument (DRAI) was last validated in 2019.
- JJRC law (2022) requires DJS to validate the DRAI every 5 years using an independent researcher.
- The DRAI is administered at the request for secure detention.



LAW GOVERNING DETENTION DECISIONS

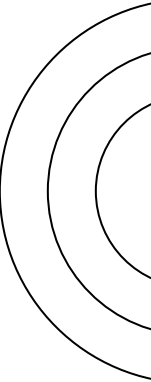
Maryland law states that the court or an intake officer may authorize detention, community detention, or shelter care (*Md. Code, Courts and Judicial Proceedings, 3-8A-15*).

- **A child may be placed in detention or community detention prior to a hearing if:**
 - Required to protect the child or others OR
 - The child is likely to leave the jurisdiction of the court.
- **A child may be placed in emergency shelter care or community detention prior to a hearing if:**
 - Required to protect the child or person and property of others;
 - The child is likely to leave the jurisdiction of the court; or
 - There is no parent, guardian, custodian, or other person able to provide supervision and care for the child and return the child to the court when required **and**
 - Continuation of the child in the home is contrary to child's welfare; and
 - Removal of child is reasonable due to alleged emergency situation in order to provide for the safety of the child OR
 - Reasonable but unsuccessful efforts have been made to prevent or eliminate the need for removal from the child's home; and
 - Reasonable efforts are being made to return the child to their home.

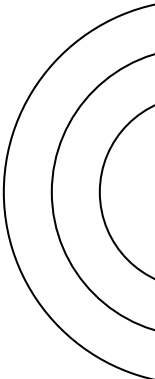


SETTING THE STAGE

- By law, the risk scoring instrument (DRAI) must be independently validated every five years to ensure that the assessed risk factors remain both accurate and predictive (*Md. Code, Courts and Judicial Proceedings, 3-8A-15(2)*).
- **Validation Studies** assess whether a risk assessment tool is doing a good job at predicting new arrests and failures to appear in court (FTAs), and updates the tool based on more recent research evidence.



NEW DRAI SCORED ITEMS



DRAI Scored Items (Previous)
<ul style="list-style-type: none">Charges Pending Adjudication (excluding charges pending at Intake)
<ul style="list-style-type: none">Prior Sustained Adjudications/Current Supervision
<ul style="list-style-type: none">History of Failure to Appear for a Court Hearing (within past 12 months)
<ul style="list-style-type: none">History of Escape/AWOL (within past 12 months)
<ul style="list-style-type: none">Prior Detentions (within past 6 months)
<ul style="list-style-type: none">Age at First Felony Complaint

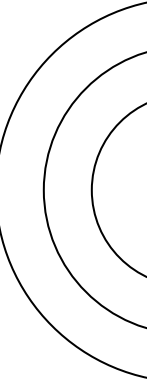
New DRAI Scored Items
<ul style="list-style-type: none">Prior Misdemeanor Complaints in the Last 3 Months
<ul style="list-style-type: none">Age at DRAI
<ul style="list-style-type: none">FTA/Writ/Warrant/AWOL Alerts in the Past Year
<ul style="list-style-type: none">Current and Pending Category III Complaints
<ul style="list-style-type: none">Current Most Serious Alleged Offense is Auto Theft
<ul style="list-style-type: none">Prior Detention Alternatives (ATDs) in the Last 2 Years



DECISION OUTCOMES

The DJS Intake Officer will make one of three decisions upon consideration of the DRAI score, DJS and court-mandated policy, and aggravating and mitigating factors.

NOT AUTHORIZED	COMMUNITY DETENTION AUTHORIZED	SECURE DETENTION AUTHORIZED
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DRAI POLICY AND IMPLEMENTATION

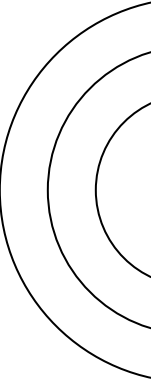
- DJS policies continue to reflect the consensus that certain serious offenses require thoughtful review to ensure that decisions are made in the best interest of the child and community.
- DJS upholds and provides guidance for intake officers to make discretionary decisions, ensuring careful consideration is given to both the risk and the seriousness of the offense.
- Intake officers retain the ability to consider factors relevant to individual child and tailor decision-making accordingly through overrides as appropriate. Such decisions are done in consultation with supervisors or are approved by the Regional Intake Director when necessary.
- The new DRAI does not change intake officer decision making for court-required holds (e.g., writs/warrants, remands).



SPECIAL INFORMATION SESSION

“Ask the Researchers” *(Coming in November 2024)*

Join DJS and researchers from the University of Maryland School of Social Work as we discuss the newly validated DRAI and address questions submitted in advance via the survey link you will receive after this session.





COMMUNITY DETENTION

Some Important Facts...

- The aim of community detention is to ensure that youth get to their scheduled court hearing without re-offense.
- DJS youth and families receive orientation and sign agreements about supervision conditions in the community.
- Intake Officers may place youth for whom secure detention is requested on any level of community detention, but the youth must appear before the Court to continue the service via court order or to modify the decision.





COMMUNITY DETENTION CONTINUUM

(EFFECTIVE NOVEMBER 1, 2024)

	LEVEL 1 COMMUNITY DETENTION WITH CURFEW	LEVEL 2 COMMUNITY DETENTION WITH REPORTING CENTER	LEVEL 3 GPS WITH CURFEW	LEVEL 4 COMMUNITY DETENTION WITH ELECTRONIC MONITORING
MONITORING SERVICES:				
DIRECT CONTACTS with SUPPORT Face-to-Face Contacts Phone Contacts (Youth and Parent)	YES	YES	YES	YES
COMMUNITY SUPPORT Home and Community Check-Ins Service Referrals	YES	YES	YES	YES
REPORTING CENTER¹ Evening Reporting Hours: 3 pm – 9 pm Day Reporting ² Hours: 9 am – 3 pm <i>(Begins January 2025)</i>		YES	For additional support as determined	For additional support as determined
LOCATION MONITORING Use of Electronic Monitoring or GPS			YES	YES
TOTAL HOUSE ARREST (THA) Required to remain in assigned residence at all times, with the exception of attending school, scheduled work, and approved family events/activities				YES

COMMUNITY DETENTION PROGRAM AGREEMENT

Youth Name:

Date:

Parent/Guardian Name:

Next Court Date:

You have been placed in the Maryland Department of Juvenile Services Community Detention (CD) Program. The CD Program allows you to stay in your community before court instead of being placed in detention. Below you will find the CD Program rules and other important information.

While in the Community Detention Program you must:

- Attend Court hearings as scheduled;
- Follow conditions outlined in the CD Court Order;
- Be available for scheduled visits with CD staff; and
- Not be involved in any new delinquency allegation.



CONDITIONS OF SUPERVISION

What does this mean for you?

Violations of this agreement may lead to more supervision, community service hours, extension of program time, or termination of CD and referral back to the Court for further action.



CONSEQUENCES OF NON-COMPLIANCE

Parents or guardians are expected to notify program staff regarding any contact information changes (address, phone number, email, etc.).

You can reach the Community Detention Command Center at:
410-464-2427 OR 800-260-4075

By signing below, you are stating the rules of the CD Program have been explained to you and you understand what is needed to successfully remain in the Program.



YOUTH AND PARENT/GUARDIAN AGREEMENT

Youth

Date

Parent/Guardian

Date

CDO

Date



Q & A

**DJS COURTESY REVIEW OF
HB-814 LEGISLATION, RISK ASSESSMENT, AND COMMUNITY DETENTION**

Presenters:

Lisa M. Garry - Deputy Secretary of Community Services
Sherika Shnider, Esq. - Senior Director of Strategic Initiatives
Kate Figiel-Miller - Senior Research Analyst