



RACIAL EQUITY IMPACT NOTE

DEPARTMENT OF LEGISLATIVE SERVICES
MARYLAND ▪ GENERAL ▪ ASSEMBLY

2022 Session
HB0459

Juvenile Justice Reform

Summary

This bill makes numerous changes to the juvenile justice process in the State by generally implementing the recommendations of the Juvenile Justice Reform Council, as created by Chapters 252 and 253 of 2019. Among other provisions, the bill (1) limits the circumstances under which a child younger than age 13 is subject to the jurisdiction of the juvenile court; (2) expands the use of informal adjustments; (3) establishes limitations on terms of probation imposed by a juvenile court, the use of detention, and out-of-home placements; (4) creates a permanent Commission on Juvenile Justice Reform and Emerging and Best Practices; and (5) establishes numerous reporting requirements.

Maryland Demographics

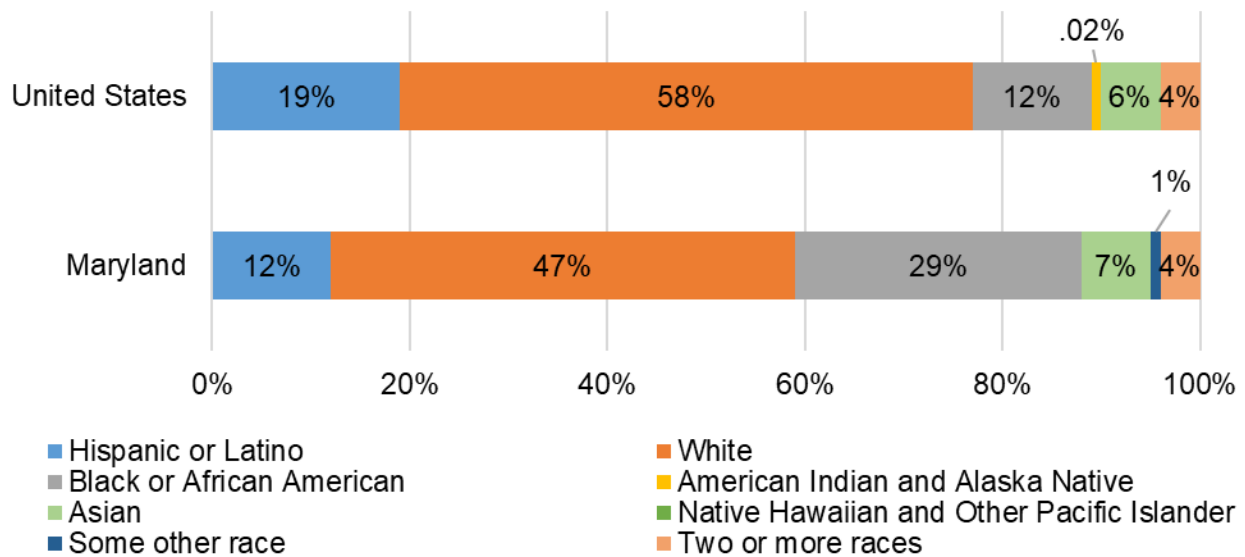
Race and Ethnicity of the Maryland Population

Maryland's 2020 census population is 6,177,244, a 7% increase from the 2010 census count and approximately 2% higher than the 2019 census population estimates. In addition to an increase in population, Maryland's racial demographics have become more diverse. Maryland is now a state in which racial minorities make up a majority of its total population. Notable changes relevant to this shift are the increase in groups who identify as "other" and "multiracial" (*i.e.*, two or more racial identities), which total 5% of the State's population. Additionally, the change in demographics is due to the decrease in the number of individuals who only report "White" as their racial group. Despite this decrease, non-Hispanic Whites remain the largest single race demographic group in the State of Maryland comprising 47% of the State's population.

Compared to the U.S. population overall, Maryland's population of individuals who identify as a single race is more diverse. Maryland is ranked as the fourth most diverse state by the U.S. Census Bureau's [Diversity Index](#). As shown in **Exhibit 1**, in Maryland, 47% identify as White alone compared to 58% of the national population. Similarly, 51% of the population identify as

non-White or multi-racial compared to 38% of the national population. In both the State and national population, the largest shares of the non-White population are individuals who are Black or African American, with 29% of the State population identifying only as Black or African American and another 2.5% identifying as Black in combination with some other race. Maryland’s Asian population is 7%, which is slightly higher than the Asian share of the national population of 6%. The State’s overall population by ethnicity, however, is slightly less diverse than the U.S. population; 12% of the State’s population identified as Hispanic or Latino compared to 19% of the U.S. population.

Exhibit 1
U.S. and Maryland Population by Race and Ethnicity
2020



Source: U.S. Census Bureau, 2020 Census Redistricting Data (Public Law 94-171), Table ID P2, HISPANIC OR LATINO, AND NOT HISPANIC OR LATINO BY RACE.

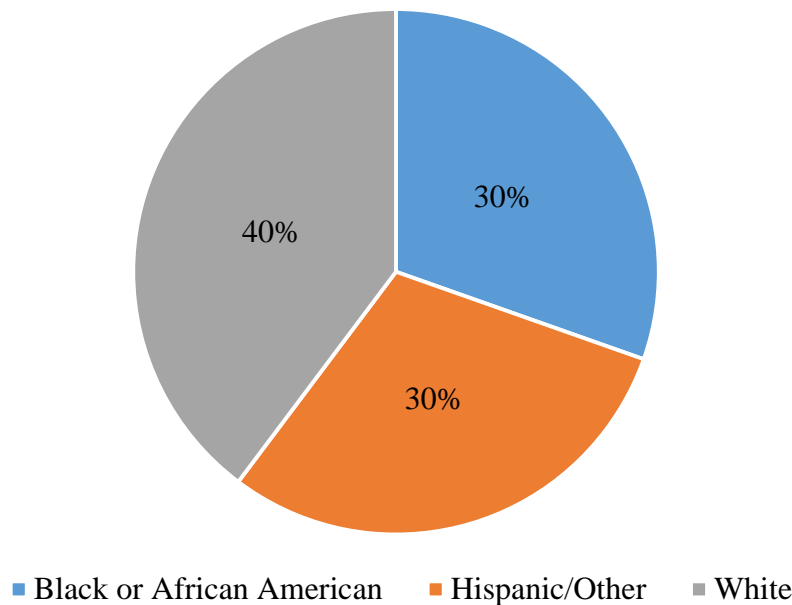
Racial Equity Impact Statement

This analysis will consider the bill’s provisions which generally establish that a child younger than age 13 is not subject to the jurisdiction of the juvenile court for purposes of a delinquency proceeding and may not be charged with a crime. A delinquent act is one that would be a crime if committed by an adult under existing law. In general, the juvenile court has jurisdiction over a child alleged to be delinquent, in need of supervision, or who has received a citation for specified violations with specified exceptions in statute.

Race and Ethnicity of the Maryland Population Under 13 Years of Age

In 2020, Maryland’s estimated under age 13 population was 955,888 individuals. As shown in **Exhibit 2**, 40% of these individuals are White, 30% are Black or African American, and the remaining 30% encompass Hispanics and other racial groups.

Exhibit 2
Maryland Population
Under 13 Years of Age
2020



Source: U.S. Census (2020); Department of Legislative Services

DJS Intakes for Juveniles Under 13 Years of Age

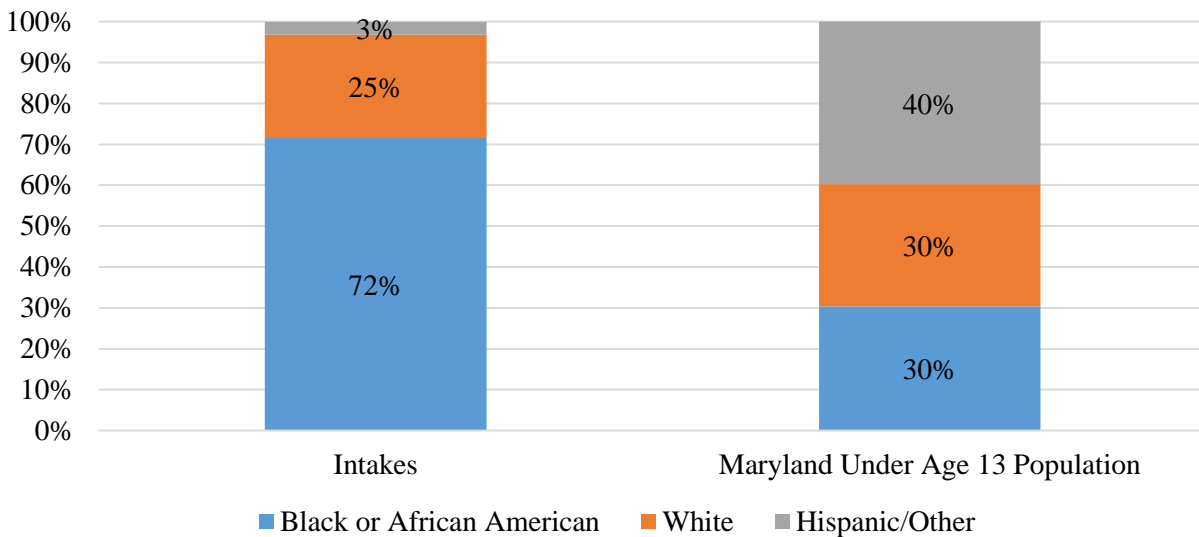
In 2020, the Department of Juvenile Services (DJS) reported a total of 1,472 juvenile intake complaint decisions for children under age 13. This number represents 34% of the total intakes for DJS in 2020. DJS’s intake process consists of reviewing a complaint against a youth and determining whether the juvenile court has jurisdiction and whether judicial action is in the best interest of the youth and/or the public.

Of the total intakes, 57.1% were ‘resolved at intake,’ which is a determination by the DJS intake officer that forwarding the case to the State’s Attorney’s Office for formal processing or informal pre-court supervision would be disadvantageous to the interests of the youth and to public safety. Of the remaining intakes, 17.4% were forwarded to informal pre-court supervision and 25.5%, or 375, were forwarded to the State’s Attorney’s Office for formal processing and possible

disposition (equivalent to sentencing in adult court). According to DJS, 37 cases resulted in a disposition by the court.

According to DJS, intake decisions must be fair and equitable, acknowledging that systemic racism, biases, and prejudices can influence which youth are referred to intake. **Exhibit 3** illustrates the percentage of DJS intakes for individuals under age 13 by race. Of the 1,472 intakes, 72% are Black or African American, 25% are White, and 3% comprised a combined group of Hispanic and all other racial groups.

Exhibit 3
DJS Intake Population in Maryland
2020



DJS: Department of Juvenile Services

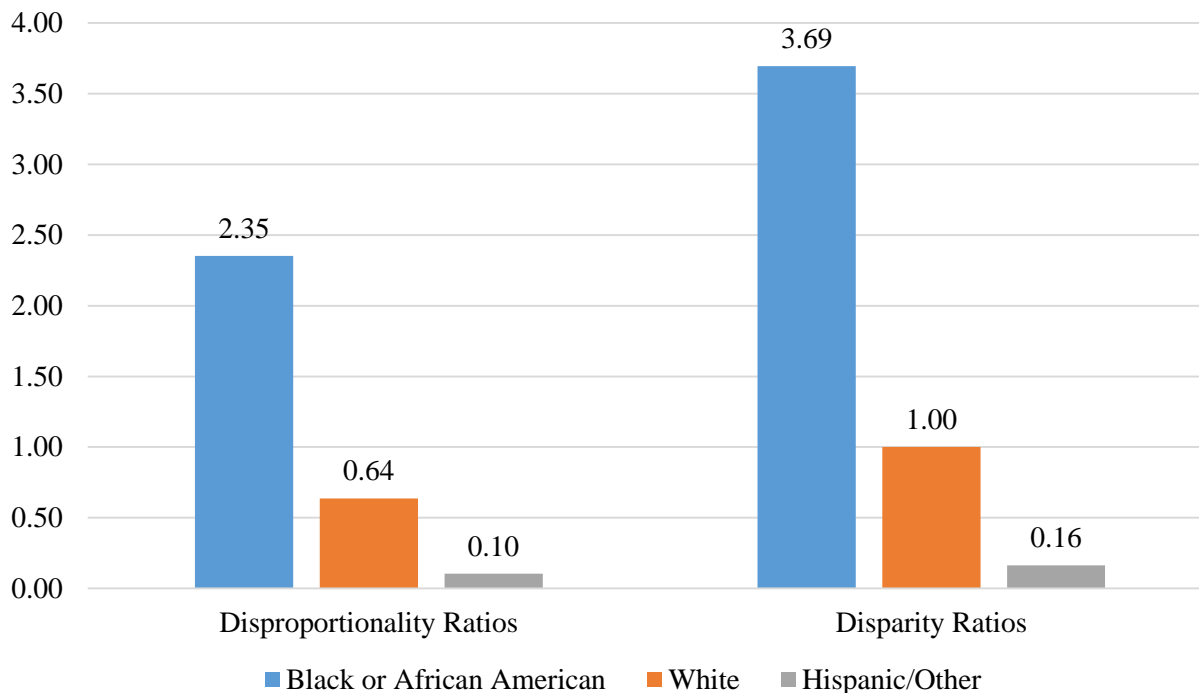
Source: Maryland Department of Juvenile Services; U.S. Census (2020); Department of Legislative Services

Racial Disproportionality and Disparity in DJS Intakes for Juveniles Under 13 Years of Age

Black or African American juveniles are overrepresented in the DJS intake population. Given the total number of DJS intakes for juveniles under age 13, **Exhibit 4** shows that the disproportionality ratio for African Americans, or individuals identified as Black, is 2.35. This means African Americans, or individuals identified as Black, are over twice as likely to be part of the intake population compared to their share of the overall State population. Whites and the Hispanic/Other racial group have disproportionality ratios of less than 1.00, with Whites at 0.64 and Hispanic/Other at 0.10. Thus, juveniles in these groups are less likely to have a DJS intake than would be expected given their respective proportions of the State's population.

Exhibit 4 also shows how racial disparities vary among the different racial groups with respect to DJS intakes for these juveniles. African Americans, or individuals identified as Black, have a racial disparity ratio of 3.69, which means they are almost four times likelier to have a DJS intake case when compared to Whites. The Hispanic/Other racial group has a disparity ratio of 0.16, meaning they are much less likely to have a DJS intake than Whites.

Exhibit 4
DJS Intakes
Disproportionality and Disparity Ratios
2020



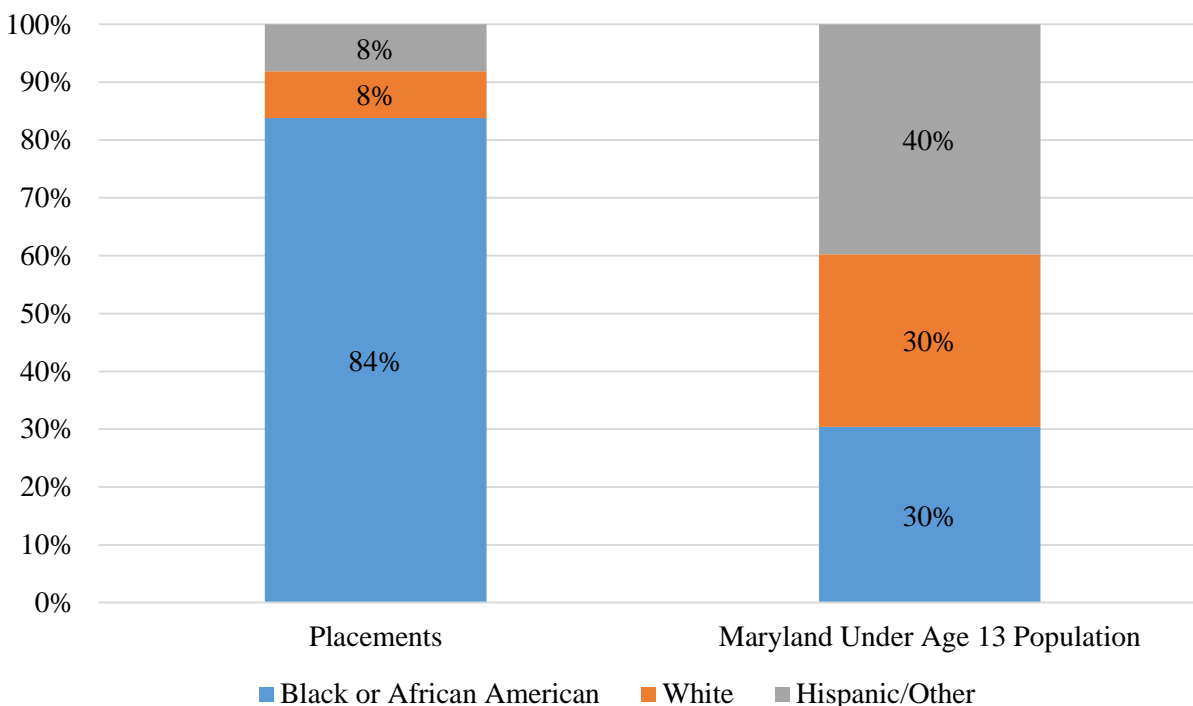
DJS: Department of Juvenile Services

Source: Department of Legislative Services

DJS Placements of Juveniles Under 13 Years of Age

In 2020, DJS reported a total of 37 placements of juveniles under age 13. As it pertains to the bill, DJS’s placement process refers to a decision made by an intake officer or judge to place a juvenile under age 13 into detention or a committed program. **Exhibit 5** illustrates the percentage of DJS placements for juveniles under age 13 by race and ethnicity. Of the 37 placements, 84% are Black or African American, 8% are White, and 8% are Hispanic/Other.

Exhibit 5
DJS Placement Population in Maryland
2020



DJS: Department of Juvenile Services

Source: Department of Legislative Services

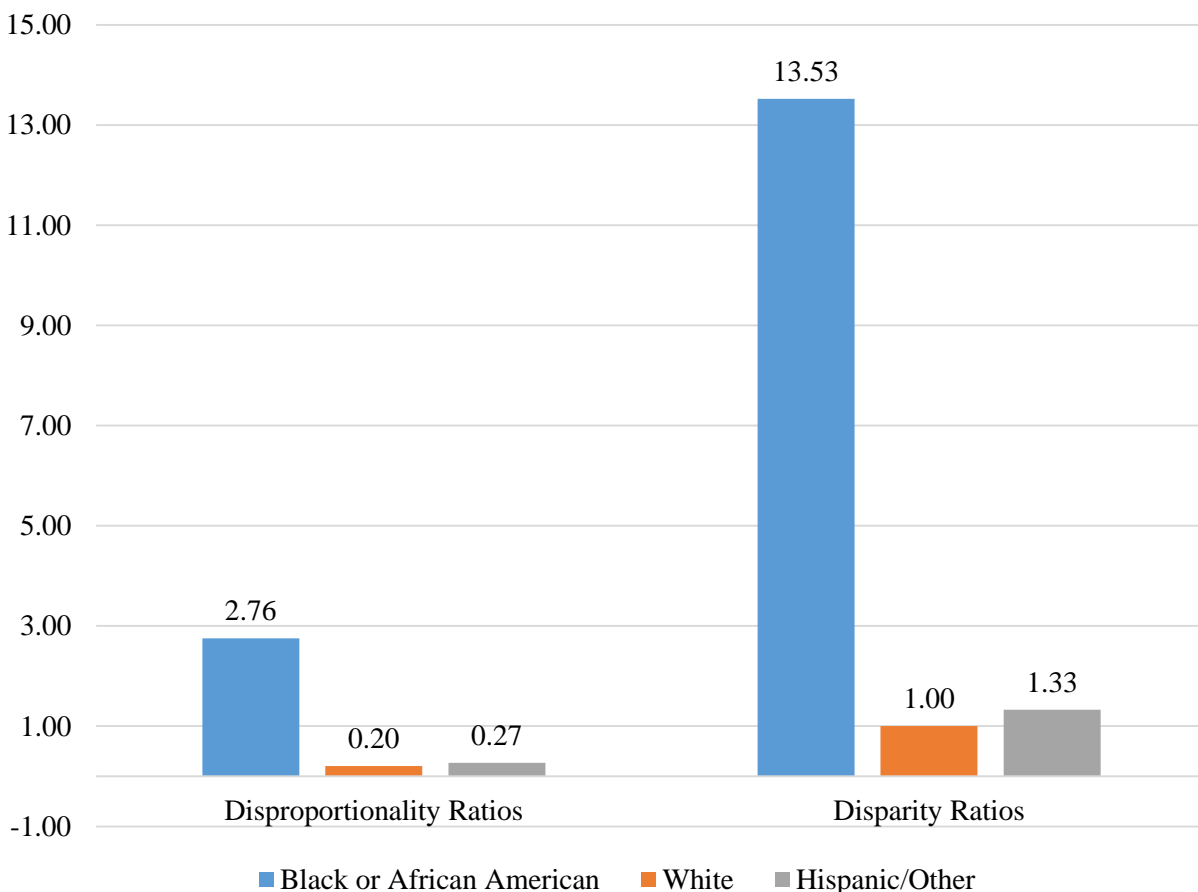
Racial Disproportionality and Disparity in DJS Placements for Juveniles Under 13 Years of Age

Black or African American juveniles are substantially overrepresented in the group of juveniles placed into detention or committed programs in 2020. Given the total number of DJS placements for juveniles under age 13, **Exhibit 6** shows the disproportionality ratio for African Americans, or individuals identified as Black, is 2.76. This means African Americans, or individuals identified as Black, are almost three times as likely to have a placement decision compared to their share of the overall State population. Whites and the Hispanic/Other group have disproportionality ratios of less than 1.00, with Whites at 0.20 and the Hispanic/Other group at 0.27. Thus, juveniles in these groups are significantly less likely to have a DJS placement than would be expected given their respective proportions of the State’s population.

Exhibit 6 also shows significant racial disparities among the different racial groups with respect to DJS placements. African Americans or individuals identified as Black have a racial disparity ratio of 13.53, which means they are almost 14 times more likely to have a DJS placement than Whites. Additionally, the Hispanic/Other racial group has a disparity ratio of 1.33, meaning they are

somewhat likelier to have a DJS intake than Whites. It should be noted with respect to both ratios in Exhibit 6 that the DJS data does not differentiate between placements ordered by a judge or an intake officer.

Exhibit 6
DJS Placements
Disproportionality and Disparity Ratios
2020



DJS: Department of Juvenile Services

Source: Department of State Police; Department of Legislative Services

Conclusion

By establishing a minimum age of juvenile court jurisdiction for which a juvenile may be subjected to formal prosecution and court processes, the bill will significantly impact youths under the age of 13. There has been considerable discussion in the juvenile justice policy arena that preteens have diminished neurocognitive capacity to be held culpable for their actions and also lack the

ability to understand legal charges against them. Specifically, Black juveniles under age 13 will benefit to the greatest extent under the bill given that they are disproportionately and disparately impacted by DJS intakes, dispositions, and placements. While there was not sufficient data available to reliably estimate the impact of other changes made by the bill, the provisions regarding the expanded use of informal adjustments, limitations on probation, detention, and out-of-home placements, as well as the creation of a permanent commission to conduct evidence-based, research regarding juvenile rehabilitation, will likely result in positive equity impacts in general.

Methodologies, Assumptions, and Uncertainties

Although some reports use disparity and disproportionality interchangeably, this racial and equity impact note distinguishes them. Disproportionality is the state of being out of proportion. It compares the proportion of one racial or ethnic group of a target population to the proportion of the same racial or ethnic demographic group in the general population. Disparity, however, refers to a state of being unequal. A disparity describes an unequal outcome experienced by one racial or ethnic group of the target population as contrast against a different racial or ethnic group in the target population.

The information provided in this note is drawn from quantitative data analysis of available statistical datasets on crime and criminal justice collected by entities at the national and state level. Moreover, the information includes scholarly literature on racial and ethnic disparities in the U.S. criminal justice system.

Information Sources: Department of Juvenile Services; U.S. Census (2020); Juvenile Justice Reform Council; Department of Legislative Services

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