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DATE: February 11, 2020
Bill Number: SB 406 - Public Safety - Local Youth Violence Review
DJS Position: Letter of Information

The Department of Juvenile Services (DJS or department) is providing information for SB 406.

SB 406 allows Maryland counties the authority to establish a multi-disciplinary committee of law enforcement, health department, social services, and health services professionals to develop recommendations for addressing youth violence. The primary local law enforcement agency and State's Attorney for that jurisdiction would administer each committee. SB 406 allows review of cases where young people suffer a fatality or serious injury or cause a fatality or serious injury.

The DJS State Advisory Board already includes a child-fatality review function.

DJS is a child-serving agency that takes a collaborative approach to policy-making and is committed to transparency. In that spirit, the department introduced legislation that the General Assembly passed during the 2019 Session (HB0169 - State Advisory Board for Juvenile Services - Duties and Access to Records – Ch0271) which places the responsibility with the DJS State Advisory Board (SAB) to review cases surrounding fatal events of youth under the supervision of DJS. Specifically, the legislation identified two scenarios where review occurs:

- Youth who are convicted or adjudicated as causing the death of another; and
- The death of a youth while under supervision.

Recommendations adopted as result of this review are posted on the DJS website and DJS reports regularly to the SAB on youth involved and implementation.

The existing process provides for a full and complete review of fatalities.

The bill creating this fatality review process also modified the juvenile records confidentiality statute by permitting the SAB members access to confidential records for the singular purpose of conducting these examinations. This carefully crafted exception is for a very limited purpose and includes robust safeguards against the retention or disseminations of juvenile records; this is to protect those involved while allowing for multidisciplinary review. The SAB is comprised of wide array of individuals whose professions and backgrounds include law enforcement, the judiciary, human services, crime victims' rights, and family members of formerly system-involved youth.

DJS may only share information about youth in limited, carefully defined statutory exceptions.

Furthermore, due the confidential nature of juvenile cases, the department has concerns that information sharing or participation in a local youth violence review committee could be prohibited by juvenile confidentiality laws should this bill pass. While the language of the bill attempts to avoid identification of individuals who are subject to review, the public nature of meetings – when coupled with other information – could allow identification of those reviewed and their circumstances.