

SB800.pdf

Uploaded by: CANTY, PHILESCIONO

Position: FAV

Philesciono Canty
Creative Solutions 4 Youth 501c3
www.MusicIndustryAcademyDC.com
EM: ezstreetdmv@gmail.com

March 2 2021

Creative Solutions 4 Youth 501 c3 is in favor of SB800 crafted by Senator Obie Patterson of the 26th District of Prince George's County.

Creative Solutions 4 Youth LLC is a 501 c3 consulting firm specializing in creating and implementing curriculums that focus on educating high school students, at-risk youth and returning citizens. We incorporate Hip-Hop culture, music and video production, music marketing and several other elements of the entertainment while strategically weaving in important life skills via the EZ Street Music Industry Academy.

The EZ Street Music Industry Academy is the first federally funded re-entry program of its kind to use Hip-Hop and popular culture as a form of expressive therapy designed to reduce recidivism. Our high retention, attendance and graduation rates are evidence that our program has changed lives and behaviors. Our goal is to increase public safety, and to strengthen families and our community.

For the last 3 years Creative Solutions 4 Youth 501 c3 has worked directly in the re-entry field with returning citizens requiring intense supervision for federal agency CSOSA and DYRS both in Washington DC.

SB800 strikes at the root of the problem facing returning citizens of Prince George's County. A creative & innovative holistic approach is needed if we are serious about reducing recidivism and increasing public safety in our community.

A wise person once said "We can not open new doors with old keys".

SB800 created by Senator Obie Patterson of the 26th District of Prince George's County is that "new key" this county has been waiting for.

Thank you.

Philesciono Canty
aka Ez Street
CEO & Founder
Creative Solutions 4 Youth 501c3

MOPD Opp SB115_AC edits (1) (1).pdf

Uploaded by: Capozello, Alycia

Position: UNF



POSITION ON PROPOSED LEGISLATION

BILL: SB115 - Baltimore City and Prince George's County -
Diversionary and Reentry Program
POSITION: OPPOSE
DATE: March 4, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue an unfavorable report on Senate Bill 115, Baltimore City and Prince George's County - Diversionary and Reentry Program. While we commend any effort to increase diversion options in the youth legal systems, the SAO is not the appropriate entity to establish or run youth development programming, this legislation conflicts with existing law, this bill fails to establish constitutionally required guardrails, and this bill lacks any grounding in evidence or best practices.

The State's Attorney Office is Not the Appropriate Entity

The powers and duties of the State's Attorney are prescribed by state statute and the Maryland constitution, but in Maryland those powers and duties are not specifically enumerated or defined. Under the Maryland Code, the primary charge of the State's Attorney is to prosecute and defend all cases in which the State may be interested. The Department of Juvenile Services (DJS), however, is designated as the "central administrative department for..., predelinquent diversion services, and aftercare services; and (2) the State juvenile diagnostic, training, detention, and rehabilitation institutions." The law mandates that:

(b) The Department shall:

- (1) develop programs for predelinquent children whose behavior tends to lead to contact with law enforcement agencies;
- (2) promote predelinquent programs, including greater utilization of youth services bureaus under § 9-234 of this subtitle, that provide services to divert children from the juvenile justice system;
- (3) collaborate with local governments to encourage the use of predelinquent programs provided by youth services bureaus under § 9-234 of this subtitle in response to identified community needs; and
- (4) provide technical assistance to local governments and youth services bureaus under § 9-234 of this subtitle to identify alternative funding sources for predelinquent programs.

For further information please contact Krystal Williams, Director, Government Relations Division, by email at krystal.williams@maryland.gov or by phone at 443-908-0241.

The law also mandates that the Department shall create re-entry plans for youth in custody and provide re-entry services, specifically:

- (i) a network of programs that provide education and rehabilitation; and
- (ii) services and treatment to ease the transition of children from the custody of the Department to their homes and communities.

The proposed statute would usurp the power and legislatively designated role of DJS without any of the attendant forms of oversight or accountability outlined in the Human Services article for DJS. If the SAO wishes to expand diversionary and aftercare options, the SAO should work to partner with its local DJS office to expand and improve these options.

In addition, Md. Cts. & Jud. Proc. 3-8A-10(c)(4)(ii) does not provide for SAO involvement prior to DJS intake, only for “law enforcement” diversion.

SB115 Conflicts with existing law and fails to protect a child’s Constitutional rights

SB115 would require the SAO in two counties to establish diversion centers which would serve three populations:

1. Students suspended or expelled from school;
2. Individuals “referred” by the court; and
3. Young people committed to DJS or “sentenced” to short-term detention or incarceration.

This bill would require a child who was involuntarily enrolled in the program to “CONTINUE UNTIL THE AT-RISK YOUTH REACHES THE AGE OF 18 YEARS.” This requirement provides no procedure for appeal. Young people in categories 1 and 2 could be compelled to participate in this program without having been found delinquent, adjudicated as involved in a delinquent offense or even charged with a delinquent offense. Furthermore, some of these youths have no guaranteed legal representation violating the Due Process requirements of the U.S. and Maryland constitutions.

This bill divests the juvenile court of its authority and responsibilities under the Maryland Code. Under the Maryland Code, the juvenile court may commit a child to DJS “on terms that the court considers appropriate to meet the priorities set forth in Section 3-8A-02 of this subtitle.” The juvenile court, not SAO, should control the re-entry plan for a committed child.

This bill runs afoul of privacy of police records under Section 3-8A-27 and privacy of educational records.

SB115 fails to comply with best practices and is not evidence-based

The Office of the State’s Attorney is not an appropriate entity to establish or operate youth development programs. If funds are going to be allocated to establish diversion and aftercare

programming, it should be directed to the agencies who have the training, expertise, and knowledge of child development, best practices, and evidence-based programming.

There is an extensive body of literature on the best practices in youth development and diversion. This bill does not comport with any of the basic best practices principles of diversion. Diversion is intended to prevent youth from penetrating deeper into the delinquency and criminal justice systems and reduce future criminal behavior. Diversion programs have additional benefits of reducing stigma, lessening disparate outcomes for Black youth, providing more proportionate responses to developmentally appropriate misbehavior, reducing court workloads, reducing costs, and preserving resources for those who have the need for high levels of service.

But diversion is not an unmitigated good. Poorly designed or implemented diversion programs run three major risks: net widening, increased recidivism, and increasing racial and gender-based disparities. This bill would do all three.

Net widening refers to the phenomenon of bringing more youth into contact with the legal system who would not otherwise encounter the system. Service providers often inadvertently “widen the net” because they feel pressure to maintain a steady number of referrals and to “grow” programming in order to demonstrate success. SB115 on its own terms would widen the net by drawing students who have never had any contact with the delinquency or criminal legal system (youth who have been suspended from school and youth who are “referred” by the court.”)

Another significant risk of diversion programs is that poorly designed interventions can actually increase, rather than decrease, recidivism. When young people view diversion programs akin to traditional probation or punitive programming, they are subject to increased levels of surveillance and greater referrals to law enforcement. As Annie E. Casey Foundation has explained, retaining the threat to reopen or process the cases of youth who fail to meet the conditions of the diversion program “is unnecessary and counterproductive because most youth grow out of delinquent behavior without any intervention, and formal processing substantially increases the likelihood of future arrests, while doing little or nothing to improve behavior.”¹

Further, there are widely accepted, national best practices standards for diversion programs.² The University of Maryland Institute for Innovation & Implementation has identified seven best practices for youth diversion programs:

¹ Annie E. Casey Foundation, *Transforming Juvenile Probation: A Vision for Getting it Right*, May 7, 2018, available at <https://www.aecf.org/resources/transforming-juvenile-probation/>.

² Jill Farrell, Aaron Betsinger, and Paige Hammond, *Best Practices in Youth Diversion: Literature Review for the Baltimore Youth Diversion Committee*, The Institute for Innovation and Implementation, University Of Maryland School Of Social Work (August 2018), available at <https://bit.ly/3c9Vxrp>.

1. Use standardized screening and assessment tools
2. Clearly define target populations
3. Develop and use a wide network of community-based providers
4. Build on strong cross-agency partnerships
5. Use written diversion agreements
6. Prevent future prosecution and expunge arrest records; and
7. Ensure equity and cultural competence

SB115 fails to meet or address any of these best practices. While it requires the program to conduct assessments of program participants, it does not require use of standardized screening or assessment tools, it does not clearly define the target population but uses the generic and vague term of serving "at-risk" youth. The term "at-risk" is not defined in anyway and is a term that is so vague that it could apply to almost any young person.

SB115 requires the center to run a "self-actualization program model." "Self-actualization program model" is not defined nor is there any widely-accepted definition of "self-actualization program model" in the academic literature related to delinquency, diversion, or youth development.

For these reasons, the Maryland Office of the Public Defender urges an unfavorable report on Senate Bill 115.

SB0115 - DJS - LOI - Final.pdf

Uploaded by: Tress, Andrew

Position: INFO

Boyd K. Rutherford
Lt. GovernorLarry Hogan
GovernorSam Abed
Secretary

Date: March 4, 2021
Bill Number: SB0115 - Baltimore City and Prince George's County - Diversionary and Reentry
DJS Position: Program Letter of Information

The Department of Juvenile Services (DJS or department) is providing information for SB0115. SB0115 creates a diversionary and reentry program for at-risk youth and youth offenders specific to Baltimore City and Prince George's County by establishing a judicial research and youth development center in each of those jurisdictions run through the local State's Attorney. These centers would supervise 150 individuals who are at least 16 years old and under the age of 25 years who fit specific criteria and are referred by the courts, committed to DJS, or serving jail or prison sentences.

The Juvenile Justice Reform Council (JJRC): Recommendations – Diversion

The JJRC, with the assistance of the Vera Institute of Justice, spent the last year researching best practices regarding the treatment of juveniles who are subject to the criminal and juvenile justice systems and identifying recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with these systems. A key goal is to avoid drawing youth into the formal juvenile justice system unnecessarily. The Council surveyed practices nationwide, heard from national experts in the field, and made the following recommendations as to diversion:

- ✓ Require informal adjustment for all first-time referrals for misdemeanor and non-violent felony offenses, except firearm offenses.
- ✓ Eliminate requirement of victim consent for informal adjustment while retaining victim notification procedures.
- ✓ Eliminate requirement for State's Attorney approval to proceed with an informal adjustment for non-violent felonies.
- ✓ Expand use of citation offenses and allow for police diversion for citation offenses.
- ✓ Narrow definition of "delinquent act" to conform with COMAR so that responses to certain school based behavior be administered by the school.
- ✓ Require the Governor's Office of Crime Prevention, Youth & Victim Services to develop a model diversion program.

DJS Currently Provides Critical Re-entry and Aftercare Services

The DJS re-entry process is managed by a team of regional re-entry specialists, whose primary function is to increase communication among essential stakeholders, from placement in treatment to a young person's return home. To ensure services are not interrupted, re-entry teams meet to determine the youth's housing plan, educational/ occupational needs, ongoing behavioral/somatic health service requirements, and family relationships, all of which are reviewed so that treatment and services transfer seamlessly.

Families of committed youth are invited and encouraged to participate in the re-entry planning process as partners. Families are supported by the DJS/Maryland Coalition for Families partnership, which features peer support specialists; each peer support specialist is a parent or guardian who formerly had a child involved in the juvenile justice system. Youth remain with DJS until a court terminates supervision and youth may – and often do - continue on supervision and receiving services after turning 18 years old.

After the youth has been in the community for 30 days, a DJS re-entry specialist follows up to assure that the youth has accessed all needed services, has successfully re-enrolled in their local public school if needed, and has remained in stable housing. The DJS strategic re-entry plan allows caseworkers to slowly decrease the time between meetings to gradually reduce DJS involvement when appropriate. The Department utilizes the re-entry coordinators in each of the six DJS regions who serve as liaisons between case managers, local schools and community resources to fully implement re-entry goals.