



To: The Honorable Luke Clippinger  
From: Maryland Youth Justice Coalition  
Re: House Bill 169: Juvenile Law – Informal Adjustment  
Date: February 25, 2021  
Position: Support

Dear Chairman Clippinger and Honorable Members of the Committee:

The Maryland Youth Justice Coalition (MYJC) is a group of passionate advocates and policy experts dedicated to creating a more fair and equitable youth criminal legal system where not only are youth given opportunities and options, but public safety is uplifted. MYJC aims to improve the lives of all system-impacted youth through legislative and policy advocacy. MYJC is made up of organizations, including representation from directly impacted and youthful individuals, who share an equitable vision for the future of the youth criminal legal system. We are dedicated to supporting evidence-based, culturally competent, and gender-responsive solutions that are vetted by directly impacted individuals and promote positive youth development and public safety.

Diversion of youth from the juvenile legal system is essential and should be utilized more comprehensively and equitably in Maryland. Today, we already achieve a great deal of diversion through informal adjustment, which provides more direct access to mental health services including evidence-based Multi-Systemic Therapy and Functional Family Therapy, mentoring, teen courts, and restorative justice practices such as family conferences, victim/youth conferences and mediations.<sup>1</sup>

The benefits of juvenile diversion include:

- Preventing association with delinquent peers;
- Holding youth accountable for their actions;
- Providing proportionate responses to delinquent behavior;
- Providing youth with opportunities to connect with services in the community;
- Reducing court caseloads, detentions, and out-of-home placements;
- Preserving resources for youth who have greatest needs for intensive services; and
- Improved relations between youth and community.<sup>2</sup>

<sup>1</sup> Md. Code Ann., Cts. & Jud. Proc. 3-8A-10.

<sup>2</sup> Farrel, Betsinger, & Hammond. Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee. Univ of Md. School of Social Work (Aug 2018), <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>.



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One of the most important benefits of diversion is reducing recidivism by keeping low-risk youth away from the stigma of the juvenile justice system.<sup>3</sup> Maryland’s own data shows that diversion works: approximately 80% of young people who participate in diversion through DJS successfully complete it and 90% of young people who complete diversion does not recidivate within one year.<sup>4</sup>

Through expanding informal adjustment in Maryland, we have a great opportunity to grow the use of diversion and reduce racial disparities in the population served. For reference, youth of color were more than twice as likely to have their cases referred to DJS, 50% more likely to have their cases petitioned with formal charges, and over 30% less likely to have their cases referred to diversion.<sup>5</sup> Youth of color were offered diversion less often than white youth in both misdemeanor and felony cases.<sup>6</sup> Black youth were the least likely to receive diversion, even for low-level offenses.<sup>7</sup>

While we applaud and support this bill’s efforts to increase diversion, we believe that House Bill 1187/Senate Bill 853 adds additional measures that expand diversion and make it more equitable. We propose the following amendments to HB169 or request that this bill be merged with HB1187.

- Require informal adjustment of misdemeanors (excluding handgun possession) and non-violent felonies for all youth who have not previously been adjudicated delinquent. This action will expand the use of diversion and reduce any racial disparities caused by the discretionary decisions of DJS and the State’s Attorney.
- Eliminate the requirement that DJS forward complaints of non-violent felonies to the State’s Attorney for approval of informal adjustment. This action will expand the use of diversion while preserving the State’s Attorney’s opportunity to petition formal charges if the informal adjustment is unsuccessful and will increase the number of youth who receive interventions.
- Eliminate the requirement of victim consent but require reasonable efforts to contact the victim for informal adjustment to proceed. This action will expand the use of diversion while increasing victim satisfaction. Victim consent is not required for the diversion of adult criminal justice cases<sup>8</sup> and should not be required for the diversion of a young person’s case, particularly when research demonstrates that diversion is healthier for young people and achieves incredible public safety outcomes in Maryland.

Should you have any questions about this testimony, please contact Hannah Breakstone, MYJC Coalition Manager and Policy Associate at Advocates for Children and Youth (ACY), at [hbreakstone@acy.org](mailto:hbreakstone@acy.org).

<sup>3</sup> Models for Change Juvenile Diversion Work Group, *Juvenile Diversion Guidebook* at 11 (2011), <https://www.modelsforchange.net/publications/301>.

<sup>4</sup> [Juvenile Justice Reform Council Final Report January 2021 \(maryland.gov\)](#) at 36.

<sup>5</sup> Department of Juvenile Services, *Data Resource Guide 2019*, p. 230.

<sup>6</sup> [Juvenile Justice Reform Council Final Report January 2021 \(maryland.gov\)](#) at 36.

<sup>7</sup> [Juvenile Justice Reform Council Final Report January 2021 \(maryland.gov\)](#) at 35.

<sup>8</sup> [Maryland Youth Justice Coalition Diversion Recommendations](#) at 4.

