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Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

LETTER OF INFORMATION FOR HOUSE BILL 389

February 5, 2026

DOROTHY J. LENNIG, GOCPP EXECUTIVE DIRECTOR

The Governor's Office of Crime Prevention and Policy (GOCPP) serves as Maryland's central coordinating agency for criminal and juvenile justice policy, federal grant administration, and compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP).

House Bill 389 seeks to prohibit the detention and confinement of youth in any facility that also holds adult inmates, with very limited exceptions. The bill applies to youth in a pretrial status as well as those who have been convicted of adult charges. Additionally, the proposed changes would remove the exception that currently allows for the denial or delay of a youth's transfer due to a lack of capacity within DJS facilities.

GOCPP administers the Title II Juvenile Justice Delinquency Prevention Formula Grant (JJAC). The federal Title II Formula Grants Program is authorized under Sections 221–223 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2002, 42 U.S.C. §§ 5631–5633 (JJDP). Among other conditions, states must comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) issued a letter to State Administering Agency Directors dated January 6, 2026, officially determining Maryland to be out of compliance with 223(a)(11)(b) by failing to remove youth from adult jails and lockups at a rate higher than the OJJDP calculated threshold (Attachment 1). This letter stated:

“Pursuant to section 223(c) of the JJDP (34 U.S.C. § 11133(c)), each eligible state receives 20 percent of its total FY 2025 allocation and an additional 20 percent for compliance with each of the requirements in sections 223(a)(11)(A) and (B), (12), (13), and (15). OJJDP has, therefore, determined that Maryland is eligible to receive 80 percent of its FY 2025 allocation related to participation in the Title II Formula Grants Program and compliance with sections 223(a)(11)(A), (12), (13), and (15) of the JJDP (34 U.S.C. § 11133(a)(11)(A), (12), (13), and (15)). Pursuant to section 223(c)(1)(B) of the JJDP (34 U.S.C. § 11133(c)(1)(B)), a state is ineligible to receive any award for the fiscal year unless the state agrees to expend 50 percent of the amount allocated to the state to achieve compliance

with any core requirement for which it has been found noncompliant. Thus, based on the state's noncompliance with section 223(a)(11)(B) of the JJDP (34 U.S.C. § 11133(a)(11)(B)) the JCA requirement, and pursuant to section 223(c)(1) of the JJDP, the state is ineligible to receive any award for FY 2025 unless it demonstrates in its budget that it will expend 50 percent of the amount awarded to achieve compliance with that requirement.”

Based on this letter, the state will lose 20% of the total federal fiscal year 2025 award and be required to utilize 50% of the remaining funds to achieve compliance. This will result in the loss of funding for community-based programs that provide diversion, positive youth development, and other early intervention services.

GOCPP has awarded approximately \$662,288 per year to community providers from JJDP funding on average. However, with the determination of noncompliance, those providers can expect an estimated \$2 million loss of federal dollars available over the next three years. (Attachment 2)

Maryland's Violation Data

GOCPP submits an annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), citing the number of violations for each of the first three core requirements. The number of violations is collected from every applicable facility across the state.

In federal fiscal year (FFY) 2023, Maryland's violation rate for holding youth in adult jails was 93.26 per 100,000 youth, and 119.59 per 100,000 youth in FFY 2024. FFY 2025 data is still being verified. However, GOCPP does not expect the numbers to change significantly from the 2024 report. The federal compliance threshold is 14.68 per 100,000. Based on these figures, Maryland will need to reduce its number of violations by an estimated 87% across the state.

These violations exist in every jurisdiction and every adult jail. Adult jails are not built to house youth, although correctional administrators work tirelessly to keep this population safe and secure. However, county jails, both the physical structures and available services, were not designed with this role in mind. GOCPP's compliance monitoring analysis indicates that Maryland's current statutory framework of initial adult criminal court jurisdiction, for youth 16 and over, charged with any one of 33 specific charges, is a primary driver of these violations.

Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A)

Aubrey Gerhardt
Title II Compliance Monitor



JJDPA Overview

The Juvenile Justice and Delinquency Prevention Act was signed into law in 1974 and created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the DOJ and Title II Formula Grants program

OJJDP determines the award amount for each state based on the state's juvenile population and compliance with each core protection

- States report violations of the core protections to OJJDP on a yearly basis which determines eligibility for the following grant cycle
 - For a state or territory to receive its full allocation of Formula Grant program funds, they must first demonstrate compliance with the core requirements of the JJDPA
 - Achieved via State Monitor conducting site visits and reporting violations



JJDPA Compliance Requirements

The JJDPA consists of four Core Protections

- Maryland is not compliant with the 223(a)(11)(B), Removal of juveniles charged as adults from adult facilities requirement

The 2018 Reauthorization of the JJDPA subjected juveniles charged as adults to the **Separation** and **Removal** core protections under the 223(a)(11)(B) requirement

- Prior to the reauthorization, Maryland did not have issues maintaining compliance with the core protections
- The state law regarding the process for juveniles once charged as adults has not been modified to reflect the changes made in the JJDPA 2018 reauthorization

Noncompliance in Maryland

Maryland has 215 facilities in its monitoring universe*

- Lockups: short-term holding facilities such as police departments, sheriff's office's for temporary detention/ processing
 - 77% of MD's monitoring universe, core protections achieved easily
- Jail/Detention Centers: Offenders are housed awaiting legal proceedings
 - 12% of MD's monitoring universe, violation incurred as soon as a juvenile enters the facility and every 30 days the juvenile remains housed in the facility

* Where juveniles may be held, not including adult prisons

Noncompliance in Maryland

In Maryland, juveniles are automatically charged as adults for 33 offenses and held in adult jails* immediately after arrest and processing** in most cases

- Most detention centers cannot accommodate sight and sound separation; so a violation could occur upon entry or after six hours, and every 30 days thereafter

*Exception: in Baltimore City, juveniles charged as adults are held in the Baltimore City Youth Detention Center, a facility which ONLY houses juveniles charged as adults.

**Processing may look different by county.

Federal Law Versus Maryland Law: Requirements

Federal Law:

- ✓ Sight and Sound Separation
- ✓ Removal after 6 hours
- ✓ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

Maryland Law:

- ✗ Sight and Sound Separation
- ✗ Removal after 6 hours
- ✗ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

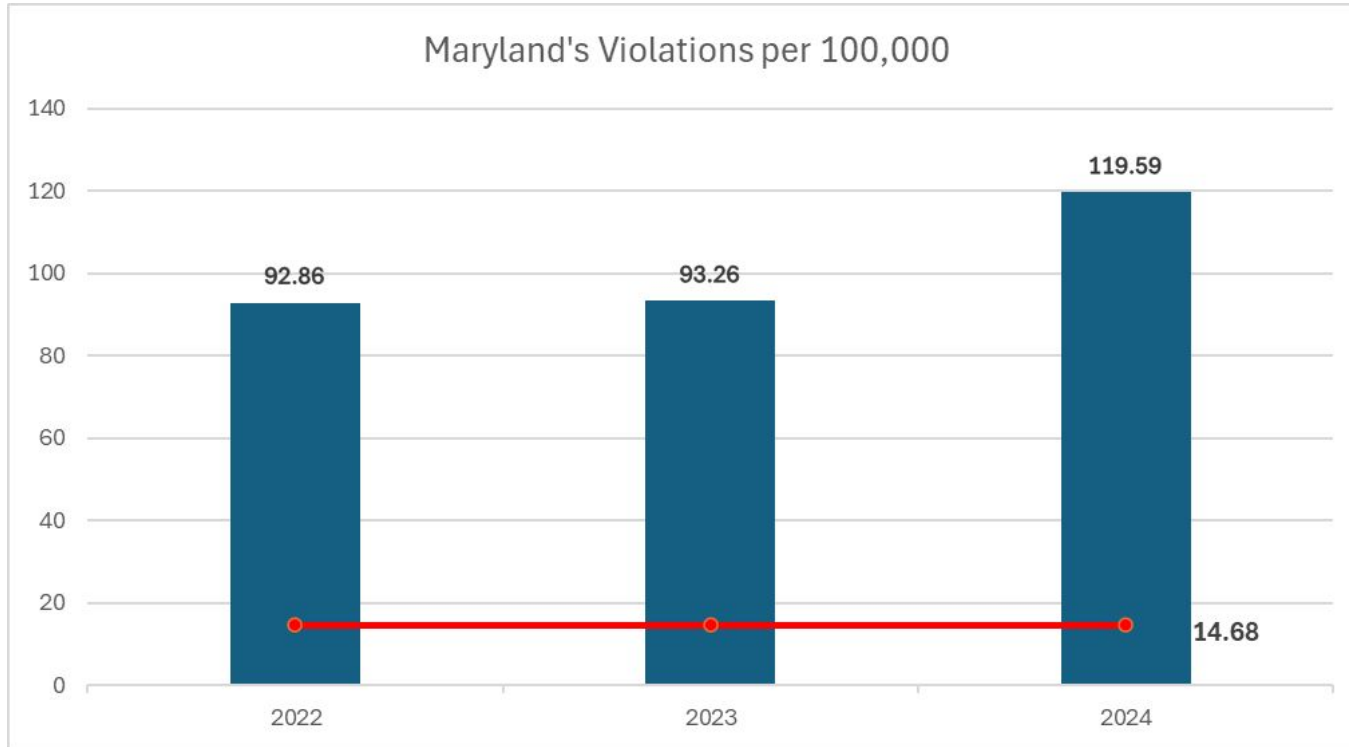
Exception: Interest of Justice Order

An Interest of Justice (IOJ) order issued by the court would alleviate a violation on a detention center, but often is not issued within six hours of detention

- The court can make determinations such as transferring the case down to juvenile court, ordering the juvenile charged as an adult to be held in a juvenile facility pending trial, ordering home detention, etc. which would avoid further violations accumulated by that individual; however, these options do not occur within six hours

223(a)(11)(B) Violations

Issued threshold from
OJJDP: **14.68** per 100,000



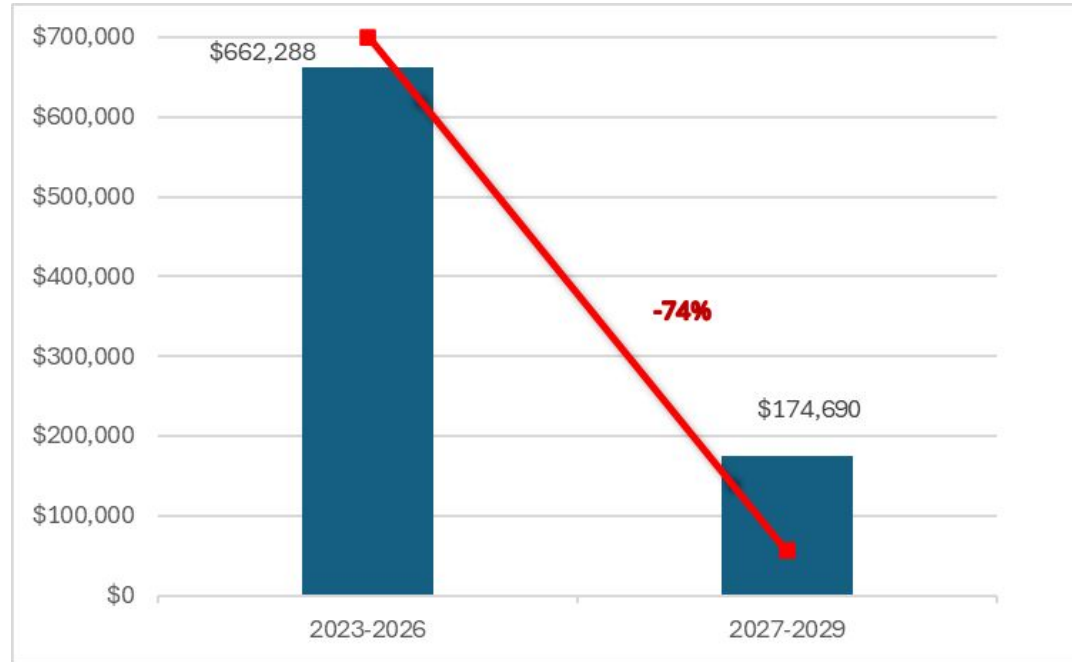
Funding Impacts of Noncompliance

If a state is out of compliance with one or more core protections, its JJAC award amount is reduced by 20% for each core protection out of compliance

- Additionally, states must use 50% of the remaining funds to achieve compliance

Funding Impacts of Noncompliance

- Average of \$662,288 awarded per year to community providers from JJDPAs funds.
- Vast majority of federal dollars received must be redirected to compliance efforts
- Estimated loss of \$2 million federal dollars over the next three years.



Conclusion: Maryland's Compliance

Funding items that would be lowered due to the noncompliance finding:

- Evidence-based therapies and behavioral health services
- Job training and life skills
- Peer Mediation
- Mentorships
- Enrichment and Engagement programs during vulnerable times of the day

Maryland has been in compliance with the JJDPa but is facing issues with meeting requirements in the 2018 reauthorization

Maryland WILL be out of compliance with the 223(a)(11)(B) requirement until state law reflects federal requirements

- Optimistic estimate is a \$2 million loss, based on the hope that the state is able to align with requirements in the 2018 reauthorization of the JJDPa



Contact Maryland's Title II Compliance Monitor

Governor's Office of Crime Prevention and Policy

Aubrey Gerhardt

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Read more about the JJDPA
in Maryland



Juveniles Charged as Adults
Dashboard





U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

January 6, 2026

Dorothy J. Lennig
Executive Director
Governor's Office of Crime Prevention, Youth, and Victim Services
100 Community Place,
Crownsville, Maryland 21032

Dear Executive Director Lennig:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has completed its review and analysis of Maryland's federal fiscal year (FFY) 2025 Title II Formula Grants Program compliance monitoring report, supporting documentation, its current Racial and Ethnic Disparities (R/ED) action plan and corresponding data covering the FFY 2024 reporting period. OJJDP conducted the review to determine (1) whether Maryland has described an effective system of monitoring, pursuant to section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act (JJDP A) (34 U.S.C. § 11133(a)(14)), and (2) the extent of Maryland's compliance with the core requirements pursuant to sections 223(a)(11)(A) and (B), (12), (13), and (15) of the JJDP A (34 U.S.C. §§ 11133(a)(11)(A) and (B), (12), (13), and (15)).

Based on our review and analysis, OJJDP has determined that Maryland has provided for an effective system of monitoring, as described in the state plan. This is not a determination that Maryland, in fact, has an effective system of monitoring, which can be determined only through an onsite audit. Rather it indicates that the state has described an effective system of monitoring, pursuant to section 223(a)(14) of the JJDP A (34 U.S.C. § 11133(a)(14)), which includes a description of how the state intends to submit compliance data for at least 85% of facilities in the State required to report data. (*See* 28 C.F.R. § 31.303(f)(5)).

Based on our review and analysis of the FFY 2025 compliance monitoring report, supporting documentation, the current R/ED action plan and corresponding FFY 2024 data, OJJDP has determined:

- Maryland is in compliance with section 223(a)(11)(A) of the JJDP A (the "deinstitutionalization of status offenders" or "DSO" requirement) (34 U.S.C. § 11133(a)(11)(A)).

- Maryland is not in compliance with section 223(a)(11)(B) of the JJDPa (the “juveniles charged as adults” or “JCA” requirement) (34 U.S.C. § 11133(a)(11)(B)).¹
- Maryland is in compliance with section 223(a)(12) of the JJDPa (the “separation requirement”) (34 U.S.C. § 11133(a)(12)).
- Maryland is in compliance with section 223(a)(13) of the JJDPa (the “jail removal” requirement) (34 U.S.C. § 11133(a)(13)).
- Maryland is in compliance with section 223(a)(15) of the JJDPa (the “racial and ethnic disparities” or “R/ED” requirement) (34 U.S.C. § 11133(a)(15)).

Pursuant to section 223(c) of the JJDPa (34 U.S.C. § 11133(c)), each eligible state receives 20 percent of its total FY 2025 allocation and an additional 20 percent for compliance with each of the requirements in sections 223(a)(11)(A) and (B), (12), (13), and (15). OJJDP has, therefore, determined that Maryland is eligible to receive 80 percent of its FY 2025 allocation related to participation in the Title II Formula Grants Program and compliance with sections 223(a)(11)(A), (12), (13), and (15) of the JJDPa (34 U.S.C. § 11133(a)(11)(A), (12), (13), and (15)). Pursuant to section 223(c)(1)(B) of the JJDPa (34 U.S.C. § 11133(c)(1)(B)), a state is ineligible to receive any award for the fiscal year unless the state agrees to expend 50 percent of the amount allocated to the state to achieve compliance with any core requirement for which it has been found noncompliant. Thus, based on the state’s noncompliance with section 223(a)(11)(B) of the JJDPa (34 U.S.C. § 11133(a)(11)(B)) the JCA requirement, and pursuant to section 223(c)(1) of the JJDPa, the state is ineligible to receive any award for FY 2025 unless it demonstrates in its budget that it will expend 50 percent of the amount awarded to achieve compliance with that requirement.

The enclosure summarizes the basis for the final compliance determination for the DSO, JCA, separation, jail removal, and R/ED requirements.

Please be advised that you may appeal the determination of noncompliance with the juveniles charged as adults requirement to the Assistant Attorney General for the Office of Justice Programs, consonant with 28 C.F.R. Part 18. The appeal request must provide a sufficient factual or legal basis for overturning the determination made by OJJDP. The appeal request must be addressed to the Assistant Attorney General and sent to the Office of the General Counsel by email to OJP.Appeals@usdoj.gov within 30 business days of receipt of this notice. In the subject line of the email, please clearly indicate the name of the jurisdiction, agency, or organization appealing the decision and specify “OJJDP.” Unless the Assistant Attorney General grants a waiver, an untimely appeal request may result in denial of the appeal.

We are available to help Maryland achieve and maintain compliance with all of the requirements of the Title II Formula Grants Program. If you have any questions, please contact your OJJDP

¹ JCA is a provision under the DSO requirement. If a state is determined to be out of compliance with either Section 223(a)(11)(A) and/or (B) of the JJDPa the state’s total FY 2025 allocation will be reduced by 20 percent (34 U.S.C. § 11133(c)) .

State and Tribal Relations Assistance Division Program Manager, Ashley Washington, at 202-598-6516 or ashley.washington@usdoj.gov.

Sincerely,

**EILEEN
GARRY** Digitally signed
by EILEEN GARRY
Date: 2026.01.15
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Eileen M. Garry
Acting Administrator

cc: Fred Chavis
State Advisory Group Chairperson

Jennifer Krabill
Juvenile Justice Specialist

Aubrey Gerhardt
R/ED Coordinator

Layomi Omolola
Compliance Monitor

Attachment

STATUS OF COMPLIANCE

Juvenile Justice and Delinquency Prevention Act (JJDP), as amended

Section 223(a)(11)(A)

Pursuant to the requirements of Section 223(a)(11)(A) of the JJDP (34 U.S.C. § 11133(a)(11)(A)) (the “deinstitutionalization of status offenders” or “DSO” requirement), OJJDP has determined that Maryland has an institutionalization rate of 0.15 status offenders and nonoffenders held per 100,000 persons under the age of full criminal responsibility under state law (the state’s “juvenile population”). This is below the established standard of a rate not to exceed of 3.23 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is in compliance with the DSO requirement, which requires that states not place status offenders and nonoffenders in secure detention and correctional facilities (with certain exceptions).

Section 223(a)(11)(B)

Pursuant to the requirements of Section 223(a)(11)(B) of the JJDP (34 U.S.C. § 11133(a)(11)(B)) (the “juveniles charged as adults” or “JCA” requirement), OJJDP has determined that Maryland has a rate of 119.59 juveniles per 100,000 persons in the juvenile population who were charged as adults and detained or confined in adult jails or lockups. This is above the established standard of a rate not to exceed 14.68 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is not in compliance with the JCA requirement, which requires that states not place juveniles charged as adults in adult jails or lockups (with certain exceptions).

Section 223(a)(12)

Pursuant to the requirements of Section 223(a)(12) of the JJDP (34 U.S.C. § 11133(a)(12)) (the “separation” requirement), OJJDP has determined that Maryland has a rate of 0.00 juveniles per 100,000 persons in the juvenile population who were detained or confined in institutions in which they had sight or sound contact with adult inmates. This is below the established standard of a rate not to exceed .16 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has determined that Maryland is in compliance with the separation requirement, which requires that states not detain or confine juveniles in any institution in which they have sight or sound contact with adult inmates, and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, including in collocated facilities, to be trained and certified to work with juveniles.

Section 223(a)(13)

Pursuant to the requirements of Section 223(a)(13) of the JJDP (34 U.S.C. § 11133(a)(13)) (the “jail removal” requirement), OJJDP has determined that Maryland has a rate of 2.39 juveniles detained or confined in adult jails or lockups per 100,000 persons in the juvenile population. This is below the established standard of a rate not to exceed 15.13 per 100,000 persons in the juvenile population. Based on FFY 2024 data that Maryland has provided, OJJDP has

determined that Maryland is in compliance with the jail removal requirement, which requires that states not detain or confine juveniles in adult jails and lockups or in any institution in which they have sight or sound contact with adult inmates (with certain exceptions), and that the state has a policy in effect requiring individuals who work with both juvenile and adult inmates, in collocated facilities, to be trained and certified to work with juveniles.

Section 223(a)(15)

OJJDP has determined that Maryland is in compliance with section 223(a)(15) of the JJDPA (34 U.S.C. § 11133(a)(15)) (the “racial and ethnic disparities” or “R/ED” requirement). The activities described in its FFY 2025 state plan, current R/ED action plan, and corresponding data indicates that Maryland has met the criteria for compliance with the R/ED requirement.