



# Maryland

DEPARTMENT OF  
JUVENILE SERVICES

MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE  
BRIEFING ON THE JUVENILE JUSTICE REFORM COUNCIL  
JANUARY 27, 2022



CHANGING  
**Maryland**  
*for the Better*

# DJS Trends

# complaints



**DECLINED 78%** over 10 years

*Nearly all complaints are generated by law enforcement*

**33,004**  
Complaints  
FY 2012

**-78%**

**7,129**  
FY 2021

# crime



Juvenile complaints have  
**DECLINED** in **ALL** categories  
over 10 years

- Crime of Violence

**Declined 57%**

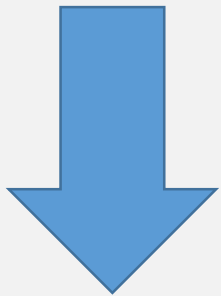
- Misdemeanor

**Decline 82%**

- Non-Violent Felony

**Declined 69%**

# detention



**DECLINED 64%** over 10 years

*Youth Charged as Adults now make up **51%** of the DJS  
detained population*

**263**  
Juvenile ADP

**-80%**

**53**

**167**  
Pending Placement  
ADP FY 2012

**-87%**

**22**  
FY 2021

# dispositions

Probation Dispositions **DECLINED** FY2012 to FY2021

**4458**  
Probation  
dispositions

**-83.8%**

**720**  
Probation  
Dispositions

Committed Dispositions **DECLINED** FY2012 to FY2021

**958**  
Committed ADP

**-85%**

**146**

**123**  
Out-of-State ADP

**-90.2%**

**12**

# budget

**58%** residential and community budget **reductions** over 10 years

Residential Services went from **56 million to 9 million** of the total budget.

Community Services went from **32 million to 27 million** of the total budget.

Increasing  
Youth  
Resources

# recidivism

12-month re-conviction  
rates **DECLINED**

*Residential committed programs are serving youth with  
higher level crimes and higher risk levels.*

Probation Recidivism is down **3.8%** points

**20%**  
FY 2014

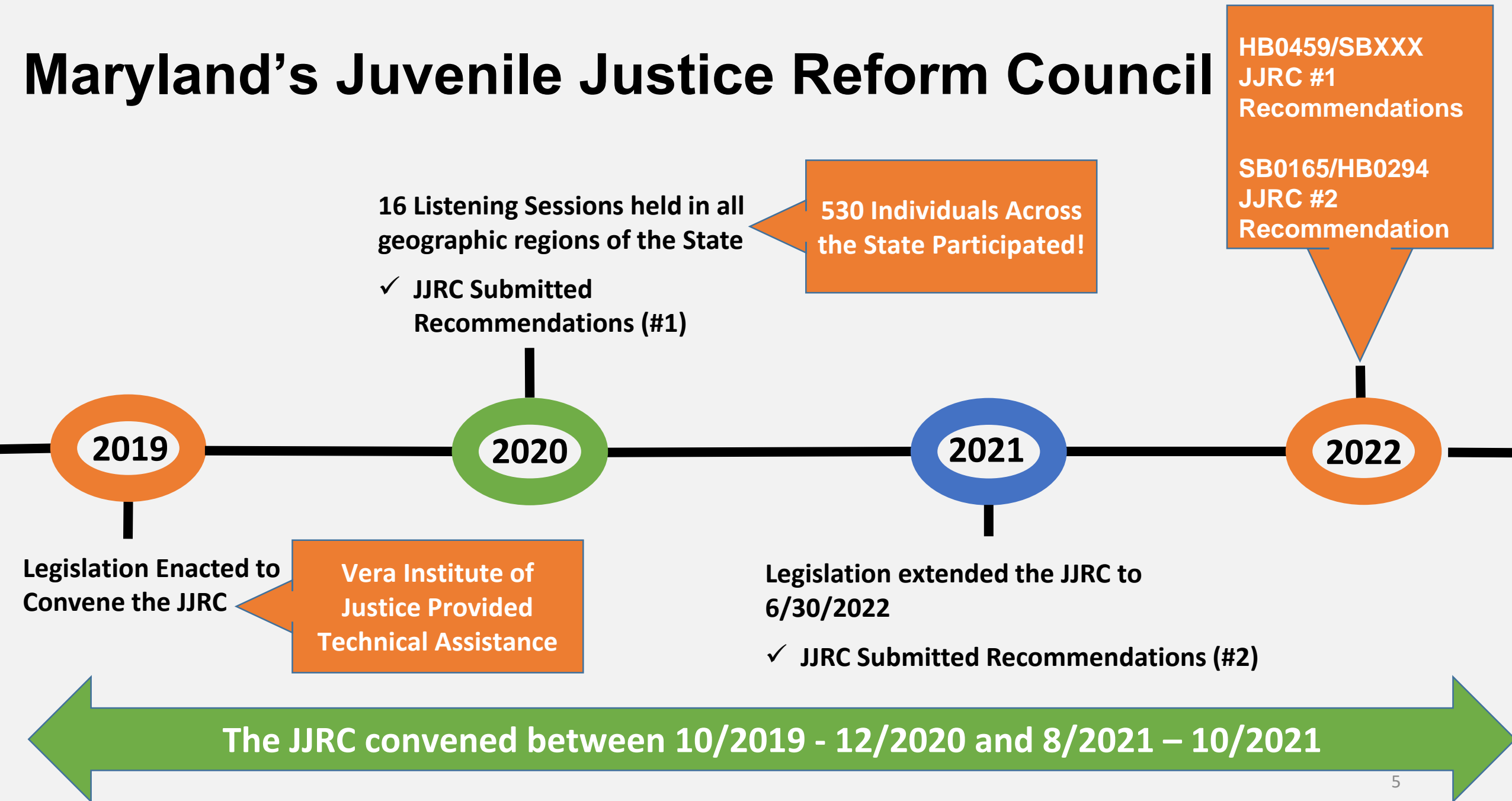
**16.2%**  
FY 2019

Committed Recidivism is down **2.6%** points

**21%**  
FY 2014

**18.4%**  
FY 2019

# Maryland's Juvenile Justice Reform Council



# JJRC Membership: Diverse and Bipartisan

## Legislators

- Sen. William C. Smith, Jr.
- Sen. Bobby Zirkin\*
- Sen. Jill P. Carter
- Sen. Chris West
- Del. Luke Clippinger
- Del. Michael Jackson
- Del. Jesse Pippy
- Del. Charlotte Crutchfield

## Judiciary

- Hon. Michael J. Stamm

## Prosecutors / Defense Lawyers / Legal Experts

- Jenny Egan (OPD)
- Ricardo Flores\* (OPD)
- Hannibal Kemerer (OAG)
- Pauline Mandel (Legal Svcs-MD Crime Victims)
- Scott D. Shellenberger (Baltimore County SAO)

## State Agencies / Local Child-Serving Agencies

- Sam J. Abed (DJS)
- Glenn Fueston, Jr. (GOCYVS)
- Robert L. Green (DPSCS)
- Betsy Tolentino\* (DJS)
- Debbie Marini\* (DHS)
- Michael Guilbault, Ph.D. (MDH)
- Shanna Wideman\* (MDH)
- Valerie Douglas (DHS)
- Matthew Fonseca (DJS)
- David McGlone (DLR)
- Stuart Campbell (DHCD)

## Educators

- Sylvia A. Lawson, Ph.D. (MSDE)

## Law Enforcement

- Commissioner Michael Harrison (Baltimore City Police Dept.)

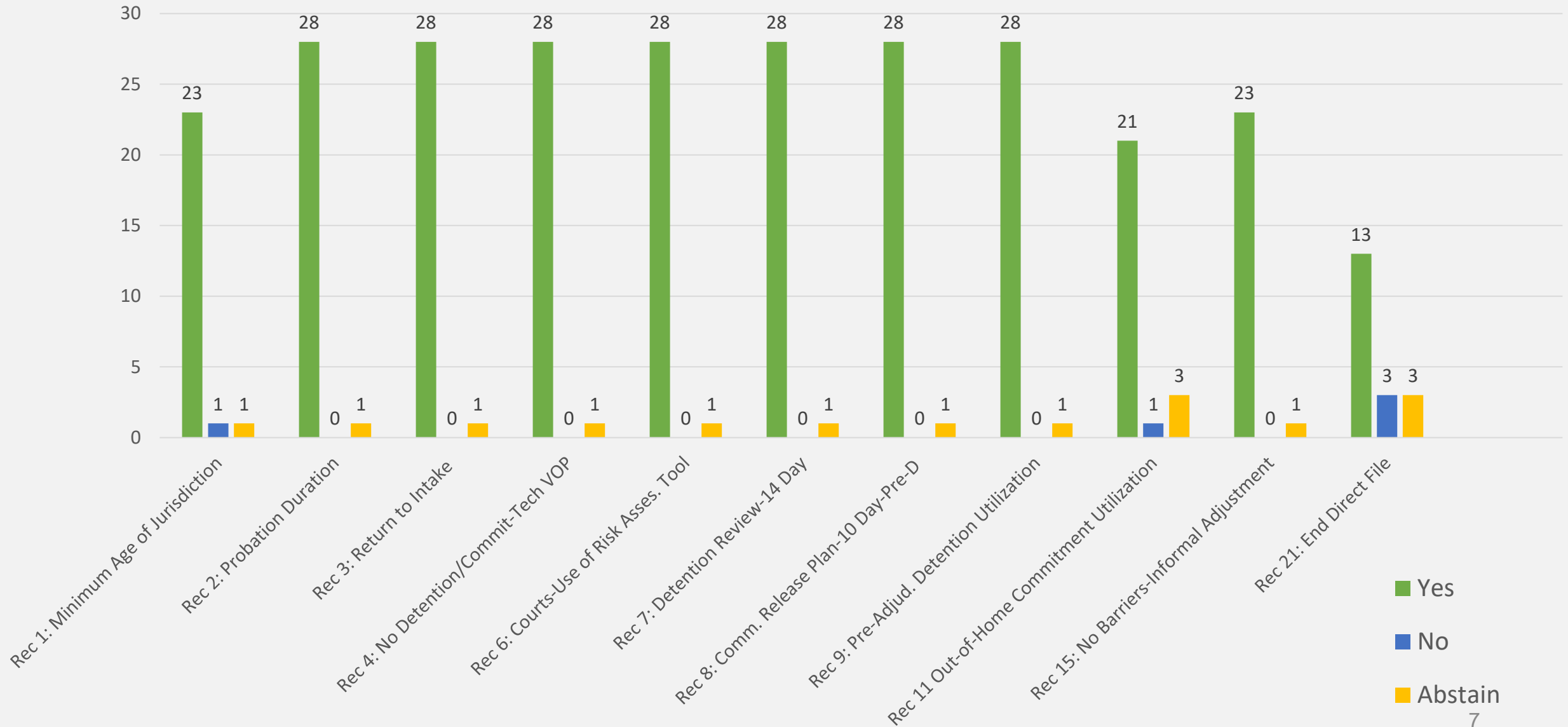
## Former Justice-Involved Youth

- Jabriera Handy
- Terry Dodson

## National / Local Juvenile Justice Experts

- Nathaniel R. Balis (Annie E. Casey)
- Melissa Sickmund, Ph.D. (NCJJ)
- Heather N. Chapman (SAG)
- Rosemary King Johnston (SAB)
- Jinney Smith, Ph.D.\* (UMD)
- Eric Ford (UMBC)
- Lynn D. Davis (CCYSB)

# Voting: JJRC Statutory Recommendations



# JJRC Recommendations: Round 1

October 2019 - December 2020  
Sam Abed, Chair



# Minimum Age of Juvenile Court Jurisdiction

## JJRC Considerations

Maryland does not have a minimum age of jurisdiction

22 states have a minimum age of jurisdiction

Predominate topic in the statewide listening sessions

Pre-teens have diminished capacity to be held culpable for their actions, and are unlikely to understand charges against them and their role in an adversarial system

In comparison to all referred cases, Black youth and girls accounted for a larger percentage of intake for youth under the age of 13

## JJRC Recommendations

Raise the minimum age for delinquency jurisdiction to 10 for serious violent offenses and 13 for all offenses

Serious Violent Offenses:

- Life crimes
- Child Abuse 1st Degree and Child Abuse (resulting in death of a victim under 13)
- Child Abuse under 3-602(b) of the Criminal Law Article
- Murder 2nd degree
- Armed Carjacking under 3-705 of the Criminal Law Article
- Rape 2nd degree
- Sex Offense (continuing course of conduct) under 3-315 of the Criminal Law Article
- Sex offense 3rd degree

# Data / Maryland Child and Family Interventions

Total complaints for youth under 13 declined 68.7% in FY 2021 from 1472 to 589 complaints

Young people under 13 accounted for 8% of DJJ intakes in FY2021

72% of under 13 cases did not receive a court disposition of probation or commitment

10-12 year olds accounted for over 90% of intakes for youth under the age of 13

## Maryland Youth & Family State Agency Supports

**Dept. Human Services**

Child protective services assists children believed to be neglected or abused. CPS provides interventions, supports, and services to decrease the risk of any continuing physical, sexual or mental abuse, or neglect.

**Local Care Teams**

LCTs provide support to families of children with intensive needs, and identify resources through a coordinated interagency approach. LCTs offer a strong continuum of community resources and may support requests for voluntary placements for children with developmental disabilities or mental illness.

**DJS – Child in Need of Supervision**

A CINS petition may be filed with the court that alleges a child 1) does not go to school; 2) cannot be controlled; 3) acts in a way that is dangerous to self or others; or 4) has committed a status offense. If found to be CINS, a court can place a child under DJJ supervision or place the youth in a committed facility.

**MD Dept. Health**

MDH Behavioral Health Administration provides oversight for publicly funded mental health and substance use treatment services.

# Probation/ Community Supervision

## JJRC Considerations

Maryland law does not provide for any statutory limits on the length of probation supervision

Many courts utilize “indefinite probation”

Youth have better safety outcomes when the juvenile justice system helps them set rehabilitation goals

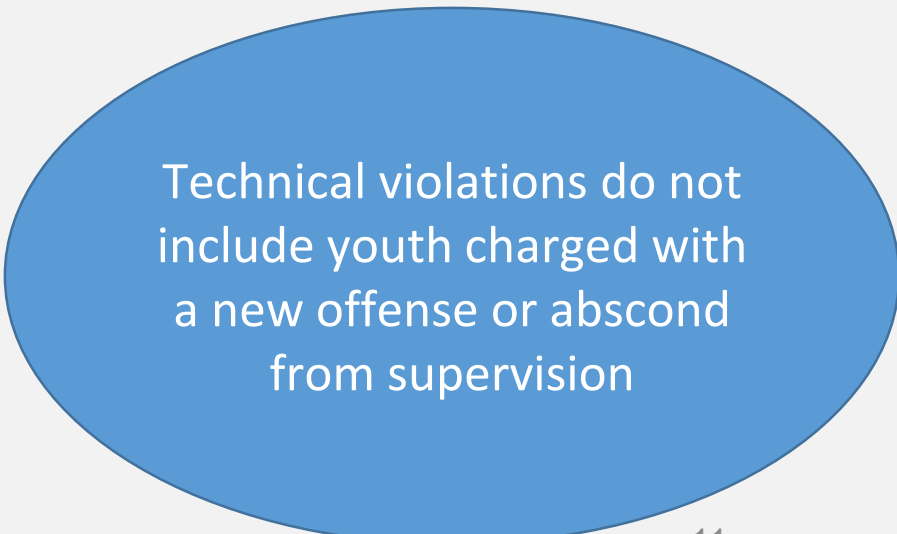
Several states have recently passed legislation to make probation shorter and more goal-oriented

## JJRC Recommendations

Set statutory timeframes for judicial review of probation and terms

- Misdemeanor – court review at 6 months, and may extend to 12 months
- Felony – court review at 12 and 24 and may extend to 36 months
- Life Crimes – court review 24 months. May extend supervision as long as the court has jurisdiction

Prohibit the use of detention or commitment due to a technical violation of probation



Technical violations do not include youth charged with a new offense or abscond from supervision

# Detention Utilization

## JJRC Considerations

JJRC examined national practices which increasingly recognize that young people should be held in the least restrictive setting

Detention harms youth → detention events lead to increased recidivism, trauma, severe mental health issues, increased suicidal tendencies, and interrupts education

Black youth were disproportionately represented in pre-disposition detention admissions.

Black youth accounted for 75.8% of admissions in FY2021

Misdemeanor offenses accounted for about 35% of pre-disposition detention admissions in FY 2021 – over 90% of those admissions were for HGV or repeat offenders

## JJRC Recommendations

Require Courts to consider the findings of a validated risk assessment

Require Courts to review a child's detention status at least every 14 days

Require DJS to develop and submit a community release plan within 10 days of a decision to detain a child

Prohibit pre-adjudication detention for an offense that would be a misdemeanor if committed by an adult with exceptions for handgun offenses and repeated offenses

# Utilization of Out-of-Home Committed Treatment Programs

## JJRC Considerations

The JJRC examined commitment practices in Maryland, reform efforts in other states including New York, and explored ways to prioritize treatment of youth in their communities

National reform efforts prioritize treating youth in their community using evidence-based programming

Black youth represented 63% of youth in committed programming

## JJRC Recommendations

Prohibit commitments to DJS for misdemeanors or technical probation violations, with an exception for second firearm offenses

Ensure comprehensive educational programming in every DJS facility

Ensure vocational education with on-the-job training is available in every DJS facility and contracted program

# Diversion

## JJRC Considerations

The JJRC focused on expanding opportunities for diversion and reviewed other state diversion systems

DJS diversion “pre-court supervision” leads to positive outcomes for youth:

- ✓ 80% of youth successfully complete pre-court supervision successfully
- ✓ 90% of youth who complete pre-court supervision are not re-adjudicated/re-convicted within one year

Hispanic/Latinx youth were least likely to have their cases dismissed at intake for low-level offenses

Black youth were least likely to be diverted for low-level offenses

## JJRC Recommendations

Require informal adjustment of all first misdemeanor and non-violent felonies referrals to DJS, except for firearm offenses

DJS must make reasonable efforts to contact victims, invite the victim to engage in restorative practices, and notify the victim of DJS decisions. The Victim is not required to consent to diversion

Permit DJS to divert non-violent felonies, with State’s Attorney notification

Establish a process to return complaints to intake for assessment, services and supervision from Court processing when all parties agree

# Reporting / Workgroup Recommendations

- ✓ Establish a workgroup through legislation to study and inventory evidence-based and promising practices
- ✓ The Governor's Office of Crime Prevention, Youth and Victim Services to develop a model law enforcement diversion program
- ✓ Report on detention programming and policies, including community detention
- ✓ Plan to ensure every region has access to nonresidential and residential community-based services that employ evidence-based, culturally competent programming
- ✓ Report on the utilization of the Facility for Children and data related to competency evaluations and/or attainment services
- ✓ Report on Objective Risk Assessment Tool data in the Data Resource Guide

# Implementation Safeguards and Monitoring



**DJS Quality Assurance and Auditing Teams**

**Juvenile Justice Monitor**

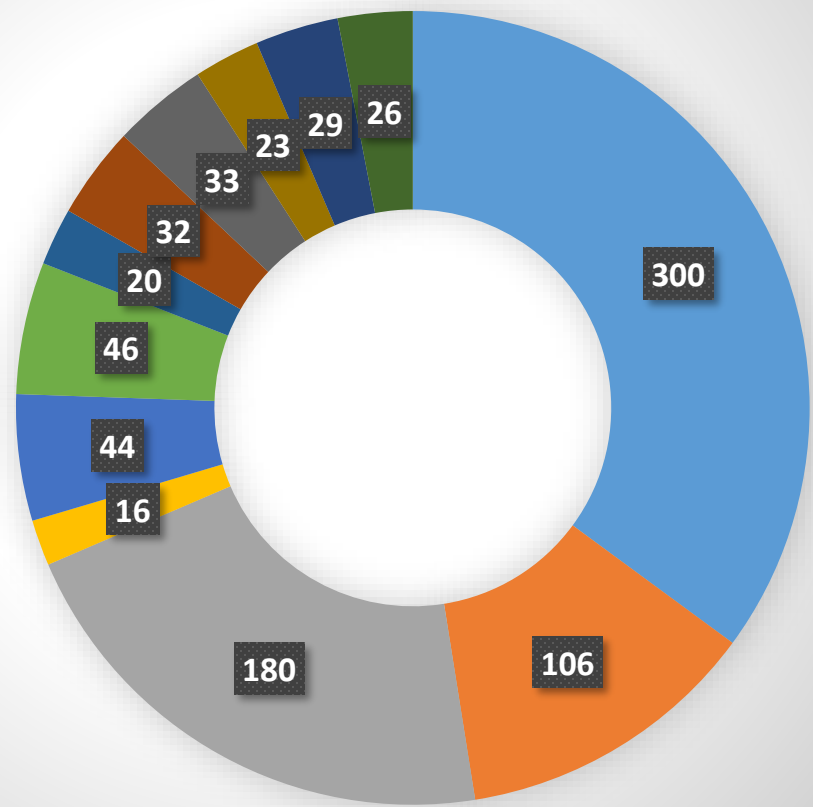
**Legislative Reporting and Oversight**



# DJS Service Continuum

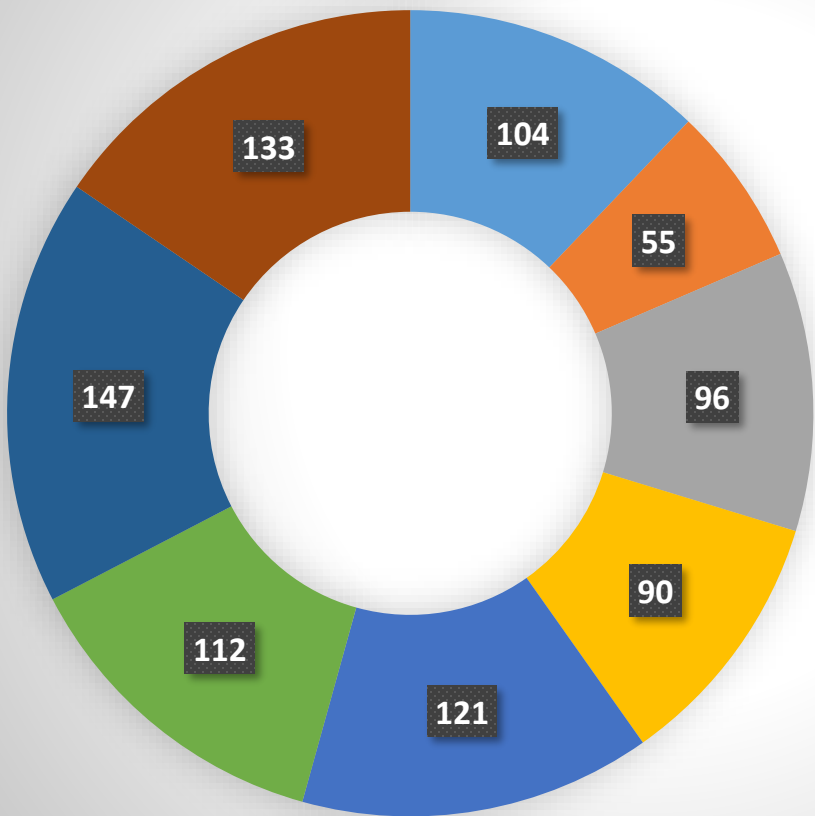
## Statewide Community Based Programming

- Mental Health
- Substance Use
- Family
- Parenting
- Education
- Employment
- Peers
- Mentoring
- Use of Free Time
- Anger Management
- Restorative
- Victim

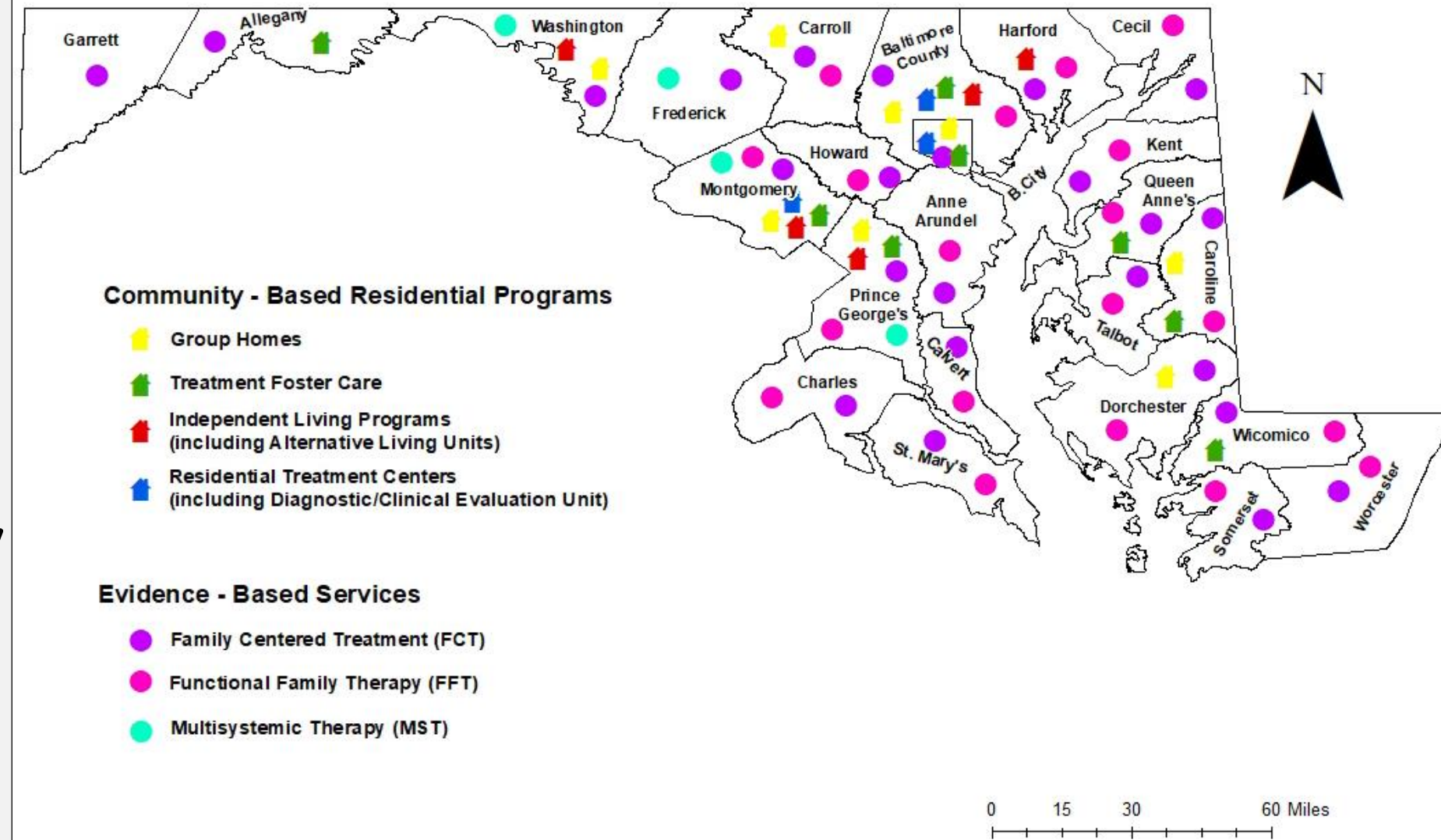


## Community Programs by Region

- Region 1 - Dorechester, Somerset, Wicomico, Worcester
- Region 2 - Caroline, Cecil, Kent, Queene Anne's, Talbot
- Region 3- Baltimore & Harford
- Region 4 - Allegany, Garrett, Washington
- Region 5 - Anne Arundel, Howard, Carroll
- Region 6 - Frederick & Montgomery
- Region 7 - Calvert, Charles, Prince George's, St. Mary's
- Region 8 - Baltimore City



# DJS Residential and Community Evidence Based Continuum



- ✓ 3 Evidence-Based Community Interventions (Functional Family Therapy; Multi-Systemic Therapy; Family Centered Treatment)
- ✓ Evidence Based Programming in every County
- ✓ 487 youth were placed in an Evidence-Based Programs in FY 2021
- ✓ 194 youth on average are in an Evidence-Based Program each day in FY 2021

# JJRC Recommendations: Round 2

July 2021 - October 2021

Glenn Fueston, Chair

Executive Director

Governor's Office of Crime Prevention, Youth & Victim Services

# Youth Charged as Adults

## JJRC Considerations

States across the country are changing laws which place youth in the adult criminal justice system

Youth charged as adults typically wait 155 days detained in juvenile facilities pending a transfer hearing

Approximately 80% percent of cases are transferred down to juvenile court or dismissed

Black youth accounted for 73% of youth charged as adults in MDEC\* counties and 94% of youth charged as adults in Baltimore City

The Federal Juvenile Justice and Delinquency Prevention Act requires youth under 18 to be removed from adult jails and served in juvenile detention facilities. Failure to comply will reduce federal crime prevention dollars available to Maryland

## JJRC Recommendations

Maryland should end the automatic charging of juveniles as adults and require that all court proceedings against juveniles be initiated in the juvenile court system.

\* MDEC counties are all Maryland Counties except; Prince George's; Montgomery; and Baltimore City

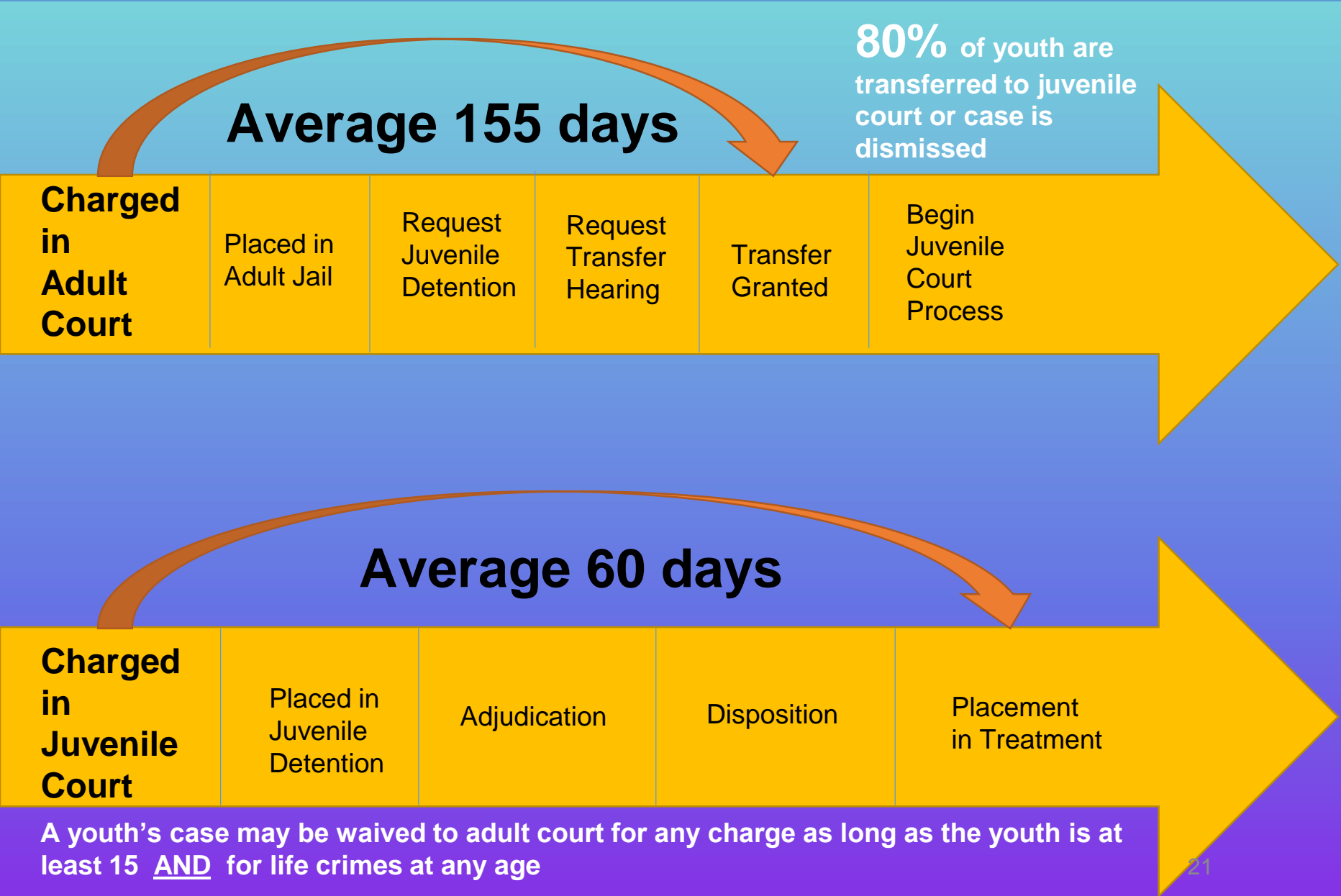
# Current Operational Impact – Youth Charged as Adults

## FY 2021

Number of youth charged as adult admitted into Juvenile Detention:  
**308 youth**

Number of days detained waiting for a hearing to determine if case stays in adult court or transfers to juvenile court:  
**155 days**

Number of youth charged as an adult transferred back to juvenile court:  
**328 youth**  
**88 – committed**  
**146 – placed on probation**  
**94 - dismissed**



# Additional Resources

## Juvenile Justice Reform Council:

- <https://djs.maryland.gov/Pages/Juvenile-Justice-Reform-Council.aspx>
  - Reports
  - Meeting video and presentations
  - Resources, research and data
- Contact:
  - Betsy Tolentino – Deputy Secretary, Community Operations
    - [betsy.tolentino@maryland.gov](mailto:betsy.tolentino@maryland.gov) or 410-599-8004 (c)