

Commission on Juvenile Justice Reform & Emerging & Best Practices Minutes

December 11, 2024
4-6pm
100 Community Place
Crownsville, MD 21032

Commission Attendees: Judge Andre Davis, Aubrey Edwards-Luce, Dr. Donna Christy, Arntice Crowder-Nickerson, Judge Lara Weathersbee, Nate Balis, Rhondalyne Reed, Sheriff Donald Baker, Sen. Nick Charles, Del. Sandy Bartlett, Esq., Del. Scott Phillips, Esq., Secretary Vincent Schiraldi, Dr. Aaron Betsinger, Susa Leviton, Eric Ford, Carlotta Woodward, Chief Russell Hammill, Reuben Alvarez, Lacey Davis

Presenters: Deputy Secretary Adina Levi, Deputy Secretary Lisa Garry

I. Call to Order

The meeting was called to order at 4:08pm.

Judge Davis welcomed the Commissioners. Live streaming of the meetings is not yet available, but staff are working on providing the option for the public. The Commission has a website at <https://gocpp.maryland.gov/councils-commissions-and-workgroups/juvenile-justice-reform-and-emerging-and-best-practices/>.

A Vice Chair and Secretary for the Commission and co-chairs for Commission workgroups have been assigned. Each Commissioner was assigned to their first choice. Commissioners were assigned with their expertise, experience, and background in mind. Commissioners were urged to reach out to Judge Davis or staff if they have any questions or concerns.

Judge Davis went over the reports that are required to be submitted to the Commission. Judge Davis emphasized that the lynchpin of the Commission will be data and evidence. He referenced a report by the Sentencing Project that was provided to the Commissioners as a benchmark for evidence-based, reliable research. He emphasized that every report to the Commission will be quality, reliable, and data-based.

These reports include:

1. A report from DJS twice a year on non-fatal shootings of youth under supervision
2. Treatment plan certifications from the Department of Juvenile Services (DJS), and

3. Reports from the Juvenile Justice Monitoring Unit.

The Commission will also look at the THRIVE program created by DJS.

A. Approval of November 6, 2024 Minutes

The minutes of the November 6th meeting were approved by the Commission.

II. Workgroup Discussion

Bethany Young reviewed the Commission workgroups. Previously, the Commission was split into five workgroups. Two of those workgroups (the Treatment and Services and Youth Re-entry workgroups) were combined into one workgroup (the Youth Rehabilitation workgroup) based on Commissioner feedback and task overlap. A prevention workgroup was also created due to feedback that will focus on upstream services for youth.

Bethany reviewed the tasks, objectives, and members of each workgroup.

The proposed co-chairs for the Fatality Review workgroup are Judge Lara Weathersbee and Carlotta Woodward. The proposed co-chairs for the prevention workgroup are Dr. Donna Christy and Aubrey Edwards-Luce. The proposed co-chairs for the Juvenile Justice Processes and System Coordination are Alycia Capozello and Susan Leviton. The proposed co-chairs for the Youth Rehabilitation Services are Dr. Aaron Betsinger and Dr. Liz Park. The proposed co-chairs for the Public Education and Narrative Change are Nate Balis and Eric Ford.

Judge Davis added that prevention of involvement in the juvenile justice system is often overlooked, and he hopes there will be great recommendations from this workgroup. Every workgroup will be public except for the fatality review workgroup. Commissioners can attend any workgroup, but only Commissioners assigned to the workgroup will have a vote. Formal recommendations will only come from the Commission. Workgroups will report their findings and recommendations to the Commission.

There was no discussion of the workgroups.

III. Break

The Commission stopped for a break at 4:31pm. The Commission returned at 4:39pm.

IV. Presentation from DJS

Sec. Vincent Schiraldi introduced the DJS Deputy Secretary of Community Services Lisa Garry and Deputy Secretary of Residential Services Adina Levi. He expressed that a big hurdle for the public and DJS workers is understanding the difference between the adult and juvenile justice system, and understanding how complicated the DJS system can be. Two reports were recently published that highlight DJS's successes. There has been a 50% decline in the number of juveniles killed in shootings and a 25% reduction in the number of juveniles shot. Only a small number of shootings overall are committed by juveniles. The Sentencing Project reported that there is an over-coverage of juvenile crime.

A. Overview of Community Services from Deputy Secretary Lisa Garry

Deputy Sec. Lisa Garry gave an overview of the community services provided by the Department of Juvenile Services (DJS).

The five DJS regions are Baltimore City, Capital South, Central Region, Eastern Shore, and Western Region. There are around 2400 juveniles under some form of decision-making on any given day.

■ *Intake*

DJS can divert juveniles from formal enrollment in the juvenile justice system, but decisions must be guided by the law. A majority of complaints come from law enforcement through paper referrals, though anyone can make a complaint at a DJS office. A small portion of complaints come through arrests for serious offenses. Research indicates that juveniles who are diverted from the juvenile justice system are less likely to re-offend when given the appropriate services.

After referral, DJS can either resolve, informally adjust, or formalize and forward a case to the State's Attorney. DJS cannot divert juveniles for violent felonies or handgun violations. Both law enforcement and State Attorneys can also divert a case. After HB 814, DJS can no longer divert nonviolent offenses without the approval of the State's Attorney. DJS can divert misdemeanor offenses, but they are required to notify the victim, the person making the complaint, and the arresting officer, and these parties can appeal the decision to divert.

DJS uses the Intake Decision Tool (IDT) to guide intake decisions. The IDT is validated by the University of Maryland School of Social Work and Innovation. The IDT helps tailor diversion services to each case and juvenile. Diversion services include Teen Court, community conferencing, multi-systemic therapy, Family Functional Therapy, behavioral health services, mentoring, and victim awareness classes. DJS will also be rolling out Cognitive Behavioral Therapy. If a youth is not successful in participating in informal adjustments, DJS can refer the case to the State's Attorney.

During the IDT process, juveniles are assigned a level of low, medium, or high risk through an interview with the juvenile, parent or guardian, victim, arresting officer, and school administrator if relevant.

92% of juveniles who have their cases diverted do not commit a new offense within the next year.

DJS has a very high rate of success. 92% of cases that are diverted do not have a new offense within the next year.

■ *Detention*

Deputy Secretary Lisa Garry mentioned that detention is a misunderstood part of DJS services, as it is often confused with accountability.

Detention refers to the temporary hold of a juvenile before the initial court hearing. DJS can make three decisions in response to a detention request by police: authorizing the detention request, releasing the

youth to the community, or pursuing an alternative to detention to ensure the youth will reappear to the court with no new offense.

DJS uses the Detention Risk Assessment Instrument, a validated tool, to guide their decision making. Youth will be determined as low-risk, medium-risk, or high-risk for reoffending while pending a hearing and not appearing for a scheduled hearing. All category one offenses, violent offenses, and handgun offenses are held automatically. If a juvenile has a low to moderate risk but has mitigating circumstances, DJS may use an alternative to detention with electronic monitoring.

Alternatives to detention include community detention where a community detention officer will check in with the youth frequently throughout the work, evening reporting centers where the youth is with DJS between 3-9pm, and GPS and electronic monitoring. With electronic monitoring, the device is attached to a box centered at the youth's home. With GPS monitoring, DJS can track the youth wherever they are.

■ ***Adjudication***

In the adult criminal justice system, a defendant is found guilty or not guilty. In the juvenile system, the case is determined by a judge to either have the facts sustained and the juvenile is charged with a delinquent act or the facts are not sustained.

After an adjudicatory hearing, DJS conducts an assessment with the Maryland Comprehensive Assessment and Service Planning (MCASP) tool to identify each youth's specific needs. Deputy Secretary Lisa Garry emphasized that the MCASP highlights youth and family voices to determine their needs and goals as well as what services they will engage in.

Deputy Secretary Lisa Garry reviewed the DJS detention decision process. DJS decides whether or not to detain a youth or place the youth in community detention. The youth must go to court the next business day and the court will decide whether to release the youth to their family, place them on community detention, or place them in detention. 70 to 80 percent of the time, the court will agree with the DJS decision.

■ ***Disposition***

At the disposition hearing, the court can place the youth in out-of-home placement or on probation services where they will receive community-based services. HB 814 made several changes to probation. If a youth commits a misdemeanor, they may be placed on probation for one year up to two years. If a youth commits a nonviolent felony, they may be placed on probation for two years up to four years. There is no limit on probation if a youth commits a violent felony. DJS must report to the court any time there are 2 or more unexcused absences from a treatment program.

Deputy Secretary Lisa Garry explained that DJS is working with the Annie E. Casey Foundation to transform their probation system to make sure youth are engaging in their probation. There is early closure for kids who have met their probation goals. DJS is also attempting to remove barriers for participation, such as lack of engagement or transportation.

If the court determines the youth must be in out-of-home placement, they are sent to one of three levels of placement: community residential, staff secure, and hardware secure.

■ ***Probation***

DJS is prioritizing probation transformation to ensure youths are completing the conditions of their probation. The five probation transformation guiding principles are:

1. Expanding diversion to prevent youths from entering the juvenile justice system.
2. Minimizing out-of-home placements in every form.
3. Limiting the amount of time youth receive services and referring youths to community-based resources and mentors.
4. Leading with race to cultivate relationships with communities of color and ensuring resources are culturally competent.
5. Expanding community partnerships and the continuum of services.

■ ***Thrive Academy***

The Thrive Academy involves youths who are determined to be most at risk of being involved in gun violence either as a victim or perpetrator. It originally had 25 participants but has since been expanded to over 200 participants in Baltimore County, Baltimore City, Anne Arundel County, and Prince George's County.

Participants are paired with a Credible Messenger Life Coach and DJS case manager to help them create a Life Plan. They also receive a Suitcase of Supports, which refers to resources such as participation stipends, milestone fiscal incentives, vocational training and college credit, employment services, trauma therapy, prosocial group activities, and relocation services. Deputy Secretary Lisa Garry told a story about a youth who was at immediate risk of being shot, and their family was able to be relocated to remove the youth from danger.

Early results for Thrive Academy show that less than 2% of participants are shot, and four out of five participants do not have a re-offense for any gun-related activity.

Thrive Academy participants can receive training to become Credible Messengers.

■ ***Discussion***

Chair Judge Davis asked if there were any questions from the Commission.

Sheriff Donald L. Baker, Jr. stressed that law enforcement can also do diversion, such as to Teen Court. He also emphasized that a majority of complaints to DJS are paper referrals and not youths being taken into custody. Deputy Secretary Lisa Garry agreed that most complaints come from paper referrals.

Chair Judge Davis asked for clarification on how paper referrals work. Deputy Secretary Lisa Garry replied that DJS first establishes jurisdiction. Next, DJS schedules an intake meeting with the youth, families, and other relevant parties either in-person, virtually, or by phone. Before the passage of HB 814, DJS had 25 days to conduct an intake meeting. Now, DJS has 15 days. Sheriff Donald L. Baker, Jr. added that there is an intake form for all jurisdictions that law enforcement will forward to the DJS intake officer along with a report.

Deputy Secretary Lisa Garry emphasized that effective partnerships between law enforcement and DJS occur when information and resources are being shared. Sheriff Donald L. Baker, Jr. replied that he is from a rural county where few diversion resources are available, and youths cannot be deferred for the same crime twice. Deputy Secretary Lisa Garry responded that DJS is expanding their restorative practices.

Susan Leviton mentioned she read a report that a majority of youths in DJS start out in the Department of Social Services. Deputy Secretary Lisa Garry responded that she does not have research on that, but that DJS sees many kids who have cases with the Department of Social Services, but due to the difficulty of accessing resources, DJS becomes the answer.

Susan Leviton asked what DJS does when parents are not involved. Deputy Secretary Lisa Garry responded that some jurisdictions have community-based providers who will engage with the families. Additionally, intake staff works with the parent or guardian to ensure they are educated about the types of services DJS can provide, as oftentimes parents and guardians want the best for their children. DJS's resources have often focused on compliance and monitoring, but they are building up a more holistic continuum of resources. DJS is also canvassing the community to find out what community services exist.

Aubrey Edwards-Luce asked Deputy Secretary Lisa Garry how confident she feels in the Intake Decision Tool. Deputy Secretary Lisa Garry responded that the Intake Decision Tool drives decision-making about who to divert, and if a case is resolved, the youth will not go through the Intake Decision Tool as DJS does not have jurisdiction. Dr. Aaron Betsinger added that the Intake Decision Tool is currently being reevaluated.

Executive Director Dorothy Lennig asked what would happen if DJS could not find the youth or the youth's family. Deputy Secretary Lisa Garry responded that it is very rare that DJS cannot find a youth or their family, and if they cannot, they partner with the Department of Social Services.

Chief Russell Hammill expressed that in rural areas, it is difficult to get clients to resources. In a football program for at-risk youth he was involved in, he used Ubers to get youths around.

Deputy Secretary Lisa Garry added that DJS has a rural strategy team that is to specifically provide for rural kids.

B. Overview of Residential Services from Deputy Secretary Adina Levy

Deputy Secretary Adina Levi went over residential services at DJS.

DJS currently operates 8 facilities.

There are five detention centers: Baltimore City Juvenile Justice Center, Charles H. Hickey Jr. School, Cheltenham Youth Facility, Lower Eastern Shore Children's Center, and the Western Maryland Children's Center (the girls' facility). Deputy Secretary Adina Levi explained that there is a deficit of resources for girls involved in the juvenile justice system, so DJS created a committed treatment program for girls inside of a detention center. The population of girls committed to DJS fluctuates, so sometimes units at the Lower Eastern Shore Children's Center must be converted into a girls' unit.

There are four committed facilities: the Peace Academy at the Western Maryland Children's Center, Green Ridge Youth Center, Backbone Mountain Youth Center, and the Victor Cullen Center.

Deputy Secretary Adina Levi went over the history of juvenile facilities in Maryland.

The services provided in detention centers and committed facilities include medical and behavioral health, education, and recreational activities. Detention centers also have pending placement units, which house youths who have been adjudicated and ordered to a committed facility but are currently waiting for placement. Youth in pending placement units start individual and family treatment.

Innovation Teams involve staff and youth to give input on DJS climate, culture, and policies. They are based in the Baltimore City Juvenile Justice Center, Western Maryland Children's Center, and Victor Cullen Center.

Youth in DJS-committed programs focus on Dialectical Behavioral Therapy skills to adjust their behavior and attitudes. In addition to recidivism, DJS looks at measures of success such as a change in behavior, attitudes, and thought processes.

Deputy Secretary Adina Levi stressed that DJS spends a large portion of their budget keeping youth out of those communities, and it would like to shift those resources towards keeping youth inside of their communities.

■ *Discussion*

Chair Judge Davis opened up the meeting for discussion.

Del. N Scott Phillips asked how many youths are in committed placement out of the number of youths under DJS supervision. Deputy Secretary Adina Levi responded that a majority of youths who are referred to DJS are not committed. Secretary Vincent Schiraldi added that around 350 youths are in residential facilities with 90 youths being committed and the rest in detention. Six in ten detained youths are being prosecuted through the adult criminal legal system. 15 were in the adult system and have been waived back to the juvenile system. About 1500 youths are in probation and aftercare.

Del. N. Scott Phillips asked if a youth is charged in the adult criminal legal system and gets waived back to the juvenile system, does that youth still receives DJS resources, and do youths get resources in adult facilities. Secretary Vincent Schiraldi answered that if youths are in a juvenile facility, they will receive resources, but he does not know what resources are available in adult facilities. Chair Judge Davis added that there are federal requirements for education for youth under 21.

Del. N. Scott Phillips asked how Child In Need of Supervision (CINS) petitions are handled and how they differ from Child in Need of Assistance (CINA) petitions. Deputy Secretary Lisa Garry responded that CINA petitions are related to the child welfare system, and CINS petitions are related to the juvenile justice system. CINS petitions are handled through the DJS intake office, and are required to be filed for any youth under the age of 13 who is alleged to have committed an auto theft. CINS petitions do not involve the State's Attorney's offices; they are filed with the court.

Judge Lara Weathersbee asked if DJS knows how many CINS petitions had been filed after HB 814 went into effect. Deputy Secretary Lisa Garry said that less than five petitions were filed since November 1st, and CINS petitions are not pursued more often as issues are addressed effectively by law enforcement and their resources.

Judge Lara Weathersbee asked if DJS is the agency that files CINS petitions. Carlotta Woodward asked for clarification if law enforcement files a petition with DJS. Deputy Secretary Lisa Garry responded that DJS can either resolve the petition, refer the child for informal supervision, or go through a formal petition to the court.

Carlotta Woodward said that the only mandated reason to file a CINS petition is for a child under 13 who is alleged to have committed auto theft.

Sheriff Donald L. Baker, Jr. mentioned that before HB 814, he inquired about filing CINS petitions but was told by a local DJS office not to as it was a waste of time. Secretary Vincent Schiraldi said that when he first assumed the position, there was concern about children under 13 not receiving any accountability or services regardless of the crime they committed, and law enforcement had a range of reasons why they were not filing CINS petitions. After talking with law enforcement in every county, the number of CINS petitions filed went slightly up, but not significantly. DJS can provide services regardless of whether a case is formalized, and there is disagreement as to whether formalizing a petition or case leads to the best outcomes.

Del. N. Scott Phillips commented that when writing House Bill 814, he wanted to know more about the great disparity in CINS petition filings between jurisdictions, and perhaps the CINS system is not working as intended. Deputy Secretary Lisa Garry responded that CINS petitions are intended to alert someone that a youth needs attention, may be in crisis, and may need services.

Carlotta Woodward brought up that one issue with CINS petitions is that if a child does not live in the county where they are committing the behavior that requires a CINS petition, agencies cannot give them services. Montgomery County is experiencing difficulties with youths coming from Washington, D.C. and Virginia, as CINS petitions are being rejected due to lack of jurisdiction, and no services can be provided.

Del. J. Sandy Bartlett asked how DJS gets involved in cases without a CINS petition or a referral being filed. Deputy Secretary Lisa Garry responded that the only time there is a mandate for families to engage in services is if DJS files a petition with the court; otherwise, services are voluntary. DJS also helps families navigate services that are available to them that are not provided by DJS.

Del. J. Sandy Bartlett asked how much overlap there is between the Department of Social Services and DJS. Deputy Secretary Lisa Garry answered that it varies by jurisdiction. DJS is working with Secretary

Rafael Lopez from the Department of Human Services to build up cross coordination. Del. J. Sandy Barlett asked how the population of jurisdictions plays into the ability to cross coordinate. Deputy Secretary Lisa Garry answered that places with a smaller population are able to have more crossover as there are less kids.

Secretary Vincent Schiraldi spoke about DJS's history and new initiatives. Before he became secretary, DJS gave back \$134 million. After conducting a listening tour, the community responded that more services for youth needed to exist. DJS is no longer giving money back and has a grant from the Justice Department to assess a continuum of care and create a gap analysis to improve services for youth in the state. The staff working on that project will assist the Commission. He emphasized that data can inform conversations about juvenile justice and a data presentation for the Commission will be held in January. 73% of youths who are involved with DJS are never re-involved regardless of whether or not their case was formalized.

Chair Judge Davis closed the meeting by saying that the Commission will be data-heavy. The Commission has a wide range of experts who will be taking a close look at the system.

V. Future Meeting Dates

Bethany Young went over the future meeting dates. Assume it will be here from 4-6. Workgroup chairs we will be in contact about getting organized.

VI. Adjournment

The meeting was adjourned at 5:56pm.