

Juvenile Grant Planning and Review Council
(also known as the State Advisory Group)

Annual Report to Governor Larry Hogan and
Members of the Maryland General Assembly

Executive Order 01.01.2014.15

MSAR# 8879

May 27, 2015

Submitted by: Governor's Office of Crime Control & Prevention
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Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Christopher B. Shank
Executive Director

May 27, 2015

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, MD 21401

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House, H-107
Annapolis, MD 21401

The Honorable Michael Erin Busch
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401

Dear Governor Hogan, President Miller and Speaker Busch:

Provided for your review is a copy of the Fiscal Year 2015-2016 Juvenile Grant Planning and Review Council report as set forth in Executive Order 01.01.2014.15.

The report details the functions of the Juvenile Grant Planning and Review Council according to the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2002. The State provided approximately \$570,000 in federal funding assistance from the Office of Juvenile Justice and Delinquency Prevention to local jurisdictions to support juvenile system change, alternatives to detention programs, programs to reduce disproportionate minority contact, and diversion programs throughout the State. Should you have any questions related to the information provided in this report, please feel free to contact my office at (410) 821-2828.

Sincerely,

A handwritten signature in blue ink that reads "Christopher B. Shank".

Christopher B. Shank
Executive Director

Attachment

CS/jw

cc: The Honorable Boyd K. Rutherford



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2015-2016
JUVENILE GRANT PLANNING AND REVIEW COUNCIL
(Maryland's State Advisory Group)

ANNUAL REPORT

Introduction

Executive Order 01.01.2014.15 designates the Governor's Office of Crime Control & Prevention (GOCCP) as the State Administering Agency (SAA) for federal appropriations from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The Juvenile Grant Planning and Review Council (Maryland's State Advisory Group (SAG)) functions according to the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974, as amended in 2002, and is mandated to meet certain requirements including the four core protections, which are:

1. Deinstitutionalization of Status Offenders (DSO), Section 223(a)(11), which states that status offenders and juveniles who are not charged with any offense, but who are aliens or alleged to be dependent, neglected or abused, shall not be placed in secure detention/correctional facilities. This provision excludes juveniles who are charged with or who have committed a violation of 922 (x)(2) of title 18 US Code, or of a similar state law, juveniles charged with or who have committed a violation of a valid court order, and juveniles held in accordance with the Interstate Compact;
2. Sight and Sound Separation (Separation), Section 223 (a)(12), which states that accused and adjudicated delinquents, status offenders and non-offending juveniles will not be detained or confined in any institution where they may have contact with adult inmates. Moreover, the JJDP of 2002 mandates that professionals who work with both adults and juveniles, including in co-located facilities, receive training and certification;
3. Removal of Juveniles from Adult Jails and Lockups (Jail Removal), Section 223(a)(13), which states that juveniles cannot be detained in any adult jail or lockup. However, the JJDP offers an exception for juveniles who are accused of non-status offenses and detained in a jail or lock-up for a period not to exceed six hours, during processing or release, while awaiting transfer to a juvenile facility, or when making a court appearance. The JJDP also provides for a "rural exception," which allows juveniles who are accused of delinquency offenses to be detained in an adult facility for up to 48 hours, after being taken into custody and while awaiting an initial court appearance. Juveniles cannot have sight or sound contact with incarcerated adults.



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4. Reduction of Disproportionate Minority Contact [previously Confinement] (DMC), Section 223(a)(22), which broadens the scope of the previously authorized disproportionate minority confinement requirement to include the over-representation of minority youth who come into contact with the juvenile justice system at any point. It specifically mandates the states to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.”

The SAG is preparing to submit its Three-Year Plan for 2015-2017 to OJJDP in June 2015. The over-arching theme of this plan is implementing a developmental approach for juvenile justice reform. The plan focuses on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform¹, which are:

- Accountability Without Criminalization;
- Alternatives to Justice System Involvement;
- Individualized Response Based on Assessment of Needs and Risks;
- Confinement Only When Necessary for Public Safety;
- A Genuine Commitment to Fairness;
- Sensitivity to Disparate Treatment, and;
- Family Engagement.

The hallmarks of the developmental approach will be supported through an ongoing focus on creating a continuum of care to meet the diverse needs of the youth served by Maryland’s juvenile justice system; collaboration with other State child-serving and public safety agencies; and an effort to bring innovative programming and strategies to serve youth safely in the community. This plan is intended to focus, organize, and coordinate multiple jurisdictions and serve as a platform for the evolution and strengthening of public safety in Maryland.

State Advisory Group (SAG)

The membership requirements of the SAG are outlined in Section 223(a)(3)(A) of the JJDP. The required minimum 15 and maximum 33 members must be appointed by the Governor and each member may serve up to two consecutive three-year terms. The SAG currently has 32

¹ National Research Council. (2014) *Implementing Juvenile Justice Reform: The Federal Role*. Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform, Committee on Law and Justice, Division of Behavioral and Social Sciences and Education Washington, DC: The National Academies Press.



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appointed members. Of the minimum membership, one-fifth of the members must be under the age of 24 at the time of their appointment and at least three members shall have been or are currently under the jurisdiction of the juvenile justice system. The SAG currently has seven members who were under the age of 24 at the time of their appointment and three members of which have personal experience with the juvenile justice system. Three GOCCP positions, the Director of Juvenile Justice/Juvenile Justice Specialist, Statewide DMC Coordinator, and JJDP A Compliance Monitor, provide staff support to ensure Maryland's compliance with the JJDP A.

Juvenile Justice Programming

During 2014-2015, GOCCP, in collaboration with the SAG, continued to fulfill its role in distributing federal funds to support the juvenile justice system in Maryland. The federal purpose areas included: diversion, disproportionate minority contact, alternatives to detention, juvenile accountability, and restorative justice. The SAG and GOCCP will continue to support programs that have been successful in diverting youth from the juvenile justice system while also promoting accountability. Unfortunately, the Juvenile Accountability Block Grant (JABG), GOCCP's primary federal funding stream for juvenile justice accountability and restorative justice programming, was eliminated by Congress in 2014. Maryland continues to receive its federal Title II Formula grant allocation under the JJDP A and the most recent allocation in FY 2014 was \$661,216.

GOCCP released a Notice of Funding Availability in March 2015 for the Title II Formula Grant with new federal purpose areas, as identified by the SAG in the Three-Year Plan, which are: aftercare/reentry, probation, alternatives to detention, and diversion.

Plan for Compliance with the Core Protections of the JJDP A

In accordance with the JJDP A, the SAG works with GOCCP to ensure compliance with the four core protections of the JJDP A through the work of the State JJDP A Compliance Monitor and DMC Coordinator. Maryland must provide for an adequate system of monitoring to ensure that the core protections are met. This includes visiting and collecting information from all secure facilities and submitting an annual compliance monitoring report to OJJDP. Maryland's level of compliance with each of the four core protections determines eligibility for its continued participation in the Title II Formula Grant program.

Maryland has continued to strengthen its efforts to achieve and maintain full compliance with the core protections of the JJDP A during FY 2015. The State follows administrative procedures to receive, investigate or report compliance violations. GOCCP utilizes the Compliance Monitoring Risk Assessment Guideline Tool to determine the risk level of all secure facilities within the State and the actions that will be taken based upon the risk level. Ongoing training



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and technical assistance is also provided to facilities to ensure that there is a thorough understanding of the federal regulations.

Plan for Compliance with the Disproportionate Minority Contact Core Requirement

The purpose of this core requirement is to ensure equal and fair treatment for every youth involved in the juvenile justice system. Statistics at the state and national level show the cumulative impact of racial disparity through each decision point in the juvenile justice system. Decisions made at one stage contribute to increasing disparities at subsequent stages.

The SAG will continue to focus on six jurisdictions that contribute most to disproportionate representation of youth of color across system contact points as well as expand its focus to community-based programs that are working to reduce racial and ethnic disparities.

Plan for 2015-2016

The SAG will continue to focus exclusively on the requirements set forth in the JJDP. It continues to focus efforts on increasing membership and developing new partnerships with local government agencies and communities.

Additionally, the SAG will continue to collaborate with DJS' State Advisory Board, of which the Chair of the SAG is an appointed member. The Chair and Vice Chair will ensure continuance of the SAG's purpose and goals according to the JJDP. It is the Chair's vision for the SAG to help facilitate greater collaboration between state agencies and stakeholders around juvenile justice issues.

Consistent with FY 2015, priorities of the SAG will continue to be:

- Administering federal juvenile justice funds;
- Monitoring Maryland's compliance with the core protections of the JJDP, including the removal of juveniles from adult jails and police lockups, the deinstitutionalization of status offenders and the separation of juveniles from adults while in police custody;
- Reducing the overrepresentation of minorities in the juvenile justice system; and
- Reviewing progress and accomplishments of projects funded with federal juvenile justice funds.

The SAG will continue to provide funding to implement programs based on the following principles for preventing and reducing high-risk behaviors:



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- Promoting prevention and intervention strategies as the most cost-effective approach to reducing juvenile delinquency;
- Providing methods of effective intervention in the early stages of delinquent behavior to prevent delinquent offenders from becoming chronic offenders or from progressively committing more serious and violent crimes;
- Establishing a system of graduated sanctions that holds each juvenile offender accountable, protects public safety, and provides programs and services that meet identified treatment needs; and
- Observing and analyzing the issues surrounding the small percent of serious, violent, and chronic juvenile offenders who commit the majority of juvenile felony-level offenses.

To this end, the SAG will continue to:

- Analyze juvenile arrest data;
- Explore research efforts conducted by stakeholders and institutions of higher education; and
- Determine the influence of the above items on disproportionate minority contact and other identified priority areas.

The SAG is excited about the potential of its efforts and looks forward to continuing its collaboration with GOCCP and DJS.