



# Report on Baltimore City Booking/Intake Staffing

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## INTRODUCTION

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Chapter 20 of the 2021 Laws of Maryland requires the Department of Juvenile Services (DJS) and the Baltimore Police Department (BPD) to submit a report detailing plans for reducing the number of sworn officers used to staff the Baltimore City Juvenile Justice Center (BCJJC) to the House Judiciary Committee, the Senate Judicial Proceedings Committee, the House Appropriations Committee, the Senate Budget and Taxation Committee, and the Baltimore City Delegation.

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## RESPONSE

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### I. Background

Contact with Maryland's juvenile justice system typically begins with a law enforcement officer arresting a youth. The arrest initiates law enforcement decisions as to whether a youth should be charged with a delinquent act or diverted from formal processing, and/or released to a responsible adult or detained.

Ordinarily, when a youth is arrested and taken into custody for an alleged delinquent act, the youth is transported to the arresting agency's station/district. Once there, the youth may continue through an intake/booking process, which includes fingerprinting and confirming biographical information, such as name, date of birth and address. The arresting office will also prepare a statement of probable cause, arrest report, and other law enforcement forms.

When a law enforcement officer takes a youth into custody, the officer is required to immediately notify the youth's parents, guardian or custodian. After making every reasonable effort to give notice, the law enforcement officer shall either release the youth to a parent or guardian, or request DJS to detain the youth<sup>1</sup>. If law enforcement detains a juvenile in secure custody at an arresting agency's station/district for a brief period in order to contact a parent or guardian or to arrange transport to a juvenile detention facility, federal law requires that the juvenile be securely detained for no longer than 6 hours and in an area that is not within the sight and sound of adult detainees/inmates.

DJS may authorize detention on a temporary basis at the request of a law enforcement officer, and is empowered by statute to detain youth who either pose a clear risk to themselves/others, or are deemed likely to leave court jurisdiction. This decision is guided by the Detention Risk Assessment Instrument and is subject to court review on the next court day. If detention is

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<sup>1</sup> See, Md Code, Courts and Judicial Proceedings, 3-8A-14.

authorized by DJS, the law enforcement officer is required to deliver the child to the detention facility to transfer custody of the youth to DJS.

## **II. BCJC**

DJS operates seven detention facilities across the State to provide temporary and secure custody of youth subject to court jurisdiction. In Baltimore City, DJS operates juvenile detention within the BCJC, which functions as a multi-purpose juvenile justice building. The facility includes the following State and local government agencies/functions:

- Baltimore City Department of Social Services
- Baltimore City Juvenile Court Operations
- DJS Juvenile Detention and Community Operations
- Maryland Office of the Public Defender – Juvenile Division
- Baltimore City State’s Attorney – Juvenile Division
- Baltimore City Police Department – Juvenile Intake/Booking Operations
- Baltimore City Diversion Programs

The multi-use juvenile justice center is unique to Baltimore City, as all other Maryland jurisdictions utilize separate facilities for DJS operated juvenile detention, court, and law enforcement functions. BCJC was constructed and designed to bring together all Baltimore City Juvenile Justice functions in one location to better serve the community and create operational efficiencies. Each of the essential stakeholder agencies is able to independently function, while creating opportunities for collaboration and improved service delivery.

When BCJC opened in 2003, the BPD’s juvenile intake/booking functions were removed from the multiple city police districts and consolidated into a citywide BPD juvenile operation located at BCJC. Removing the intake/booking functions from the regional city district locations relieved many of the challenges BPD faced in maintaining required sight and sound separation from adults and adhering to the 6 hour federal custody rules. Many of the BPD district buildings were not designed to have separate juvenile and adult intake and booking areas, thereby making it difficult to comply with federal policies. Since BCJC’s opening, the BPD has operated their juvenile intake, booking, and charging functions in a designated location within the facility.

## **III. Staffing of BPD Booking/Intake Operations**

Over the years, inquiries have been made into whether DJS staff could assume the BPD’s booking/intake/charging operations at BCJC to reduce the number of BPD staff required to process young people arrested for an alleged delinquent act. DJS has evaluated the ability for DJS to assume the BPD booking/intake/charging functions, and continues to conclude that DJS, as a human service agency, is unable under federal and state law to effectively carry out the duties at this procedural stage of justice system involvement. Moreover, if DJS were to carry out law enforcement functions, there are collateral consequences that would negatively impact DJS’s ability to maintain a strong and diverse continuum of care for involved youth.

DJS is unable to carry-out the booking/intake charging functions for the following reasons:

- **DJS is prohibited from accessing federal (NCIC) and State (CJIS) criminal justice system databases.**

To carry-out the booking/intake/charging functions required to process an arrest and juvenile charges, DJS would need access to State and federal criminal justice databases that contain juvenile and criminal information necessary to make public safety decisions, such as outstanding warrants, prior criminal involvement, and even runaway/child endangerment information. In order for the agency to qualify for such access, however, it must be a “criminal justice agency or unit,” and it is neither under the applicable federal and State statutory and regulatory provisions. It is instead a “human services agency” under State and federal guidelines.

- **DJS would stand to lose a significant amount of Federal Funding.**

DJS accesses federal funding to support/reimburse the State for non-secure residential placements and evidence-based community programs. If DJS were considered a criminal justice agency, DJS would not be a candidate for reimbursement under the Federal Family First Act and would risk losing approximately \$2.5 million a year in reimbursement for non-secure residential placements and evidence based programs.

- **The arrest and booking process is an inherent function of the arresting law enforcement unit.**

DJS does not complete the booking/intake/charging functions in any Maryland jurisdiction. Additionally, Maryland law clearly outlines law enforcement and DJS obligations. Current law requires law enforcement to notify parents of an arrest, and retain custody until a youth is released or admitted to a detention facility.

Although DJS is unauthorized and therefore unable to assume the responsibility to carry-out post-arrest procedures, DJS is committed to supporting law enforcement functions and assist in achieving operational efficiencies.

To that end, DJS has provided/implemented the following supports and strategies:

- When the BPD arrest a youth for violation of electronic monitoring, DJS community detention workers provide supervision of youth in the booking area until the youth is admitted to detention. This process allows the officer to leave and return to their post once the youth is medically cleared, rather than waiting for the detention admission process.
- DJS supports and contributes funding to the BPD and to the Mayor’s Office’s diversion programming.
- DJS assists the BPD in contacting and identifying parents or other responsible adults when a youth is arrested and brought in for booking at BCJJC.
- DJS assists in providing the BPD with parent ID or birth certificates to identify parents and/or youth.
- DJS will support the BPD by working with the Baltimore City Department of Social Services when a parent or other responsible adult is unable/unwilling to take custody of a youth.
- DJS provides parents with transportation, via cab, to pick up youth from BPD booking.

Baltimore City justice system stakeholders, including the BPD, DJS, the Courts, the State’s Attorney Office, Public Defender Office, Department of Social Services, and the Mayor’s Office continue to implement strategies aimed at reducing youth justice system involvement. Youth arrests have declined significantly in Baltimore over the past several years. This decline in arrests, detention utilization, and complaints filed with DJS has greatly reduced the workload of most justice system partners. This data is monitored quarterly through the stakeholder’s participation in the Baltimore Juvenile Detention Alternative Initiative.

**Trend Data**

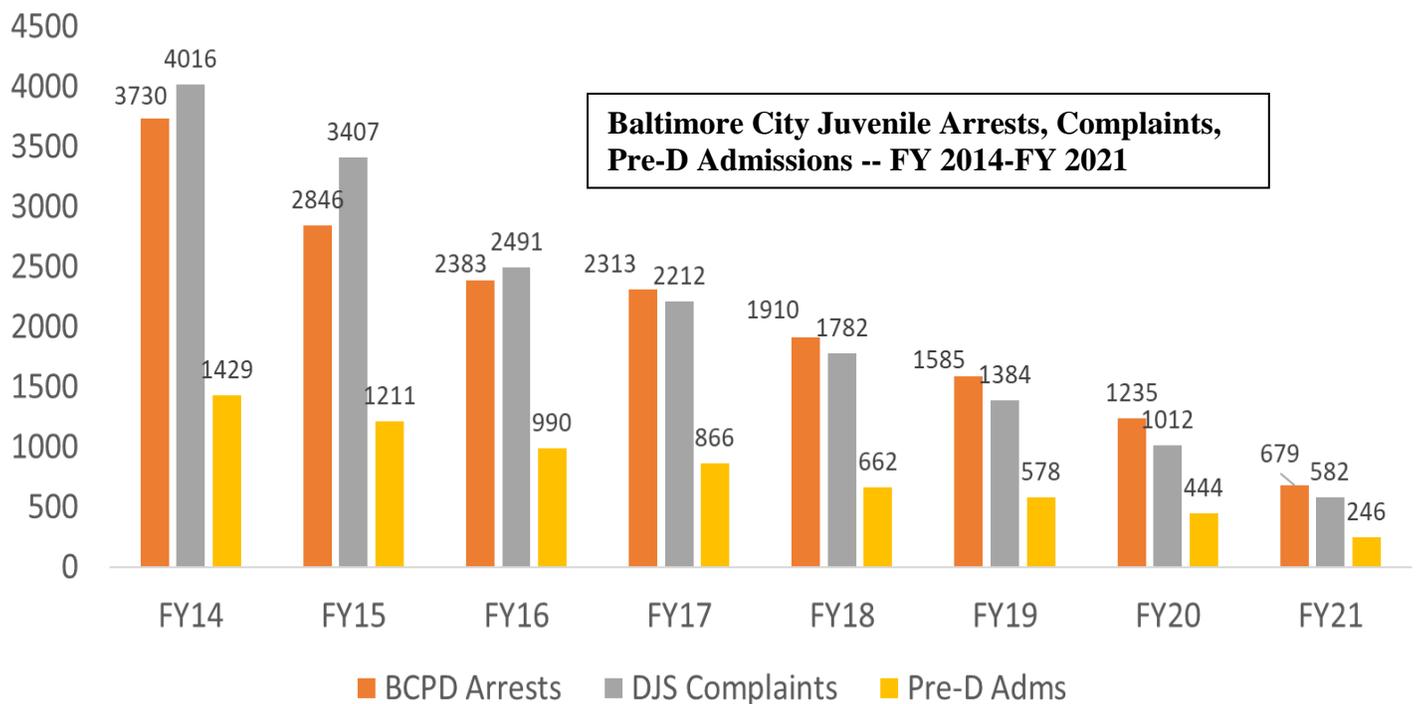
The chart below illustrates the decline in BPD Arrests, DJS complaints and pre-disposition detention admissions (Pre-D Adms).

**Significant Declines in Arrests, Complaints and Detention Utilization between FY2014 and FY2021**

❖ BPD Arrests  
Declined 79.8%

❖ DJS Complaints  
Declined 85.5%

❖ Pre-Disposition Detention Admissions  
Declined 82.7%



**III. Conclusion**

DJS is committed to continuing to work with our partners to collaborate and execute strategies aimed at promoting public safety and positive outcomes for youth and families in Baltimore City.