



**GOVERNOR'S OFFICE OF
CRIME PREVENTION, YOUTH,
AND VICTIM SERVICES**

**Juvenile Grant Planning and Review Council
2021-2022 Annual Report**

Executive Order 01.01.2014.15 E

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Prevention, Youth, and Victim Services

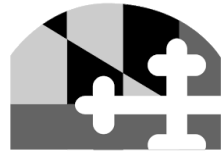
Submitted by:
Governor's Office of Crime Prevention, Youth, and Victim Services

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MSAR #10675
June 1, 2021

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FROM: Governor's Office of Crime Prevention, Youth, and Victim Services

June 1, 2021

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

RE: Report required by Executive Order 01.01.2014.15 E (MSAR #10675)

Dear Governor Hogan:

As required by Executive Order 01.01.2014.15 E, please find an enclosed copy of the Governor's Office of Crime Prevention, Youth, and Victim Services' report entitled, *2021-2022 Juvenile Grant Planning and Review Council Annual Report*. This report details the functions of the Juvenile Grant Planning and Review Council as required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2018.

The Governor's Office of Crime Prevention, Youth, and Victim Services, in coordination with the Juvenile Grant Planning and Review Council, provided approximately \$589,584 in federal funding assistance from the Office of Juvenile Justice and Delinquency Prevention to state and local jurisdictions to support alternatives to detention, aftercare/reentry, and diversion programs throughout the State. Additionally, approximately \$304,828 in state funds were provided to address these efforts as well.

Should you have any questions related to the information provided in this report, please feel free to contact my office at (410) 697-9338.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Fueston, Jr.", written in a cursive style.

V. Glenn Fueston, Jr.
Executive Director

cc: Sarah Albert, Department of Legislative Services (5 copies)

Acknowledgements

This *Juvenile Grant Planning and Review Council 2021-2022 Annual Report* is the result of hard work, valuable input, and dedication from numerous stakeholders. State and local government representatives, law enforcement, community advocates, a public defender, public members, and a volunteer. Everyone was generous with their time and supportive feedback. Their participation in the Juvenile Grant Planning and Review Council (also known as the State Advisory Group), as well as their feedback, suggestions, and recommendations were invaluable for the final report. The completion, timeliness, and comprehensiveness of this report would not have been possible without their active participation and support.

Roster of Members

The Juvenile Grant Planning and Review Council is composed of various members appointed by Governor Hogan, and a Chair and Vice Chair (*as illustrated below*).

Eric Ford, Chair

The Choice Program at the University of Maryland - Baltimore County

Dr. Shameka Stanford, Vice Chair

Howard University

Kara Aanenson

Department of Juvenile Services

Kiersten Anderson

YMCA, Youth & Family Services

Diana Barney

EveryMind

Marone Brown

Maryland State Department of Education

Jeff Breslin

Boys & Girls Clubs of Metro Baltimore

John Burton

Youth Member

Detective Sgt. Kathy Estrada

Montgomery County Police Department

Michelle L. Farr

Department of Human Services

Donald Foley

Youth Member

Derrell Frazier

Youth Member

Crystal Foretia

Youth Member

Anne-Marie Hansen-Combs

Department of Juvenile Services

Lynette Holmes

Department of Juvenile Services

Quishaun Holmes

Youth Member

Honorable Cory V. McCray

Maryland Senate, District 45

Shannon McFadden

Shura, Inc.

Grayson McNew

Youth Member

Dr. Shobhit Negi

Dr. Shobhit Negi, LLC

Elizabeth Park

Greenbelt Cares

Janelle Riddick

Volunteer

Heidi Rochon

Maryland Coalition of Families

Joe Rossow

The Cal Ripken, Sr. Foundation

Kimberly Sauer

Fearlessly Loving Yourself, Inc.

Dr. Jonathan Shepherd, M.D.

Black Mental Health Alliance

Judge Michael Stamm
St. Mary's County Circuit Court

Antoine Vaughn
Youth Member

Darren Stephenson
Prince George's County Public Schools

Laura Wilt
Frederick County State's Attorney's Office

Executive Summary

Pursuant to Executive Order 01.01.2014.15, the Juvenile Grant Planning and Review Council, hereinafter referred to as the Council, is charged to serve as the State Advisory Group in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 2018.¹ The Council is also charged to develop a juvenile justice and delinquency prevention three-year plan, and to review grant applications and make funding recommendations.² In addition, the Council is required to meet certain requirements to include the four core protections (*as illustrated below*):³

- ❖ Deinstitutionalization of Status Offenders: Status offenders and juveniles who are not charged with any offense, and who are aliens or alleged to be dependent, neglected or abused, shall not be placed in secure detention/correctional facilities.⁴
- ❖ Sight and Sound Separation: 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. In addition, professionals who work with both adults and juveniles, to include in co-located facilities, must receive training and certification.⁵
- ❖ Removal of Juveniles from Adult Jails and Lockups: Juveniles cannot be detained in any adult jail or lockup.⁶
- ❖ Identify and Reduce Racial and Ethnic Disparities: States achieve compliance with this core requirement when they address racial and ethnic disparities through the following: identification, development of an action plan, and an outcome-based evaluation.

¹ Department of Legislative Services. (2014). [Executive Orders 2014: State of Maryland](#).

² Governor's Office of Crime Prevention, Youth, and Victim Services. [Children and Youth Division](#).

³ Office of Juvenile Justice and Delinquency Prevention. [Compliance with the Core Requirements of the Juvenile Justice and Delinquency Prevention Act](#).

⁴ [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2018, 34 U.S.C. § 11133(a)(11). This provision excludes juveniles who are charged with or who have committed a violation of section 922(x)(2) of Title 18 U.S.C., or of a similar State law; juveniles who are charged with or who have committed a violation of a valid court order; and juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State.

⁵ [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2018, 34 U.S.C. § 11133(a)(12).

⁶ [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2018, 34 U.S.C. § 11133(a)(13). This provision excludes juveniles who are accused of nonstatus offenses and are detained in a jail or lockup for a period not to exceed six hours: for processing or release; while awaiting transfer to a juvenile facility; or when making a court appearance. The Act also provides a rural exception which allows juveniles who are accused of delinquent 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.

Beginning in August 2020, the Council initiated an extensive planning process to develop its *Juvenile Grant Planning and Review Council 2021-2023 Three-Year Plan*.⁷ Based on the Title II Formula Grant Program areas, the Council selected four priorities to address over the three-year period, to include the following:

- ❖ Programs for Positive Youth Development: Programs will assist system-involved and other at-risk youth in obtaining a sense of safety and structure, a sense of belonging and membership, a sense of self-worth and social contribution, a sense of independence and control over one's life, and a sense of closeness in interpersonal relationships.
- ❖ Diversion: Programs to divert youth from entering the juvenile justice system, including restorative justice programs such as youth or teen courts, conflict mediation, and restorative circles.
- ❖ Community-Based Alternatives to Incarceration and Institutionalization: Programming targeted towards (i) status offenders and other youth who need temporary placement such as crisis intervention, shelter, and after-care; (ii) youth who require residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services; and (iii) youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs
- ❖ Community-Based Programs and Services: These programs and services work with parents and other family members, to strengthen families and help keep youth in the home; support youth and their families during and after confinement to ensure the youth's safe return to the home, and to strengthen the families; and parents with limited English-speaking ability.

In accordance with Executive Order 01.01.2014.15 E, this *Juvenile Grant Planning and Review Council 2021-2022 Annual Report* includes information on the activities of the Council, the administration of funds, and specific plans to ensure compliance with the four core protections.

⁷ Governor's Office of Crime Prevention, Youth, and Victim Services. *SAG 2021-2023 Three-Year Plan: Goals, Objectives, Performance Measures, Outcomes, and Suggested Activities/Approaches*.

Background

In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention Act (Act) which “established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support local and state efforts to prevent delinquency and improve the juvenile justice process.”⁸

In 2002, Congress reauthorized the Act, “in order to establish a comprehensive nationwide program of juvenile justice delinquency prevention, offender rehabilitation, and juvenile justice system improvements.”⁹ Pursuant to the Act, it required all states that participate in the Title II Formula Grant Program to: establish a multidisciplinary advisory group (State Advisory Group); develop a juvenile justice and delinquency prevention three-year plan to describe the progress of implemented programs and the status of compliance with certain requirements; and review grant applications and make funding recommendations.¹⁰

In 2018, President Trump signed into law the [Juvenile Justice Reform Act of 2018](#), which reauthorized and substantially amended the Act.¹¹ The major components of the Juvenile Justice Reform Act of 2018 include changes to the “effective application dates, definition of terms, annual reporting requirements, state allocations, state plan requirements, and the distribution of funds not allocated due to state noncompliance.”¹² For more information, please refer to the [Appendix: Juvenile Justice Reform Act of 2018](#).

Maryland had previously enacted two executive orders and remains in compliance with the Act, as amended in 2018.¹³

- ❖ Executive Order 01.01.2005.36 designated the Governor’s Office of Crime Prevention, Youth, and Victim Services (Office) - previously known as the Governor’s Office of Crime Control and Prevention - as the State Administering Agency for federal appropriations from the OJJDP; and

⁸ U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2019). [Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018](#).

⁹ The Council of State Governments. (2007). [Resolution in Support in the Reauthorization of the Juvenile Justice and Delinquency Prevention Act](#).

¹⁰ *Juvenile Justice and Delinquency Prevention Act of 1974*, as amended in 2018, 34 U.S.C. §§ 11131-11133. Governor’s Office of Crime Prevention, Youth, and Victim Services. [Children and Youth Division](#).

¹¹ Office of Juvenile Justice and Delinquency Prevention. [Core Requirements: Compliance with the Core Requirements of the Juvenile Justice and Delinquency Prevention Act](#).

¹² U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2019). [Key Amendments to the Juvenile Justice and Delinquency Prevention Act Made by the Juvenile Justice Reform Act of 2018](#).

¹³ Department of Legislative Services. (2005). [Executive Orders 2005: State of Maryland](#).

- ❖ Executive Order 01.01.2005.37 created the Council within the Office to serve as the State Advisory Group.

Executive Order 01.01.2010.06 rescinded Executive Order 01.01.2005.37 and, in accordance with the Act, required compliance monitoring of a State's juvenile centers and any holding areas that fall within the parameters of the monitoring guidelines of the federal OJJDP.¹⁴ Shortly thereafter, Executive Order 01.01.2014.15 rescinded Executive Order 01.01.2010.06.

In accordance with Executive Order 01.01.2014.15 E, the Council is charged to submit an annual report to the Governor, by way of the Executive Director of the Office, on its activities and recommendations. Specifically, the Council is required to submit its report on or before June 1 of each year, as it relates to the following:¹⁵

- ❖ Serve as the State Advisory Group, and perform the functions, duties, and responsibilities set forth in the Act;
- ❖ Review and make recommendations on all juvenile delinquency prevention grant applications for the Executive Director to consider when making grant awards under the Act;
- ❖ Provide advice to the Office in developing, maintaining, and expanding efforts to divert juveniles from the juvenile justice system and to provide community-based alternatives to juvenile detention and correctional facilities;
- ❖ Advise the State's Compliance Monitor, the Racial and Ethnic Disparities Coordinator, and the Juvenile Justice Specialist when necessary, and receive advice from the State's Compliance Monitor, the Racial and Ethnic Disparities Coordinator, and the Juvenile Justice Specialist on the status of the juvenile detention/correctional facilities and community-based programs to ensure compliance with the Act; and
- ❖ Perform any additional duties as directed by the Executive Director of the Office on behalf of the Governor.

¹⁴ Department of Legislative Services. (2010). [Executive Orders 2010: State of Maryland](#).

¹⁵ Department of Legislative Services. (2014). [Executive Orders 2014: State of Maryland](#).

Overview

State Advisory Group

In accordance with Section 223(a)(3)(A) of the Act, the Council must include no less than 15 and no more than 33 members. Each member must be appointed by the Governor, and may serve up to two consecutive three-year terms. In addition, and at a minimum, one-fifth of the members must be under the age of 24 at the time of their appointment, and at least three members must be or have been under the jurisdiction of the juvenile justice system.

Currently, the Council has 33 appointed members of which six were under the age of 24 at the time of their appointment, and three have personal experience with the juvenile justice system. The Office also dedicates three positions to the management of the Act, to include: the Deputy Director of the Children and Youth Division, who serves as the State's Juvenile Justice Specialist, as mandated by the Act; the Statewide Racial and Ethnic Disparities Coordinator; and the Compliance Monitor.

Subcommittees

To continue to build on prior efforts, and to ensure all goals identified in the *Juvenile Grant Planning and Review Council 2021-2023 Three-Year Plan* are being met, the Council established six standing subcommittees to oversee the progress of each. Through this process, each subcommittee is charged to address specific goals, and to update the full Council on current efforts to include those from the prior year (*as illustrated below*).

Grant Monitoring Subcommittee

This subcommittee monitors sub-recipients on a continual basis; develops a structure for sub-recipients to present to the Council; conducts site visits to sub-recipients and provides technical assistance when indicated; and works with sub-recipients to develop strategies to promote information sharing. In 2020 and 2021, the subcommittee conducted six site visits which resulted in further discussion as it relates to the needs of clients, trends, system referrals, underserved populations, partnerships and community resources, program highlights, barriers, sustainability planning, and performance tracking. To ensure the availability of needed support for sub-recipients during the COVID-19 pandemic, in December 2020, the Council held a grantee meeting to discuss virtual best practices. The initial event was a success and resulted in the Council's permanent adoption of grantee meetings held on a quarterly basis. In 2020 and 2021, nine sub-recipients presented program summaries to the council and other sub-recipients, which resulted in robust discussions such as ongoing trends, service delivery challenges and successes, and program adaptations made during the pandemic.

Recruitment, Training, and Regionalization Subcommittee

This subcommittee assists with the recruitment of new members, and makes recommendations to the Governor for approval; develops new member orientation; collaborates with the Emerging Leaders subcommittee to recruit appropriate youth; and develops and oversees a regionalization plan for the Council, and a plan to increase statewide awareness on the Council's expertise on juvenile justice policy. In 2020, the subcommittee successfully recruited new appointees.

Emerging Leaders Subcommittee

This subcommittee focuses on ways to engage youth and reform juvenile justice practices in Maryland, and to ensure the voices of youth are heard and accounted for in discussions on juvenile justice. This subcommittee includes all Council youth members. The subcommittee works to increase youth engagement, and to maintain positive interactions with justice-involved youth through volunteerism and community efforts. Agendas and projects are developed by this subcommittee and are tailored to include mechanisms for obtaining broader youth input. The subcommittee also communicates with youth members in other states to discuss ways to further integrate the voices of youth into the work of the Council.

In addition, the subcommittee participates in full Council meetings, and individual subcommittee meetings. Members also participate in grant review sessions and receive the opportunity to review and comment on assigned applications. Their comments are taken into consideration when funding decisions are made. The members have the opportunity to attend monitoring site visits with the grants subcommittee. The members are able to ask questions of the program and provide feedback to support effective youth-centered programming. Finally, the members have the opportunity to participate in other subcommittee meetings, including the legislative committee. Members help to prioritize legislative bills of interest to the State Advisory Group and draft letters of information to the legislature for consideration in the legislative process.

Racial and Ethnic Disparities (RED) Subcommittee

Staffed by the Statewide RED Coordinator, the RED subcommittee assists with drafting *Maryland's Annual Racial and Ethnic Disparities Plan* to reduce racial and ethnic disparities at various decision making points in Maryland's juvenile justice system. The RED subcommittee also works to demonstrate the impact of policy and program initiatives through the development of expedited and comprehensive data collection mechanisms.

In the State of Maryland, the overall numbers for referrals to juvenile court/intake, pre-trial detention, and disposition commitments have significantly decreased over the past three fiscal years. However, even with these significant reductions, Maryland's State Advisory Group and

the RED subcommittee are committed to addressing issues of RED by coordinating the following strategic efforts:

- ❖ Expanding diversion and trauma-informed programming at the front-end of the state's juvenile justice system.
- ❖ Prioritizing grant applicants that make strategic and intentional efforts to address and reduce RED.
- ❖ Providing RED presentations and technical assistance to youth-serving and community-based organizations, local and state government agencies, and juvenile justice stakeholders to enhance awareness of RED and strengthen reduction efforts.

The State Advisory Group is now developing Maryland's R/ED Diversion Toolkit. The R/ED Diversion Toolkit will serve as a living document to support the implementation of new youth diversion programs and to bolster existing youth diversion opportunities. Additionally, the toolkit will promote awareness of R/ED at the state and local levels, and enhance prevention efforts at the front-end of Maryland's juvenile justice system. The goal is to complete the initial draft by June 2021.

Executive Subcommittee

This subcommittee makes executive level decisions on behalf of the Council, when necessary, to include approving the Council's support of legislative initiatives.

Legislative Subcommittee

This subcommittee reviews and tracks juvenile justice-related legislation throughout the legislative session and notifies the Council in case they wish to take action, individually. During the 2021 legislative session, the subcommittee met weekly to analyze legislation and provide updates to the Council. The subcommittee also drafted and disseminated letters of information for specific bills to the Council. In 2021, the subcommittee submitted nine impact letters to the full Council for review.

Review and Make Recommendations on Grant Applications

The Office, in collaboration with the Council, continued to fulfill its role to distribute federal funds to support the juvenile justice system in Maryland, based on the following federal purpose areas: aftercare/reentry, juveniles justice system improvement, delinquency prevention, and community-based programs and services. Moving forward, the Council and the Office will continue to support programs that have been successful in diverting youth from the juvenile justice system while also promoting accountability and preventing future delinquency.

The Office released a *Title II Juvenile Justice Delinquency Prevention Formula Grant Notice of Funding Availability (NOFA)* in April of 2021.¹⁶ In accordance with the Act, the Council will review the grant applications and make recommendations for funding to the Office. The awarded grants will begin on July 1, 2021 for a one year award period.

Ensure Compliance with the Act

To ensure compliance with the four core protections of the Act, Maryland must “provide for an adequate system of monitoring” to demonstrate that the core protections are met.¹⁷ To achieve this, the Office, in partnership with the Council, visits and collects information from all secure facilities, and submits its findings in an annual compliance monitoring report to OJJDP. These findings illustrate Maryland’s level of compliance with each of the four core protections and is used to determine eligibility for its continued participation in the Title II Formula Grant program.

Barriers to Compliance with the Act

In December 2018, Congress reauthorized the Act and renamed it as the Juvenile Justice Reform Act (JJRA). The JJRA strengthens the four core protections for youth and requires that young people awaiting trial in adult court will not be housed in adult facilities. Given this recent change, the Office continues to study the impact of the JJRA and anticipates that additional guidance will be forthcoming, in the near future, from OJJDP (see [Appendix: Juvenile Justice Reform Act of 2018](#) for a full list of key changes to the law).

In January 2021, OJJDP notified the states that they were changing the federal classification of court holding facilities to adult jails or lockups which requires that the jail removal core requirement now be applied. This would potentially require retroactive data collection as well as additional protections afforded under the jail removal core requirement. Due to the application of the jail removal core requirement, the Office anticipates a potential increase in the number of violations that the state will incur and is awaiting technical assistance and additional guidance from OJJDP.

Additionally, under the new JJRA, by December 21, 2021, youth who are charged as adults under criminal court jurisdiction and placed in an adult jail will be required to be sight and sound separated and removed from the jail within 30 days unless a judge issues an order finding that it is in the “interest of justice” to continue placement. Senate Bill 222 (2021), *Juveniles Charged as Adults - Study and Confinement*, would have mirrored the language of the JJRA¹⁸, however, it

¹⁶ Governor’s Office of Crime Prevention, Youth, and Victim Services. [Title II Juvenile Justice Delinquency Prevention Formula Grant \(JJAC\)](#).

¹⁷ [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2018, 34 U.S.C. § 11133(a)(14).

¹⁸ Maryland General Assembly. [Senate Bill 222 \(2021\). Juveniles Charged as Adults - Study and Confinement](#).

failed to pass in the 2021 session. The Office is exploring non-legislative strategies that could be deployed to bring the state into compliance with the federal law.

Compliance with the Racial and Ethnic Disparities Core Requirement

The purpose of this core requirement is to ensure equal and fair treatment for all youth involved in the juvenile justice system. Statistics at the state and national level show the cumulative impact of racial disparities at each contact point in the juvenile justice system. Because decisions made at one stage contribute to increasing disparities at subsequent stages, the Council will focus on the following goals in its current plan:

- ❖ Reduce the number of arrests of minority youth and increase the number of diversions and alternatives to detention opportunities;
- ❖ Increase the level of awareness of RED (through a trauma-informed approach) for schools, law enforcement, court officials, and the community at-large;
- ❖ Reduce the number of referrals to the Department of Juvenile Services; and
- ❖ Increase law enforcement and school-based diversion efforts across the State to reduce the number of youth arrests as well as school-related disciplinary actions, such as suspension and expulsion.

Plan for 2021-2022 & Conclusion

In accordance with the Act, the Council will continue to focus exclusively on the requirements of its mandate. The Council will also continue to collaborate with the Department of Juvenile Services' State Advisory Board, and monitor and support implementation of new legislation including recommendations from the Juvenile Justice Reform Council¹⁹ enacted into law. Moving forward, the Chair envisions that the Council will help facilitate greater collaboration between state agencies and stakeholders as it relates to juvenile justice issues. The Council will also continue to focus its efforts on addressing Adverse Childhood Experiences (ACEs) and increasing trauma-informed practices throughout the State.

Consistent with the priorities identified in the 2020-2021 period, the Council will continue to:

- ❖ Administer federal and state juvenile justice funds;
- ❖ Monitor Maryland's compliance with the core protections of the Act, to include the removal of juveniles from adult jails and lockups, the deinstitutionalization of status offenders, and the separation of juveniles from adults while in police custody;
- ❖ Reduce the overrepresentation of minorities in the juvenile justice system; and
- ❖ Review progress and accomplishments of projects funded with federal and state juvenile justice funds.

In addition, the Council will continue to provide funding to implement programs, based on the following principles to prevent and reduce high-risk behaviors:

- ❖ Promote prevention and intervention strategies as the most cost-effective approach to reduce juvenile delinquency;
- ❖ Provide 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;
- ❖ Establish 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
- ❖ Observe and analyze the issues surrounding the small percent of serious, violent, and chronic juvenile offenders who commit the majority of juvenile felony-level offenses.

Furthermore, the Council will continue to:

- ❖ Analyze juvenile arrest data and trends;

¹⁹ Maryland General Assembly, [Juvenile Justice Reform Council](#)

- ❖ Explore research efforts conducted by stakeholders and institutions of higher education;
and
- ❖ Determine the influence of the above items on RED and other identified priority areas.

The Council remains committed to build upon the efforts made to date, and will continue to collaborate with the Office, service providers, and the Department of Juvenile Services. Moving forward, the Council will continue to review current priority areas to determine what needs still exist within those areas, and if other priorities should be examined or studied in greater detail.

Appendix: Juvenile Justice Reform Act of 2018

Below are several key changes to the Juvenile Justice and Delinquency Prevention Act (Act) of 1974 Title II Formula Grant Program that were made by the Juvenile Justice Reform Act (JJRA) of 2018 (Public Law 115-385, enacted December 21, 2018).²⁰

Application (“Effective Date”) of Amendments

The JJRA amendments apply to fiscal year (FY) 2020 and subsequent awards; however, they do not apply to FY 2019 and earlier awards. This means that for several years states will have open awards governed by the Act prior to the JJRA amendments, and other awards governed by the Act as amended by the JJRA.

Definitions

Definitions have changed for some of the terms used in the statute, including “adult inmate,” “contact” (which is now “sight or sound contact”), “Indian tribe” (does not change eligibility requirements for tribes), and “jail or lockup for adults.” (Section 103)

Annual Report Data

Additional data points included in the description of OJJDP’s annual report do not impose additional reporting requirements on states. OJJDP may ask states to submit the additional data elements on a voluntary basis, however, not doing so will not result in a state’s noncompliance, nor will it affect a state’s eligibility. (Section 207)

State Allocations

Minimum Allocation

When the appropriation for the formula grant program is less than \$75,000,000, the minimum allocation for the states and Puerto Rico has been raised from \$325,000 to \$400,000; and for territories, the minimum will be no less than \$75,000 as before, yet now there is no upper statutory limit. When the appropriation for the formula grant program is \$75,000,000 or more, the allocation to the territories (other than Puerto Rico) will be no less than \$100,000. (Section 222(a)(2)(A) and (B))

²⁰ Office of Juvenile Justice and Delinquency Prevention. (2019). [Redlined Version of the JJDP Act with JJRA Amendments](#) (updated March 26, 2019). [Juvenile Justice Reform Act of 2018](#), H.R. 6964 - 115th Congress (2017-2018). It is important to note that all identified “sections” listed with the key changes represent the amended sections of the Act. It does not capture the new sections of the JJRA, unless otherwise noted.

Planning and Administration

States will be required to designate “not less than one individual” for the purpose of coordinating state compliance efforts. (Section 222(c))

State Advisory Group Allocation

The State Advisory Group allocation may not be more than five percent of each state’s annual allocation. (Section 222(d))

State Plan Requirements

Publication on State’s Website

States will be required to post their final state plans on their public websites no later than 60 days after they are finalized (i.e., once final approval is received from OJJDP). (Section 223(a))

State Advisory Group

States will be required to have members on the State Advisory Group (Council) with additional expertise (e.g., adolescent development) and members with additional qualifications (e.g., state license or certification in mental health or substance abuse), and additional representation (e.g., representatives of victim or witness advocacy groups and tribal representation in states in which tribes are located). Additionally, if a state is unable to fill the positions of individuals who are or have been under the jurisdiction of the juvenile justice system, it may appoint a parent or guardian of such an individual. (Section 223(a)(3))

Juvenile Crime Analysis

States must, within one year of enactment of the JJRA (by December 21, 2019), include in their juvenile crime analysis, a plan to:

- (I) “eliminate the use of restraints of known pregnant juveniles housed in secure juvenile detention and correctional facilities, during labor, delivery, and postpartum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and
- (II) eliminate the use of abdominal restraints, leg and ankle restraints, wrist restraints behind the back, and four-point restraints on known pregnant juveniles, unless (aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or (bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method. (Section 223(a)(7)(B)(iv))

States must also, within two years of enactment of the JJRA (i.e., by December 21, 2021), implement the plan to eliminate the use of restraints of known pregnant juveniles as described in sections 205(1)(E)(ix)(I) and (II) of the JJRA.²¹

Program Areas

The JJRA added a number of program areas that states may support with formula grant funds, to include: (1) legal representation of juveniles; (2) informing juveniles of the opportunity for records expungement and sealing, and providing them with assistance; (3) addressing the needs of girls in or at risk of entering the juvenile justice system; (4) compliance monitoring; and (5) providing training and technical assistance on the core requirements to secure facilities. (Sections 205(1)(G), 205(1)(U), and 205(1)(U) of the JJRA)

Juveniles Treated as Adults

By December 21, 2021, unless found by a court to be in the interest of justice, juveniles who are being charged and tried as adults (1) may not have sight or sound contact with adults and (2) may not be detained in any jail or lockup for adults (except as provided under the jail removal requirement). The determination of whether such detention would be in the interest of justice must: (1) be after a hearing; (2) be in writing; and (3) take into consideration several criteria (e.g., the juvenile’s age, physical and mental maturity, present mental state, history of delinquency). When the court finds such detention in the interest of justice, there are additional requirements that must be met. This requirement was added to Section 223(a)(11) which is one of the core requirements with which failure to comply will result in a reduction in funding.

System of Compliance Monitoring

States must now describe an “effective” system of monitoring for compliance with the core requirements; however, they no longer need to include non-secure facilities in their monitoring universe. (Section 223(a)(14))

Racial and Ethnic Disparities

The “disproportionate minority contact” requirement now requires states to instead identify and reduce racial and ethnic disparities (as defined in Section 102(41) of the JJRA). (Section 223(a)(15))

²¹ [*Juvenile Justice Reform Act of 2018*](#), H.R. 6964 - 115th Congress (2017-2018). It is important to note that the term “restraints” is defined at section 103(33) which states: “the term ‘restraints’ has the meaning given that term in section 591 of the Public Health Services Act (42 U.S.C. 290ii).”

Valid Court Order

Additional requirements have been imposed for use of the valid court order (VCO) exception to the DSO requirement. Specifically, within 48 hours of the juvenile being taken into custody for violation of the VCO, if the court determines that placement in a secure detention or secure correctional facility is warranted, the court must issue a written order that specifies the factual circumstances surrounding the violation of the VCO. Such placement may not exceed 7 days and the court order may not be renewed or extended. A second or subsequent order is not permitted with respect to violation of a particular VCO. The JJRA also added a requirement that there must be procedures in place to ensure that a status offender is not detained longer than 7 days or the length of time directed by the court (whichever is shorter). (Section 223(a)(23))

Additional Information Required in State Plan

States must include in their state plan a description of any of the following that the State has or will have in place:

- ❖ Policies, procedures, and training in effect for the staff of juvenile State correctional facilities to eliminate the use of dangerous practices, unreasonable restraints, and unreasonable isolation, including by developing effective behavior management techniques. (Section 223(a)(29))
- ❖ The evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, treatment, and treatment for juveniles who request or need a screening or are held for more than 24 hours in a secure facility that provides for an initial screening. (Section 223(a)(30)(A))
- ❖ How the State will seek, to the extent practicable, to provide or arrange for mental health substance abuse disorder treatment for juveniles determined to be in need of such treatment. (Section 223(a)(30)(B))
- ❖ How reentry planning by the State for juveniles will include a written case plan based on an assessment of needs that includes: the pre- and post-release plans for juveniles, the living arrangements to which the juveniles are to be discharged, and any other plans developed for the juveniles based on an individualized assessment. (Section 223(a)(31))
- ❖ Policies and procedures to screen for, identify, and document in State records the identification of victims of domestic human trafficking, or those at risk of such trafficking, and to divert such youth to appropriate programs or services, to the extent practicable. (Section 223(a)(33))

It is important to note that states are not required to have these plans, policies, and/or procedures in place, yet rather to describe what they currently have in place or plan to put in place.

Funds Not Allocated Due to State Noncompliance

The funds that remain unallocated due to state allocation reductions for noncompliance with the core requirements will be reallocated to states in compliance (50 percent of the total of unallocated funds) and for training and technical assistance to states to support compliance with the core requirements (50 percent of the total of unallocated funds). (Section 223(c)(2))