



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

**Juvenile Grant Planning and Review Council  
2022-2023 Annual Report**

*Executive Order 01.01.2014.15 E*

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Governor

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Lt. Governor

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## **Acknowledgements**

This *Juvenile Grant Planning and Review Council 2022-2023 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 volunteers. 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

During the 2021 - June 1, 2022 calendar year period, the Juvenile Grant Planning and Review Council was composed of various members appointed by Governor Hogan, and a Chair and Vice Chair (*as illustrated below*). Appointments are staggered.

**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

**Marone Brown**

Maryland State Department of Education

**Jeff Breslin**

Boys & Girls Clubs of Metro Baltimore

**John Burton**

Youth Member

**The Honorable Lajan Cephas**

Cambridge City Council

**Jennifer Egan\***

Maryland Office of the Public Defender

**Detective Sgt. Kathy Estrada**

Montgomery County Police Department

**Michelle L. Farr**

Department of Human Services

**Crystal Foretia**

Youth Member

**Derrell Frazier**

Youth Member

**Janet Furman\***

Developmental Disabilities Administration

**Kya Hector**

Youth Member

**Lynette Holmes**

Department of Juvenile Services

**Quishaun Holmes**

Youth Member

**Miya Horsey**

Parent Member

**The Honorable Cory V. McCray**

Maryland Senate, District 45

**Shannon McFadden**

Shura, Inc.

**Grayson McNew**

Youth Member

**Loney Nguyen\***

Department of Human Services

**Antoine Patton\***

Boys & Girls Club of Metro Baltimore

**Derek Getic\***

Department of Juvenile Services

**Jillian Parente**

Cultivate Piece / Bluegrass Mental Health

**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

**The Honorable Judge Michael Stamm**

St. Mary's County Circuit Court

**Dr. Kenneth Waters, Ed.D**

St. Andrew's Episcopal School

**Therese Wolf**

Department of Human Services

**Laura Wilt**

Frederick County State's Attorney's Office

\*Members recently appointed

# 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.<sup>1</sup> 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.<sup>2</sup> In addition, the Council is required to meet certain requirements to include the four core protections (*as illustrated below*):<sup>3</sup>

- ❖ 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.<sup>4</sup>
- ❖ 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 co-located facilities, must receive training and certification.<sup>5</sup>
- ❖ Removal of Juveniles from Adult Jails and Lockups: Juveniles cannot be detained in any adult jail or lockup.<sup>6</sup>
- ❖ 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.

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*.<sup>7</sup> Based on the Title II

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

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

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

<sup>4</sup> [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.

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

<sup>6</sup> [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.

<sup>7</sup> 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*.

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, this *Juvenile Grant Planning and Review Council 2022-2023 Annual Report* includes information on the activities of the Council, the administration of funds, and specific plans to ensure compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act.

## 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.”<sup>8</sup>

In 2002, Congress reauthorized the Act to “to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and

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<sup>8</sup> 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](#).

the dissemination of information on effective programs for combating juvenile delinquency.”<sup>9</sup> 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.<sup>10</sup>

In 2018, President Trump signed into law the [Juvenile Justice Reform Act of 2018](#), which reauthorized and substantially amended the Act.<sup>11</sup> 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.”<sup>12</sup> 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:

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- ❖ 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
- ❖ 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.<sup>14</sup> Shortly thereafter, Executive Order 01.01.2014.15 rescinded Executive Order 01.01.2010.06.

In accordance with Executive Order 01.01.2014.15, 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

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<sup>9</sup>Office of Juvenile Justice and Delinquency Prevention. Retrieved April 21, 2022. [Juvenile Justice and Delinquency Prevention Act of 2002 from 2005](#).

<sup>10</sup> *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](#).

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

<sup>12</sup> 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](#).

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

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



recommendations. Specifically, the Council is required to submit its report on or before June 1 of each year, as it relates to the following:<sup>15</sup>

- ❖ 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.

## Overview

### State Advisory Group

In accordance with 34 U.S.C. § 11133(a)(3)(A)(v) 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. At least one fifth of the members must be under the age of 28 at the time of their initial appointment. In addition, and at a minimum, the SAG membership must include “at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system”.

Currently, the Council has 33 appointed members of which six were under the age of 28 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

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

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

Separate and aside from the Office's grant monitoring and oversight obligations performed by the Grant Management Division and assigned program manager, this subcommittee engages with the Title II Formula Grant (i.e JJAC) sub-recipients on a continual basis; develops a structure for sub-recipients to present to the Council; conducts visits to sub-recipients and provides technical assistance when indicated; and works with sub-recipients to develop strategies to promote information sharing. In 2021 and in 2022 thus far, the subcommittee coordinated nine unique interactions between sub-recipients and the Council. These contacts included site visits with individual sub-recipients, presentations at full Council meetings, and grantee meetings that highlight specific programs while providing networking opportunities for all sub-recipients. These contacts 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.

### Recruitment, Training, and Regionalization Subcommittee

This subcommittee assists with the recruitment of new members, and makes recommendations to the Executive Director and Governor for approval; develops, in partnership with the Juvenile Justice Specialist, new member onboarding and 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 2021 and 2022, the subcommittee successfully recruited and interviewed new appointees to maintain a full roster in compliance with the Act. For 2022, the subcommittee remains focused on improving the experience of Council members and ensuring geographic representation across the State.

### 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. The subcommittee includes all Council youth members who work to increase youth engagement, and maintain positive interactions with justice-involved youth through volunteerism and community efforts. The subcommittee develops agendas and projects that are tailored to include mechanisms for obtaining broader youth input. It 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. Additionally, the members have the opportunity to attend site visits with the grants subcommittee as well as ask questions about the program and provide feedback to support effective youth-centered programming. The members also have the opportunity to participate in other subcommittee meetings, including the Legislative Subcommittee. By participating in the Legislative Subcommittee, members help to prioritize legislative bills of interest to the State Advisory Group and draft letters of information that can be utilized by members for consideration in the legislative process.

In January 2022, the committee developed goals for the year, to include:

- Hosting a Successful Youth Justice Open Mic Discussion Series (January-April 2022);
- Hosting a Youth Justice Action Month (YJAM) event in October 2022;
- Increasing membership and engagement with youth community members;
- Expanding social media presence by working with the Office to share content and develop partnerships with other youth-serving and youth-led organizations; and
- Developing youth-friendly materials about the State Advisory Group, the Emerging Leaders subcommittee, Youth Justice Systems, and State Advisory Group on-boarding materials and practices.

The subcommittee also provided feedback to the State Advisory Group on ways to incorporate more intentional and consistent feedback from the Emerging Leaders and youth voice into its decision-making processes. Recommendations include:

- Emerging Leaders participating in the NOFA and grant review process;
- Soliciting youth feedback in by-law, priority, and funding decisions;
- Requiring youth in State Advisory Group-funded programs to participate in the Emerging Leaders Subcommittee as community members; and
- Requiring youth engagement activities in the NOFA.

In 2021 and 2022, the subcommittee increased its active membership and has met every-other month in 2021, and monthly in 2022. In Fall 2021, members of the subcommittee participated in

a YJAM event, hosted by the Baltimore City Mayor’s Office of Children and Family Success, Youth Diversion Workgroup. The month of October is nationally recognized as *Youth Justice Action Month* and an opportunity to raise awareness about the issues impacting youth and their interactions with law enforcement and justice systems. The subcommittee recognized that this work should occur throughout the year to create opportunities for young leaders to take action to make change in their communities. As such, the subcommittee hosted a 4-part virtual Youth Justice Open Mic Discussion event series to create a space for young leaders to:

1. Learn about the State Advisory Group and Emerging Leaders Subcommittee;
2. Learn how to advocate and take action on issues of importance to them;
3. Hear the experiences of young people with law enforcement and justice systems and their vision of change; and
4. Hear feedback from young people and supportive adults about the State Advisory Group priority areas.

The discussion series was hosted virtually on the third Wednesday of the month, from January through April, to discuss the four priority areas of the State Advisory Group. The discussion topics and dates are as follows:

- January 19, 2022: Positive youth Development Practices
- February 16, 2022: Diversion Programs and Practices
- March 16, 2022: Alternative to Incarceration
- April 20, 2022: Community-Based Programs and Services

In addition to the Open Mic Discussion Series, the Emerging Leaders partnered with another youth-led organization, the Maryland Youth Advisory Council (MYAC). This group of young leaders also support youth justice issues, including recommendations from the Juvenile Justice Reform Council and addressing equitable school discipline policies while incorporating restorative justice and positive youth development practices. In March 2022, the two groups co-presented at the Baltimore City Healing City Summit B-More (You)th day. The Emerging Leaders and MYAC shared information about the two groups and ways young people can become informed and take action on issues of importance to them and their peers.

Finally, in response to the subcommittee's feedback, the FY 2023 Title II Formula Grant (JJAC) and Juvenile State Match Requirement (JSMR) Grant Program Notice of Funding Availability (NOFA) included language requiring applicants to incorporate youth voices in the development of the proposal with priority given to those applications with “clear and intentional plan to include youth and families in proposal development, as well as project design and

implementation.”<sup>16</sup> The State Advisory Group will also extend the opportunity for youth in funded programs to participate in the Emerging Leaders Subcommittee as members of the public.

Based on current activities and successes, the subcommittee is confident that it will meet its goals for 2022.

### Racial and Ethnic Disparities (R/ED) Subcommittee

Staffed by the Statewide R/ED Coordinator, the R/ED 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 R/ED 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 number for referrals to juvenile court/intake, pre-trial detention, and disposition commitments have significantly decreased over the past three fiscal years. Even with these significant reductions, Maryland’s State Advisory Group and the R/ED Subcommittee remain committed to addressing issues of R/ED 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 R/ED.
- ❖ Providing R/ED presentations and technical assistance to youth-serving and community-based organizations, local and state government agencies, and juvenile justice stakeholders to enhance awareness of R/ED and strengthen reduction efforts.

In 2021, State Advisory Group members began exploring the idea of developing Maryland’s R/ED Diversion Toolkit. The purpose behind developing this tool was to create a comprehensive resource to build capacity for front-end youth diversion opportunities in Maryland and engage a variety of community-based stakeholders into R/ED reduction efforts in local jurisdictions. The toolkit will lead to the development of new youth diversion programming, enhance and sustain the implementation of existing youth programming, and establish equitable outcomes at the grassroots level in Maryland. Members of the R/ED Subcommittee were the original supporters of the toolkit and students from the University of Maryland’s School of Social Work provided research support, content development, and more for this resource.

Strategic engagement with Historically Black Colleges and Universities has led to the University of Maryland Eastern Shore serving as the next support to further develop the R/ED Diversion

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<sup>16</sup> Governor’s Office of Crime Prevention, Youth, and Victim Services. (2022). [FY 2023 Title II Formula \(JJAC\) and Juvenile State Match Requirement \(JSMR\) Grant Program Notice of Funding Availability \(NOFA\)](#).

toolkit. Other engagement opportunities are being explored with other Historically Black Colleges and Universities in Maryland with an intention to support R/ED related research efforts, training and awareness opportunities to staff and students, and lead to intentional community engagement efforts.

In 2022, students from the University of Maryland Eastern Shore began supporting the development of the R/ED Diversion toolkit. Students from the university became involved with supporting this opportunity after the Statewide R/ED Coordinator provided a R/ED presentation to the University of Maryland Eastern Shore staff and students. The goal is to have the next draft of this resource complete by June 2022.

Expanding training and technical assistance opportunities to promote awareness and build capacity at the front-end of the juvenile justice system is a goal of the R/ED Subcommittee. Training topics over the past two years have included R/ED in the juvenile justice system, Disproportionate System Involvement, Implicit Bias, Trauma and Adverse Childhood Experiences, and more. Various opportunities have been provided to Local Management Boards/Local Care Teams, school, community and youth service providers, law enforcement agencies, local health departments, and more.

Lastly, the R/ED Coordinator continues to serve as the National R/ED Coordinator for the Coalition for Juvenile Justice where he serves as a peer mentor to the R/ED Coordinators around the country. In addition, he has trained over 2,500 attendees for R/ED-related and ACEs/trauma sessions in Maryland since 2017.

#### 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 if/when they wish to take action, individually. During the 2022 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 2022, the subcommittee submitted seven 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: programs for positive youth development, diversion, community-based alternatives (including home-based alternatives) to incarceration and institutionalization, 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.

For FY 2022, the Office received, and the Council reviewed and scored, 11 grant applications that resulted in 10 awards, totaling \$800,305.

For FY 2023, the Office released a *Title II Juvenile Justice Delinquency Prevention Formula Grant Notice of Funding Availability (NOFA)* in March of 2022.<sup>17</sup> In accordance with the Act, the Council will be afforded the opportunity to review the grant applications and provide funding recommendations to the Office. The awarded grants will begin on July 1, 2022, and will cover a period of one year.

## Ensure Compliance with the Act

To ensure compliance with the requirements of the Act, Maryland must “provide for an effective system of monitoring” to demonstrate that the four core requirements are met.<sup>18</sup> To achieve this, the Office’s Compliance Monitor 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 requirements and are used to determine eligibility for the State’s continued participation in the Title II Formula Grant Program.

## Barriers to Compliance with the Act

In December 2018, Congress reauthorized, and President Trump signed, the Act. Given this change, the Office continues to study the impact of the reauthorized Act and anticipates that additional guidance will be forthcoming, in the near future, from OJJDP (see Appendix: Juvenile Justice Reform Act of 2018 for a 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 required retroactive data collection as well as additional protections for juveniles 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

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<sup>17</sup> Governor’s Office of Crime Prevention, Youth, and Victim Services. [Title II Juvenile Justice Delinquency Prevention Formula Grant \(JJAC\)](#).

<sup>18</sup> [Juvenile Justice and Delinquency Prevention Act of 1974](#), as amended in 2018, 34 U.S.C. § 11133(a)(14).

violations that the state will incur and is awaiting technical assistance and additional guidance from OJJDP. The Office has also engaged with the judicial branch to alert them of these changes.

Additionally, under section 223(a)(11)(b) of the Act, and by December 21, 2021, youth who are charged as adults under adult criminal court jurisdiction and placed in an adult jail will be required to be sight and sound separated from adult inmates 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 Act,<sup>19</sup> however, it did not pass in the 2021 state legislative session.

In the 2022 state legislative session, House Bill 877, *Juveniles Charged as Adults - Confinement*,<sup>20</sup> was introduced as emergency legislation by the Department of Juvenile Services but failed to pass. This bill would have placed youth charged as adults in a juvenile facility unless a judge issues an order that it is in the interest of justice to be placed in an adult facility. The bill states that in making a determination, "the court must consider the following factors: (1) the age of the child; (2) the physical and mental maturity of the child; (3) the present mental state of the child, including whether the child presents an imminent risk of self-harm; (4) the nature and circumstances of the alleged offense; (5) the child’s history of prior delinquent acts; (6) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the child but also protect the safety of the public and other detained youth; and (7) any other relevant factor”.

Due to the expected increase in violations under section 223(a)(11)(b) of the Act, OJJDP has notified states that it will use the FY 2022 violations reported by all of the participating states as a baseline for the standard median to determine compliance determination thresholds in FY 2024. This means that the violations under this requirement will not yet impact the State’s federal FY 2022 or FY 23 funding. The Office continues to look at non-legislative strategies that could be deployed to ensure the State is in 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:

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<sup>19</sup> Maryland General Assembly. [Senate Bill 222 \(2021\). \*Juveniles Charged as Adults - Study and Confinement\*.](#)

<sup>20</sup> Maryland General Assembly. [House Bill 877 \(2022\). \*Juveniles Charged as Adults - Confinement\*.](#)



- ❖ Reduce the disproportionate representation of minority youth entering the juvenile justice system by increasing the number of diversion and detention alternative opportunities;
- ❖ Increase the level of awareness of R/ED (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 2022-2023 & 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 Council<sup>21</sup> 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 2021-2022 period, the Council will continue to:

- ❖ Be afforded the opportunity to review and comment on Title II Formula grant and state juvenile justice proposals;
- ❖ 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;

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<sup>21</sup> Maryland General Assembly, [\*Juvenile Justice Reform Council\*](#)

- ❖ 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;
- ❖ Explore research efforts conducted by stakeholders and institutions of higher education; and
- ❖ Determine the influence of the above items on R/ED 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, courts, 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).<sup>22</sup>

### **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))

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<sup>22</sup> 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.<sup>23</sup>

### 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

Effective 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)). Also, beginning October 1, 2020, all court holding facilities will be classified as a jail or lockup for adults and/or a secure juvenile facility. In addition to the separation requirement, the facilities will now be subject to the jail removal and DSO core requirements.

### 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))

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<sup>23</sup> [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))