

Diversion Recommendations – Subcommittee Report

- Narrow the definition of “delinquent act” in Maryland to exclude the following conduct, mirroring the language already found in Maryland’s Code of Regulations:

“Delinquent acts do not include conduct which has been traditionally treated as a matter of discipline to be handled administratively by the particular school”

- Eliminate the requirement found in Courts and Judicial Proceedings § 3-8A-10 (b)(4) that requires DJS to forward all complaints alleging non-violent felonies to the State’s Attorney for review for approval for informal adjustment.
- Eliminate the requirement that certain citations must be forwarded to the State’s Attorney, allow for the use of citations for misdemeanor offenses, and allow for police citations to be resolved through police diversion or through complaint to DJS.
- Require the GOCCP to:
 - Issue a directive that standardizes use of diversion by law enforcement agencies and develop a model diversion policy aligned with that directive.
 - Create a program similar to California’s Youth Reinvestment Grant Program to provide resources to community-based organizations and localities to develop pre-arrest and post-arrest but pre-referral diversion programs. As part of the program, require counties to identify at least one pre-arrest or post-arrest diversion option.
 - Add an incentive structure similar to that of South Dakota’s S.B. 73 that would provide funding to localities that refer youth to community-based diversion options instead of forwarding their cases for handling by the DJS.
 - Require Governor’s Office of Crime Prevention, Youth, and Victim Services to collect, publicly publish, and evaluate access to, use of, and effectiveness of diversion in lieu of formal youth justice system involvement.