



The Juvenile Justice Reform Council
Supplemental Report

Annapolis, Maryland
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Juvenile Justice Reform Council

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Juvenile Justice Reform Council Supplemental Report

Introduction and Overview

Chapters 252 and 253 of 2019 established the Juvenile Justice Reform Council (council). The council was required to (1) convene an advisory stakeholder group and work with the group to conduct roundtable discussion forums seeking public input in all geographic regions of the State; (2) research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems; (3) identify and make recommendations to limit or otherwise mitigate risk factors that contribute to juvenile contact with the criminal and juvenile justice systems; and (4) request technical assistance from entities including the Abell Foundation, the Annie E. Casey Foundation, the Council of State Governments, the Vera Institute for Justice, or another similar organization. The legislation provided for the termination of its provisions on June 30, 2021.

On December 1, 2019, the council submitted an [interim report](#) to the Governor and the General Assembly, and in January 2021, the council submitted its [final report](#) with recommendations to the Governor and the General Assembly. The council's recommendations to the General Assembly included extending the work of the council beyond June 30, 2021, for it to continue researching and evaluating opportunities to improve the State's juvenile justice system.

Chapter 596 of 2021 extended the work of the council until June 30, 2022, and required the council to submit a supplemental report to the Governor and the General Assembly on or before October 1, 2021. Following the enactment of Chapter 596, the council held three meetings primarily focused on a subject that the council had inadequate time to address during its prior term – namely, youth charged as adults in Maryland's criminal justice system.

The council reviewed data provided by the Governor's Office of Crime Prevention, Youth, and Victim Services (GOCPYVS), the Department of Juvenile Services (DJS), and the Vera Institute for Justice and received testimony and presentations from a variety of sources, including individuals who were previously charged with adult crimes as juveniles. After discussing potential recommendations, the council voted to recommend that the State end the automatic charging of juveniles as adults and instead require that all court proceedings against juveniles be initiated in the juvenile court system.

Current Law

Juvenile Court Jurisdiction

In general, the juvenile court has exclusive original jurisdiction over a child (under age 18) alleged to be delinquent, alleged to be in need of supervision, who has received a citation for a violation, or who is the respondent in a peace order proceeding, or when a proceeding arises under the Interstate Compact on Juveniles.

Excluded Offenses (Automatic Charging)

The juvenile court does not have exclusive original jurisdiction over specified acts committed by a child. In such cases, a child will be charged at the inception of the case with a crime just as an adult who had committed the same act would be charged. Specifically, the juvenile court does not have jurisdiction over (1) children age 14 and older charged with committing an act that, if committed by an adult, would be punishable by life imprisonment or (2) children who have previously been convicted as an adult of a felony and are subsequently alleged to have committed an act that would be a felony if committed by an adult. Additionally, the juvenile court does not have jurisdiction over children at least age 16 who are alleged to have committed any of the following offenses:

- abduction;
- kidnapping;
- second-degree murder;
- manslaughter, except involuntary manslaughter;
- second-degree rape;
- robbery under § 3-403 of the Criminal Law Article;
- third-degree sexual offense under § 3-307(a)(1) of the Criminal Law Article;
- prohibited possession of a regulated firearm¹ under § 5-133 of the Public Safety Article;

¹ The term “regulated firearm” includes handguns and specified assault weapons. See Md. Code Ann., Pub. Safety § 5-101 (2018).

- prohibited sale, rental, loan, or transfer of a firearm, ammunition, specified chemical irritants, or a deadly weapon under § 5-134 of the Public Safety Article;
- possession, sale, transfer, or disposal of a stolen regulated firearm under § 5-138 of the Public Safety Article;
- prohibited possession of a short-barreled rifle or short-barreled shotgun under § 5-203 of the Public Safety Article;
- using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;
- use of a firearm² under § 5-622 of the Criminal Law Article;
- carjacking or armed carjacking under § 3-405 of the Criminal Law Article;
- first-degree assault under § 3-202 of the Criminal Law Article;
- attempted second-degree murder under § 2-206 of the Criminal Law Article;
- attempted second-degree rape under § 3-310 of the Criminal Law Article;
- attempted robbery under § 3-403 of the Criminal Law Article;
- illegally wearing, carrying, or transporting a handgun under § 4-203 of the Criminal Law Article;
- use of a firearm in the commission of a crime of violence or felony under § 4-204 of the Criminal Law Article;
- use or possession of a machine gun in the commission or attempted commission of a crime of violence under § 4-404 of the Criminal Law Article; or
- possession or use of a machine gun for an offensive or aggressive purpose under § 4-405 of the Criminal Law Article.

² While the exclusion from juvenile court jurisdiction under § 3-8A-03 of the Courts Article applies to “use of a firearm under § 5-622 of the Criminal Law Article,” § 5-622 in fact prohibits possessing, owning, carrying, or transporting a firearm by a person who has been convicted of specified offenses.

Transfer of Proceedings from Adult Court to Juvenile Court (“Reverse Waiver”)

A circuit court may transfer a case involving a child charged with a crime automatically excluded from the jurisdiction of the juvenile court as described above to the juvenile court if such a transfer is believed to be in the interests of the child or society (“reverse waiver”). A reverse waiver is not permitted if the child was convicted in an unrelated case excluded from the jurisdiction of the juvenile court or the alleged crime is murder in the first degree and the accused child was at least age 16 when the alleged crime was committed. At a transfer hearing, the court must consider (1) the age of the child; (2) the mental and physical condition of the child; (3) the amenability of the child to treatment in an institution, facility, or program available to delinquent juveniles; (4) the nature of the alleged crime; and (5) public safety. The court may order that a study be made concerning the child, the child’s family and environment, and other matters concerning the disposition of the case. Statutory provisions also set forth a process by which a court exercising criminal jurisdiction in a case involving a child must determine whether to transfer jurisdiction to a juvenile court at sentencing.

Waiver of Proceedings from Juvenile Court to Adult Court

The juvenile court is authorized to waive its exclusive jurisdiction with respect to a juvenile matter if it concerns a child who (1) is at least 15 years old or (2) is charged with committing an act which, if committed by an adult, would be punishable by life imprisonment. If juvenile court jurisdiction is waived, the case proceeds in a court exercising criminal jurisdiction as if the child is an adult. In making a transfer determination, the juvenile court is required to consider (1) the age of the child; (2) the mental and physical condition of the child; (3) the child’s amenability to treatment in an institution, facility, or program available to delinquents; (4) the nature of the offense and the child’s alleged participation in it; and (5) public safety. The juvenile court is specifically prohibited from waiving its jurisdiction unless it determines, from a preponderance of the evidence presented at a waiver hearing, that the child is an unfit subject for juvenile rehabilitative measures.³

Council Meetings

The council held three virtual meetings in 2021. The council’s work primarily focused on the subject of juveniles charged with criminal acts in adult court.

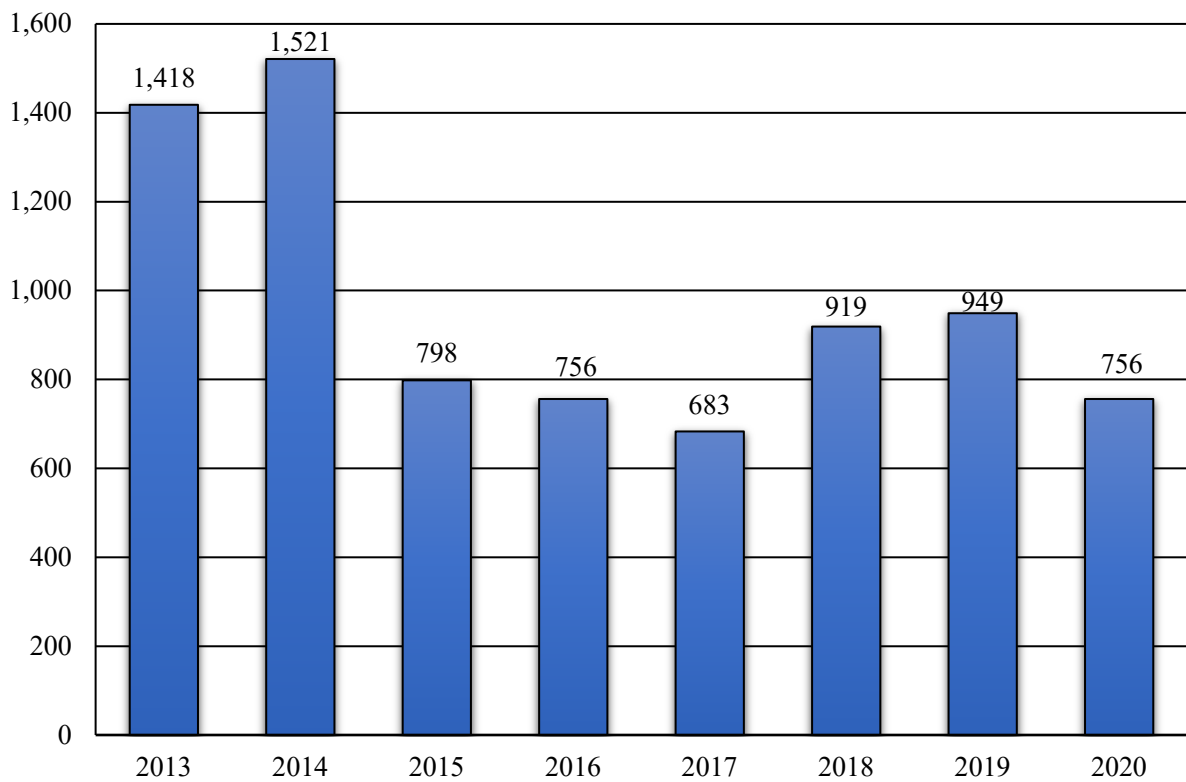
³ For purposes of determining whether to waive its jurisdiction, the court is required to assume that the child committed the delinquent act alleged. Md. Code Ann., Cts. & Jud. Proc. § 3-8A-06(d)(2) (2020).

July 1, 2021 Meeting

At its July 1, 2021 meeting, Mr. Jeffrey Zubak of GOCPYVS provided the council a presentation on the subject of juveniles charged with adult criminal offenses in the State.⁴

Exhibit 1 data showed that in Maryland, between 2013 and 2020, an average of 975 juveniles were charged with adult offenses each year.

Exhibit 1
Juveniles Charged as Adults
Fiscal 2013-2020



Source: Governor’s Office of Crime Prevention, Youth, and Victim Services

⁴ The council also received a presentation from DJS regarding the department’s response to the COVID-19 pandemic.

In 74.96% of cases in which juveniles were charged in adult court, the case originated in the adult court system because an offense in the case was excluded from juvenile court jurisdiction, as shown in **Exhibit 2**.

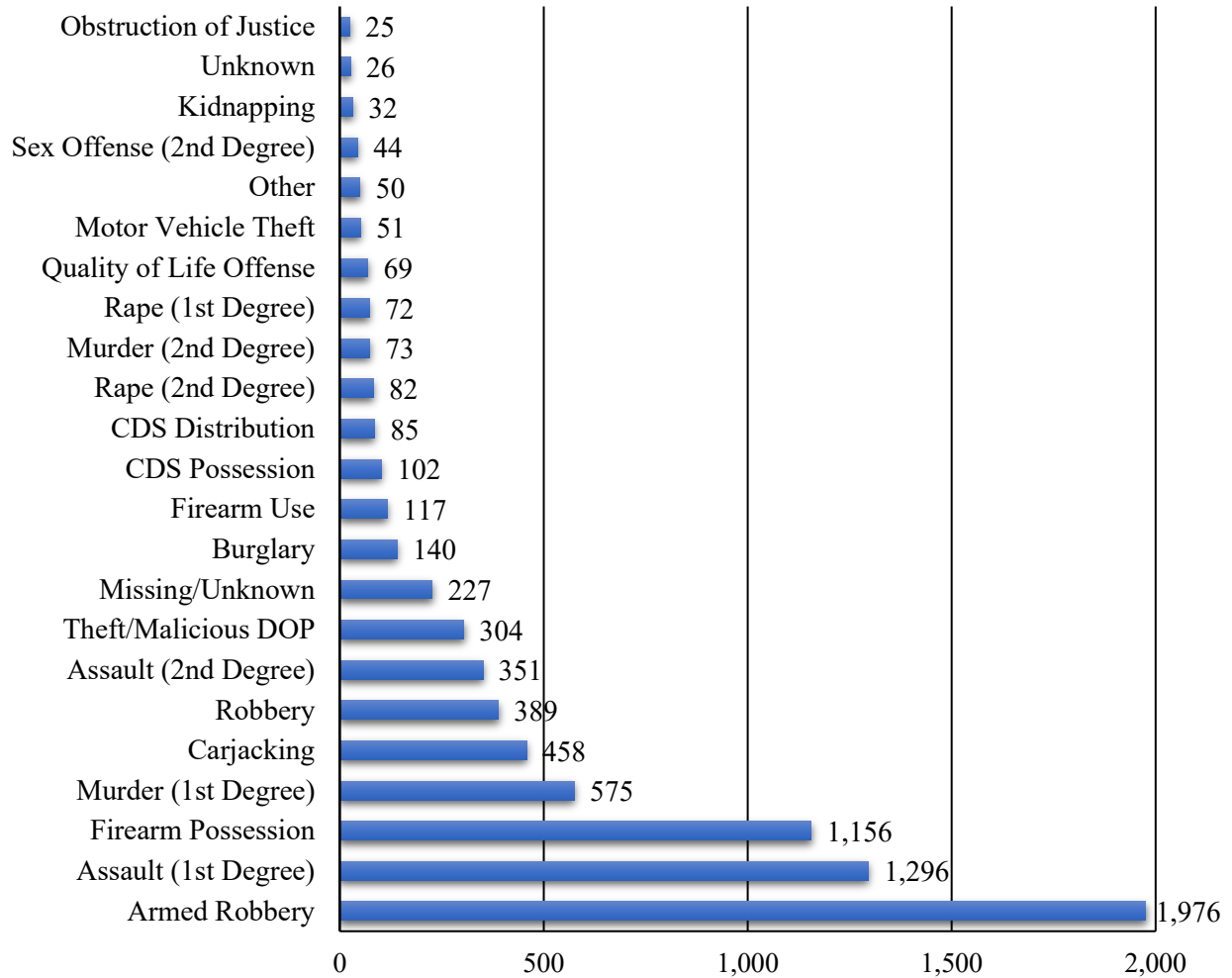
Exhibit 2
Proportion of Cases Where Adult Court Jurisdiction Was Based on Offense Excluded from Juvenile Court Jurisdiction
Fiscal 2013-2020



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

Exhibit 3 shows that the majority of cases involving juveniles charged as adults involved armed robbery, first-degree assault, and firearm possession. **Exhibit 4** shows that the vast majority of juvenile offenders were at least age 16.

Exhibit 3
Juveniles Charged as Adults by Offense Category
Fiscal 2013-2020

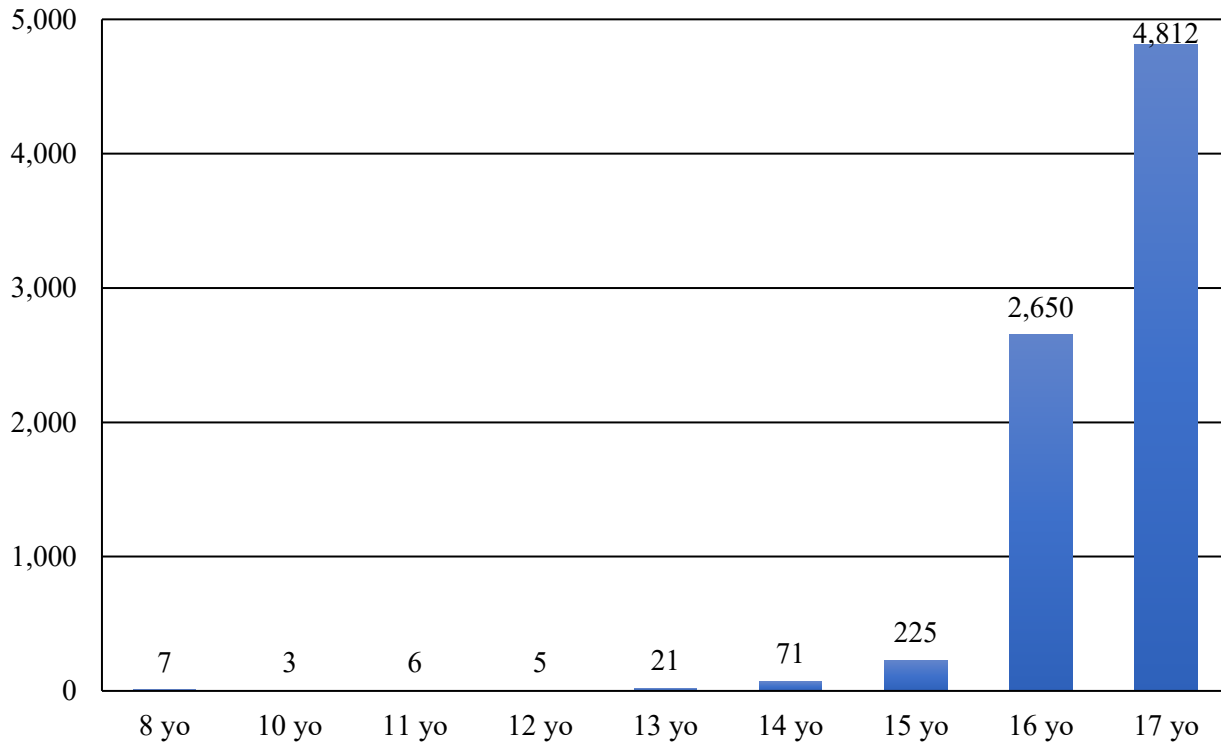


CDS: controlled dangerous substances

DOP: destruction of property

Source: Governor’s Office of Crime Prevention, Youth, and Victim Services

Exhibit 4
Juveniles Charged as Adults by Age
Fiscal 2013-2020



yo: years old

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

With respect to gender and racial demographics of the population of juveniles charged as adults, data in **Exhibit 5** and **Exhibit 6** from DJS shows that the largest proportion of juveniles at DJS facilities awaiting transfer to a detention facility were male and a majority were black.

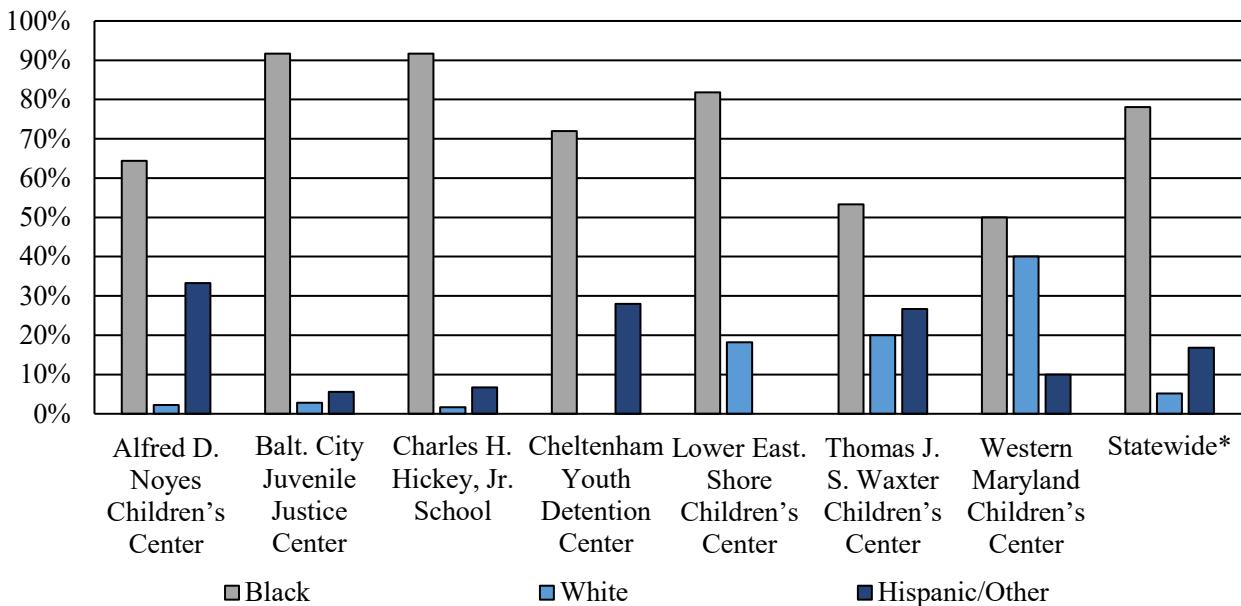
Exhibit 5
Youth Charged as Adults Pending
Transfer Demographics by Detention Facility
Fiscal 2020

<u>Demographics</u>	<u>Alfred D. Noyes Children's Center</u>	<u>Balt. City Juvenile Justice Center</u>	<u>Charles H. Hickey, Jr. School</u>	<u>Cheltenham Youth Detention Center</u>	<u>Lower Eastern Shore Children's Center</u>	<u>Thomas J. S. Waxter Children's Center</u>	<u>Western Maryland Children's Center</u>	<u>Statewide*</u>
Race								
Black	64.4%	91.7%	91.7%	72.0%	81.8%	53.3%	50.0%	78.1%
White	2.2%	2.80%	1.7%	0.0%	18.2%	20.0%	40.0%	5.2%
Hispanic/Other	33.3%	5.6%	6.7%	28.0%	0.0%	26.7%	10.0%	16.8%
Sex								
Male	86.7%	100.0%	100.0%	100.0%	100.0%	0.0%	95.0%	93.5%
Female	13.3%	0.0%	0.0%	0.0%	0.0%	100.0%	5.0%	6.5%
Age								
14	0.0%	0.9%	0.0%	1.1%	0.0%	0.0%	0.0%	0.3%
15	4.4%	1.9%	1.7%	3.2%	9.1%	0.0%	0.0%	2.6%
16	42.2%	35.2%	46.7%	38.7%	18.2%	46.7%	20.0%	39.7%
17	46.7%	53.7%	46.7%	52.7%	72.7%	46.7%	75.0%	52.6%
18-20	6.7%	8.3%	5.0%	4.3%	0.0%	6.7%	5.0%	4.8%
Total Admissions	45	108	60	93	11	15	20	310
Average Daily Population	11.1	37.6	22.9	20.9	2.4	5.1	7.6	107.6
Average Length of Stay	65.8	109.6	118.4	76.0	59.3	83.4	92.4	105.3

*Statewide admissions exclude facility transfers.

Source: Department of Juvenile Services

Exhibit 6
Youth Charged as Adults Pending Transfer Race
Demographics by Detention Facility
Fiscal 2020



*Statewide admissions exclude facility transfers.

Source: Department of Juvenile Services

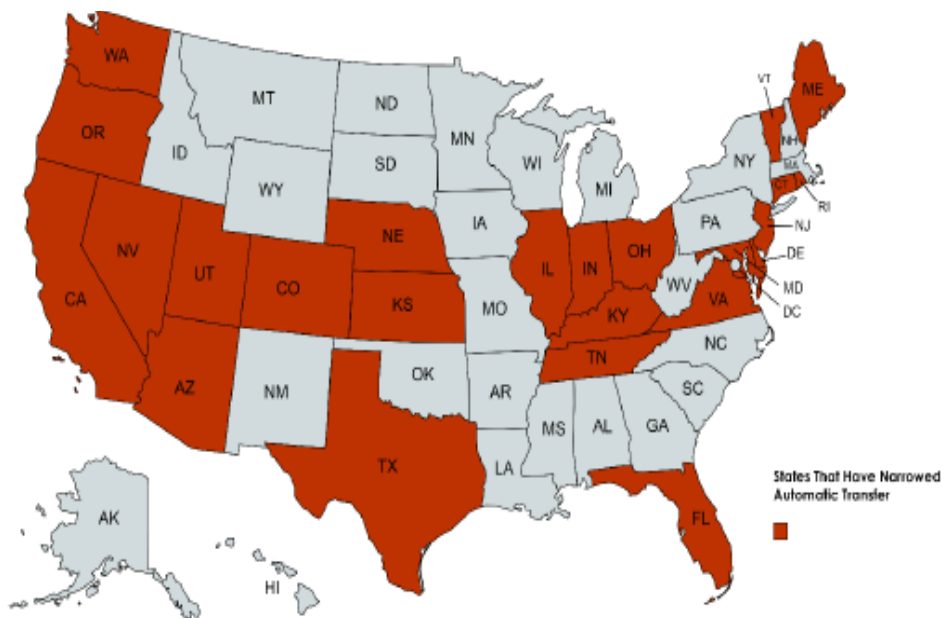
July 20, 2021 Meeting

At its July 20, 2021 meeting, several community members spoke to the council about personal experiences either as youth charged as adults or as parents of youth convicted as adults. All of the speakers touched on both immediate and long-term trauma inflicted on the youth and their families. One speaker also stated that it was his burden as a juvenile to prove that he belonged in juvenile court rather than the prosecution bearing the burden of transferring his case to adult court.

In addition, Ms. Marcy Mistrett of the Sentencing Project and Mr. Marc A. Levin of the Council on Criminal Justice presented to the council on national trends in charging juveniles as adults. Both presenters asserted that Maryland is an outlier in its policy and law regarding the charging and prosecution of children and youth as adults and characterized the State as being out of step with national trends and research. Ms. Mistrett noted that 26 states have made statutory

changes in order to reduce the number of juveniles in adult court shown in **Exhibit 7**. Eight states require a juvenile hearing before a juvenile may be transferred, and Texas requires a full judicial hearing before a juvenile may be transferred to adult court. Mr. Levin found automatic exclusion from juvenile court for children as young as 14 years old for some crimes under Maryland law especially troubling. Mr. Levin also highlighted racial disparity in the transfer of juveniles to adult court in Maryland with black children accounting for 81% of adult transfers.

Exhibit 7
States That Have Narrowed Automatic Transfer to Adult Court



Source: The Sentencing Project

Ms. Mistrett and Mr. Levin noted California as a leader in emerging, data-driven trends toward keeping children and youth in juvenile court to achieve better outcomes for juveniles and their communities. The state has rescinded prosecutorial discretion and prohibits the transfer of any child under the age of 16 to adult court.

Ms. Mistrett and Mr. Levin also highlighted the roles of automatic exclusion and prosecutorial discretion in Alabama and Maryland that lead the nation in the prosecution of juveniles as adults. Both recommended the complete repeal of all provisions automatically

excluding cases from the jurisdiction of the juvenile court as well as the elimination of prosecutorial discretion to charge a minor as an adult. Instead, the experts recommended a reliance on the judiciary to make individual assessments based on guidance regarding the science of human brain development. Mr. Levin noted that the Centers for Disease Control and Prevention reviewed studies and found that there were fewer rearrests for children sentenced as juveniles versus adult convictions. The experts also emphasized social service programs, including family function therapy and cognitive behavioral therapy, as successful alternatives to confinement in keeping recidivism rates low among youth and ensuring community safety.

Finally, the council received testimony from Pennsylvania State Representative Mike Zabel, who served as co-chair of the Pennsylvania Juvenile Justice Task Force that recently released its own recommendations. Representative Zabel explained that a main focus of the Pennsylvania task force was on data. He explained that the single greatest concern of the task force was that the charging of juveniles as adults did not achieve what it was intended to achieve – namely, protecting communities. The task force found that charging juveniles as adults often leads to recidivism and crime escalation.

Representative Zabel recommended at least limiting the number of crimes automatically excluded from the jurisdiction of the juvenile court. He highlighted that the automatic exclusion of certain cases from the juvenile court can lead to unintended consequences for minors.

September 9, 2021 Meeting

At the September 9, 2021 meeting, Professor Mae C. Quinn of the University of the District of Columbia, David A. Clarke School of Law spoke to the council regarding juveniles charged as adults in Prince George's County.

Following testimony from Professor Quinn, the council discussed and then voted on a recommendation offered by the Office of the Public Defender to end the automatic charging of juveniles as adults in the State. Of the council's 29 members, 19 members were present for the vote. By a vote of 13 members in favor, the council adopted the recommendation.

Recommendation and Conclusion

Based on the testimony and data received by the council on the subject of juveniles charged with adult criminal offenses, the council recommends that the State end the automatic charging of juveniles as adults and instead require that all court proceedings against juveniles be initiated in the juvenile court system.

**Appendix 1. Governor’s Office of Crime Prevention, Youth,
and Victim Services Juveniles Charged as Adults Data
July 1, 2021**

Juveniles Charged as Adults Data

Recommendation 19

Improve data-sharing among agencies that serve youth charged as adults by requiring the Governor's Office of Crime Prevention, Youth, and Victim Services to work with key stakeholders to develop a data collection plan to collect, collate, and ultimately analyze data from criminal justice agencies, including law enforcement, corrections, and the courts, in order to better understand the issue of youth charged as adults at every level of the adult criminal justice system from arrest to case resolution.

Current Data Sources (Department of Public Safety and Correctional Services)

[House Bill 943](#), Chapter 252 requires the Central Repository (CJIS) to report information to the Maryland Statistical Analysis Center (MSAC) on data pertaining to juveniles charged as adults in Maryland and submit a report to the General Assembly By June 30 and December 31 of each year.

Every six months, MSAC receives an excel spreadsheet from CJIS on every juvenile charged as an adult for the past 6 months

- Date of arrest
- County of arrest
- Age
- Race
- Gender
- Primary Charge

<http://goccp.maryland.gov/reports-publications/juveniles-reports/juveniles-charged-adults-hb-943/>

Current Data Sources (Department of Public Safety and Correctional Services)

Limitations

- Based on fingerprinting as a reportable event
- Does not include the juveniles name or the case number
- Does not include waiver hearing information
- Does not include criminal history to accurately determine exclusionary offenses

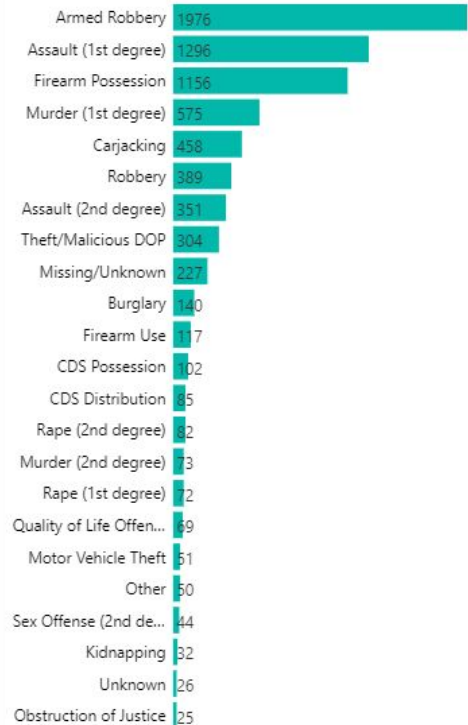
Questions

- What additional information is collected by DPSCS through CJIS?

Exclusionary Offenses ?



Juveniles Charged as Adults by Offense Category



Juveniles Charged as Adults Dashboard

Data obtained from the Department of Public Safety & Correctional Services

Last update June 7, 2021

Year

2013 2020



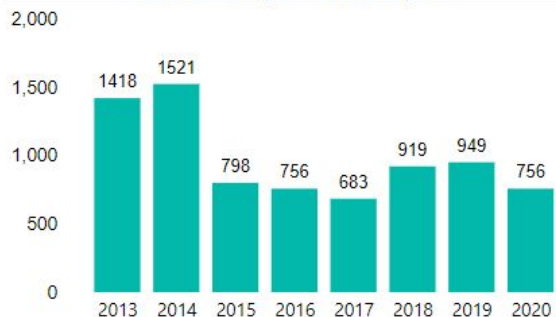
Arrest Date

1/1/2013 12/31/2020

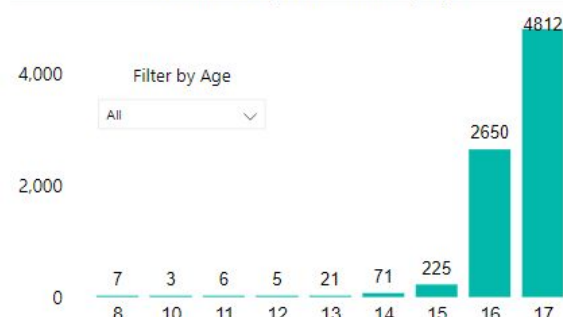


7800 juveniles were charged as adults **from 1/1/2013 - 1/1/2020**.
74.96% of these arrests were for exclusionary offenses.

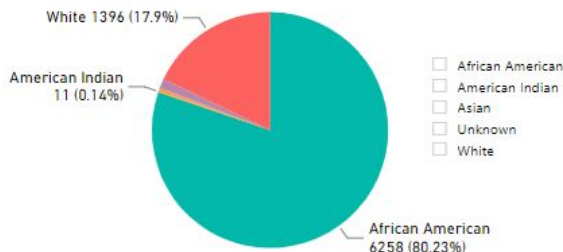
Juveniles Charged as Adults by Year



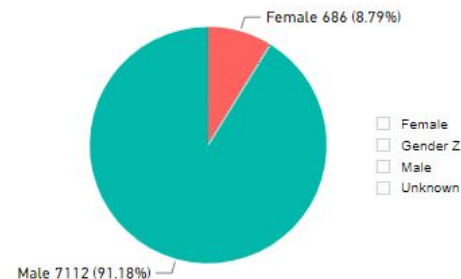
Juveniles Charged as Adults by Age



Juveniles Charged as Adults by Race



Juveniles Charged as Adults by Sex



Current Data Sources (Department of Public Safety and Correctional Services)

The Department's Offender Case Management System will have information on any juvenile detained in one of the state prison facilities including but not limited to the following:

- Intake date
- Facility name
- Age
- Race
- Gender
- Primary Charge

Current Data Sources (Department of Juvenile Services)

Juveniles charged as adults who are eligible to file for transfer to juvenile court may be held in a secure juvenile detention facility if ordered by the court. These youth may be held in secure juvenile detention pending a transfer hearing to determine if jurisdiction should remain in the adult court or be transferred to the juvenile court. DJS has data on youth held in their detention facilities for the adult court pending a transfer hearing. DJS also provides information on youth whose complaints were transferred to the juvenile court.

Some of the data elements collected include:

- The number of youth placements in juvenile facilities pending an adult transfer hearing
- The number of youth transferred to a juvenile court
- The outcomes of juvenile court waiver hearings
- Demographics
- Primary charge
- Detention facility
- Average length of stay

Current Data Sources (Department of Juvenile Services)

Limitations

- DJS is not able to provide any information on youth charged as an adult that originated in the adult court nor the outcomes of those hearings.

Questions

- What additional information is collected by DJS?
- Can these juveniles be linked to DPSCS juveniles charged as adults?

PLACEMENTS FOR FY 2019-2020 AND ADP, ALOS BY REGION OF RESIDENCE, FY 2020 (LEFT SIDE). CASES TRANSFERRED TO THE JUVENILE COURT WITH COURT DISPOSITIONS BY REGION OF JURISDICTION, FY 2020 (RIGHT SIDE).

Region/County	Placements		FY 2020		FY 2020 Complaints			
	FY 2019	FY 2020	ADP	ALOS	Transferred to Juvenile Court	Committed	Probation	Dismissed/ Other
R-I- Balt. City	120	96	37.5	129.2	68	41.2%	36.8%	22.1%
Baltimore City	120	96	37.5	129.2	68	41.2%	36.8%	22.1%
R-II- Central	68	49	19.8	119.0	74	27.0%	56.8%	16.2%
Baltimore Co.	53	41	15.3	114.5	63	23.8%	58.7%	17.5%
Carroll	1	0	0.0	0.0	5	40.0%	40.0%	20.0%
Harford	9	1	0.6	0.0	2	0.0%	100.0%	0.0%
Howard	5	7	4.0	184.2	4	75.0%	25.0%	0.0%
R-III- Western	19	19	8.9	121.6	5	40.0%	60.0%	0.0%
Allegany	6	1	0.3	102.8	0	N/A	N/A	N/A
Frederick	7	5	3.5	163.1	4	50.0%	50.0%	0.0%
Garrett	0	1	0.7	0.0	0	N/A	N/A	N/A
Washington	6	12	4.3	95.2	1	0.0%	100.0%	0.0%
R-IV- Eastern	12	14	4.9	101.3	13	7.7%	69.2%	23.1%
Caroline	0	0	0.0	0.0	0	N/A	N/A	N/A
Cecil	1	1	0.7	0.0	2	0.0%	50.0%	50.0%
Dorchester	0	0	0.0	0.0	1	0.0%	100.0%	0.0%
Kent	1	1	0.5	113.0	0	N/A	N/A	N/A
Queen Anne's	0	0	0.0	0.0	0	N/A	N/A	N/A
Somerset	2	2	0.2	37.3	1	0.0%	100.0%	0.0%
Talbot	0	1	0.0	0.6	2	0.0%	100.0%	0.0%
Wicomico	6	9	3.4	143.5	2	0.0%	0.0%	100.0%
Worcester	2	0	0.0	109.2	4	25.0%	75.0%	0.0%
R-V- Southern	34	30	9.7	93.4	35	60.0%	28.6%	11.4%
Anne Arundel	21	19	6.7	94.6	27	70.4%	14.8%	14.8%
Calvert	0	1	0.0	10.3	1	0.0%	100.0%	0.0%
Charles	10	6	1.7	100.4	7	28.6%	71.4%	0.0%
St. Mary's	3	4	1.3	92.9	0	N/A	N/A	N/A
R-VI- Metro	87	87	21.4	72.1	69	20.3%	49.3%	30.4%
Montgomery	35	30	8.6	80.2	16	12.5%	81.3%	6.3%
Prince George's	52	57	12.7	68.2	53	22.6%	39.6%	37.7%
Out-of-State	23	15	5.4	88.1	0	N/A	N/A	N/A
Statewide	363	310	107.6	105.3	264	86	123	55

OFFENSE TYPE, FY 2020

Most Serious Alleged Juvenile Offense of Transferred Cases	FY 2020
Auto Theft/Unauthorized Use	0.4%
Burglary/Breaking & Entering	2.3%
Carjacking	8.3%
Conspiracy to Commit Offense	0.8%
Deadly Weapon	2.3%
First Degree Assault-Felony	22.0%
Handgun Violation	20.8%
Kidnapping	0.4%
Malicious Destruction	0.4%
Manslaughter	0.4%
Murder	4.2%
Narcotics Distribution	0.8%
Narcotics Possession	0.8%
Other/Missing	0.8%
Robbery	26.1%
Second Degree Assault-Misdemeanor	1.1%
Sex Offense	8.0%
Theft - Misdemeanor	0.4%
Total Transferred Cases	264

YOUTH CHARGED AS ADULTS PENDING TRANSFER DEMOGRAPHICS BY DETENTION FACILITY, FY 2020

Demographics	Alfred D. Noyes Children's Center	Balt. City Juvenile Justice Center	Charles H. Hickey Jr. School	Cheltenham Youth Detention Center	Lower East Shore Children's Center	Thomas J.S. Waxter Children's Center	Western Maryland Children's Center	Statewide*
Race								
Black	64.4%	91.7%	91.7%	72.0%	81.8%	53.3%	50.0%	78.1%
White	2.2%	2.8%	1.7%	0.0%	18.2%	20.0%	40.0%	5.2%
Hispanic/Other	33.3%	5.6%	6.7%	28.0%	0.0%	26.7%	10.0%	16.8%
Sex								
Male	86.7%	100.0%	100.0%	100.0%	100.0%	0.0%	95.0%	93.5%
Female	13.3%	0.0%	0.0%	0.0%	0.0%	100.0%	5.0%	6.5%
Age								
14	0.0%	0.9%	0.0%	1.1%	0.0%	0.0%	0.0%	0.3%
15	4.4%	1.9%	1.7%	3.2%	9.1%	0.0%	0.0%	2.6%
16	42.2%	35.2%	46.7%	38.7%	18.2%	46.7%	20.0%	39.7%
17	46.7%	53.7%	46.7%	52.7%	72.7%	46.7%	75.0%	52.6%
18-20	6.7%	8.3%	5.0%	4.3%	0.0%	6.7%	5.0%	4.8%
Total Admissions	45	108	60	93	11	15	20	310
ADP	11.1	37.6	22.9	20.9	2.4	5.1	7.6	107.6
ALOS	65.8	109.6	118.4	76.0	59.3	83.4	92.4	105.3

Current Data Sources (Administrative Office of the Courts)

AOC houses data on District and Circuit Court cases from pre-trial through sentencing. All District Court as well as Circuit Court data for 20 counties are available through The Maryland Electronic Courts (MDEC) which creates a single Judiciary-wide integrated case management system. The Vera Institute presented some statistics on juveniles charged as adults that they received from MDEC including:

- Arrest date
- The number of juveniles charged as adults court cases
- County of court
- Demographics
- All charges
- Cases transferred to juvenile court
- Disposition of the case (transferred, nolle pros, guilty etc.)
- Sentence length

Current Data Sources (Administrative Office of the Courts)

Limitations

- Does not include criminal history information to get the full scope of exclusionary offenses
- Data is not unified by county until MDEC goes full live statewide
- Charges are not always ordered by severity

Questions

- What additional information is collected by the Courts?
- How do we link the courts data to the DPSCS and DJS data?

Profile of Cases for Youth Charged as Adults

MDEC COUNTIES (DC & CC)

Total Cases: 1,295

Average Age: 16.5 years old

89.3% Boys

10.0% Girls

0.7% Unknown

72.8% Black

21.2% White

6.0% Other/Unknown

% of cases that include an
exclusionary offense: 85%

% of cases where an exclusionary
offense is the top charge: 77%

BALTIMORE CITY (CC)

Total Cases: 476

Average Age: 16.5 years old

95.2% Boys

4.6% Girls

2.1% Unknown

94.1% Black

2.1% White

3.8% Other/Unknown

% of cases that include an
exclusionary offense: 93%

% of cases where an exclusionary
offense is the top charge: 91%

Data Source: Maryland Administrative Office of the Courts, all cases for youth charged as adults in MDEC Counties District & Circuit Courts and Baltimore City Circuit Court from 2107 -2019.

- Black youth accounted for 73% of youth charged as adults in MDEC Counties, and 94% of youth charged as adults in Baltimore City.
- First degree assault accounts for the largest percentage of cases in MDEC Counties and Baltimore City; in Baltimore City, this is followed by handgun/firearm possession and armed carjacking.

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Youth Charged as Adults by Exclusionary Offenses & Age Group, MDEC Counties

	# of Youth Charged by Age Group	% of All Offenses for Age Group
Ages 13 and younger		
Youth Charged as Adults (< 14)	5	100%
Ages 14-15		
Murder (1st, Att)	31	55%
Rape (1st, Att)	0	0%
Other Offenses	25	45%
Youth Charged as Adults (14-15)	56	100%
Ages 16-17		
Murder (1st, 2nd, Att)	100	8%
Rape (1st, 2nd, Att)	48	4%
Armed Robbery (& Att)	163	13%
Assault (1st)	454	37%
Carjacking	29	2%
Armed Carjacking	31	3%
Kidnapping	18	1%
Sex Offense (3rd)	9	1%
Voluntary Manslaughter	2	0%
Use of Firearm in Crime of Violence	11	1%
Handgun/Firearm Possession	201	16%
Other Offenses	163	13%
Youth Charged as Adults (16-17)	1,229	100%
Total Youth Charged as Adults (all ages)	1,295	--

Note: 5 cases did not include age information

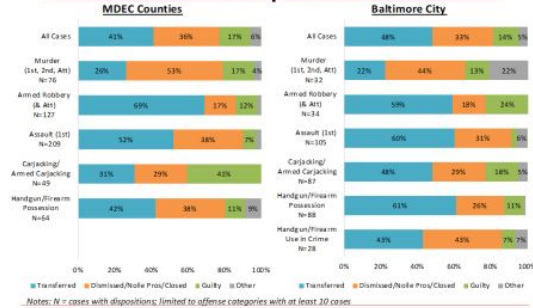
Youth Charged as Adults by Exclusionary Offenses & Age Group, Baltimore City

	# of Youth Charged by Age Group	% of All Offenses for Age Group
Ages 13 and younger		
Youth Charged as Adults (< 14)	3	100%
Ages 14-15		
Murder (1st, Att)	6	38%
Rape (1st, Att)	4	25%
Other Offenses	6	38%
Youth Charged as Adults (14-15)	16	100%
Ages 16-17		
Murder (1st, 2nd, Att)	31	7%
Rape (1st, 2nd, Att)	8	2%
Armed Robbery (& Att)	38	8%
Assault (1st)	117	26%
Carjacking	12	3%
Armed Carjacking	87	19%
Kidnapping	0	0%
Sex Offense (3rd)	0	0%
Voluntary Manslaughter	0	0%
Use of Firearm in Crime of Violence	30	7%
Handgun/Firearm Possession	111	24%
Other Offenses	23	5%
Youth Charged as Adults (16-17)	457	100%
Total Youth Charged as Adults (all ages)	476	--

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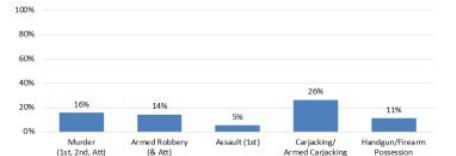
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Case Dispositions



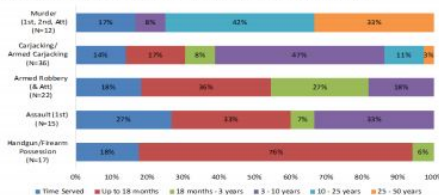
% of Cases Charged in Adult Court that Result in a Conviction

	Charged as an Adult	Convicted in Adult Court	%
Murder (1st, 2nd, Att)	108	17	16%
Armed Robbery (& Att)	161	23	14%
Assault (1st)	314	17	5%
Carjacking/Armed Carjacking	136	36	26%
Handgun/Firearm Possession	152	17	11%



Actual Sentence Length, MDEC Counties & Baltimore City Combined

This reflects the total length of a sentence that a person is required to serve (sentence – suspended sentence = time incarcerated)



YOUTH CHARGED AS ADULTS

- In both MDEC Counties and Baltimore City, over three-quarters of cases are transferred down to juvenile court or dismissed.
- The percentage of young people charged in adult court who are convicted varies by offense; only 5% of youth charged in adult court for first degree assault are convicted.
- Most young people sentenced in adult court for armed robbery and assault receive an actual sentence of 3 years or less; the actual sentence length for all young people sentenced in adult court for handgun possession was 3 years or less.
- Young people currently spend about 3.5 months detained in juvenile facilities pending transfer hearing.

Full Data Report: "Preliminary Findings: Youth Charged as Adults in Maryland" <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnjuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>

Vera

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Next Steps

- GOCPYVS will create a data collection plan detailing where all necessary juveniles charged as adults data is currently collected, the timeliness of this data and any challenges with collecting and collating this data.
- Once a data collection plan has been established and reviewed by the JJRC, we will work the necessary data owners to establish data sharing agreements or recommend legislative changes necessary for collecting this data for analysis.
- Develop a data collection strategy with applicable agencies to successfully link all datasets together to track a juvenile charged as adult throughout the criminal justice system from arrest through sentencing.

Proposed Data Elements

- Defendant information to include date of birth, age, ethnicity, race, sex, address, and any inmate, police or state identification number.
- Offense information to include date of arrest and date and location of offense.
- Law enforcement information to include the arresting agency and police report and complaint numbers.
- Charge information to include charge description, type, charging code, CJIS code, statute, charge seriousness ranking, charge number, and literal language of charge.
- Court information to include jurisdiction, location, case numbers, and case tracking numbers.
- Case processing information to include the filing dates, hearing dates, and outcomes of motions to transfer physical custody to DJS, to transfer proceedings to juvenile court, to transfer disposition to juvenile court, or to waive jurisdiction.

Proposed Data Elements

- Information related to setting and release on bail, personal recognizance and home detention.
- Case outcome information to include hearing and trial dates and type of hearing, type of trial (jury/bench), disposition such as dismissed, not guilty, nolle prosequi, findings of incompetency and not criminally responsible.
- Sentence information to include sentence imposed, fines/costs imposed, suspension of sentence, probation length and type, restitution, sex offender registration, domestic violence designation, parole restrictions, offenders scores, or other special offender or sentence characteristics. This should include information on life sentences

Questions or additional ideas

Follow up on DPSCS data

When did kids get counsel

Assessments

Follow up with Montgomery and PG - court data

Process issues in the adult court - length of time, length of stay in an adult jail

Local jails - how to manage juveniles in their facilities

Cost? Detention and pretrial, DJS,

Appendix 2. The Sentencing Project National Trends in Charging Children as Adults Data July 20, 2021

National Trends in Charging Children as Adults

Maryland JJRC

Marcy Mistrett, Senior Fellow

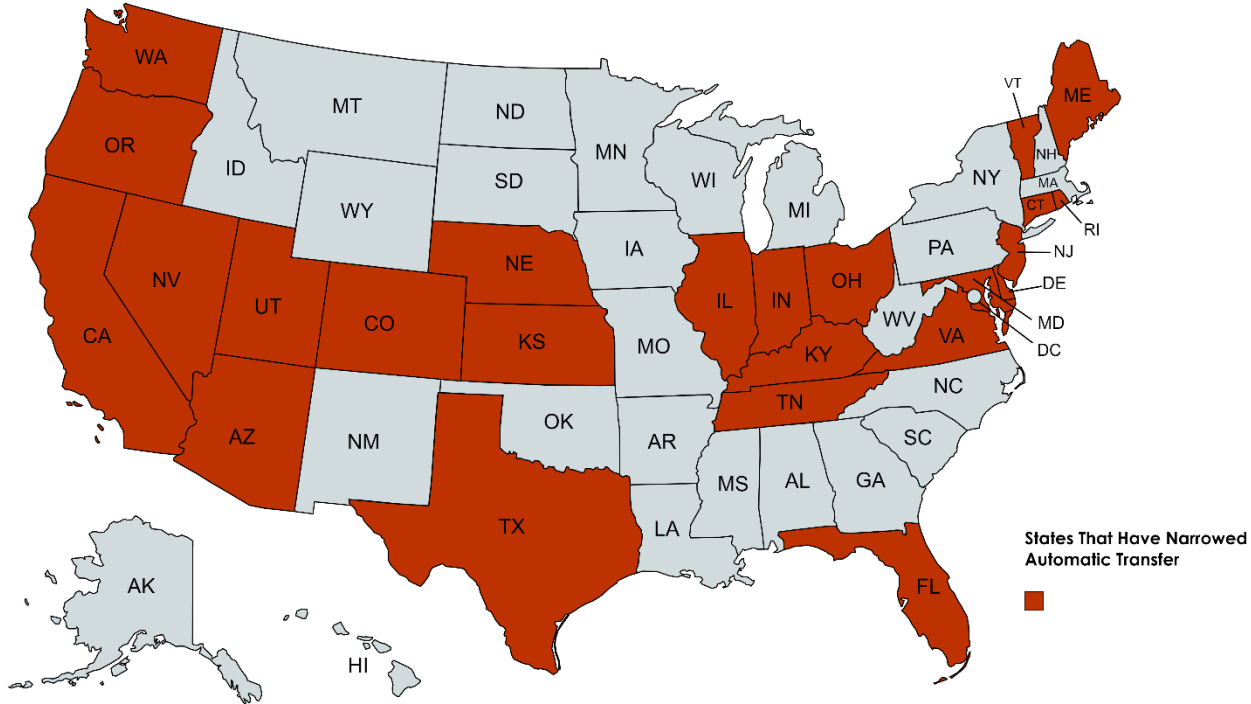
July 20, 2021

Pathways to the Adult System

All 3 branches of Government have the authority to send children to adult court; most states utilize two or more:

- **Judicial Waiver (45 states)**
- **Statutory Exclusion (26 states)**
- Prosecutor Discretion (13 states)
- Jurisdictional Boundary below 18 years (3 states)
- **Once an Adult Laws (35 states)**

States Are Rapidly Reforming the Automatic Transfer Statutes (26 states changed laws)



Created with mapchart.net

Effective Strategies to Treat Children Like Children

- Striking one (or more) pathways into adult court
 - CA, FL, IL, KS, KY, OR, RI, VT
- Raising the Floor (removing youngest children from eligibility)
 - CA, CO, CT, DE, IL, KS, NE, NJ, NV, TN, UT, VA
- Narrowing eligible charges
 - CO, CT, DE, IL, ME, NE
- Expanding Reverse Waiver/Transfer
 - AZ, IN, MD, NE, OH, TX, VT
- Eliminate/Restricts Once an Adult
 - VA, WA

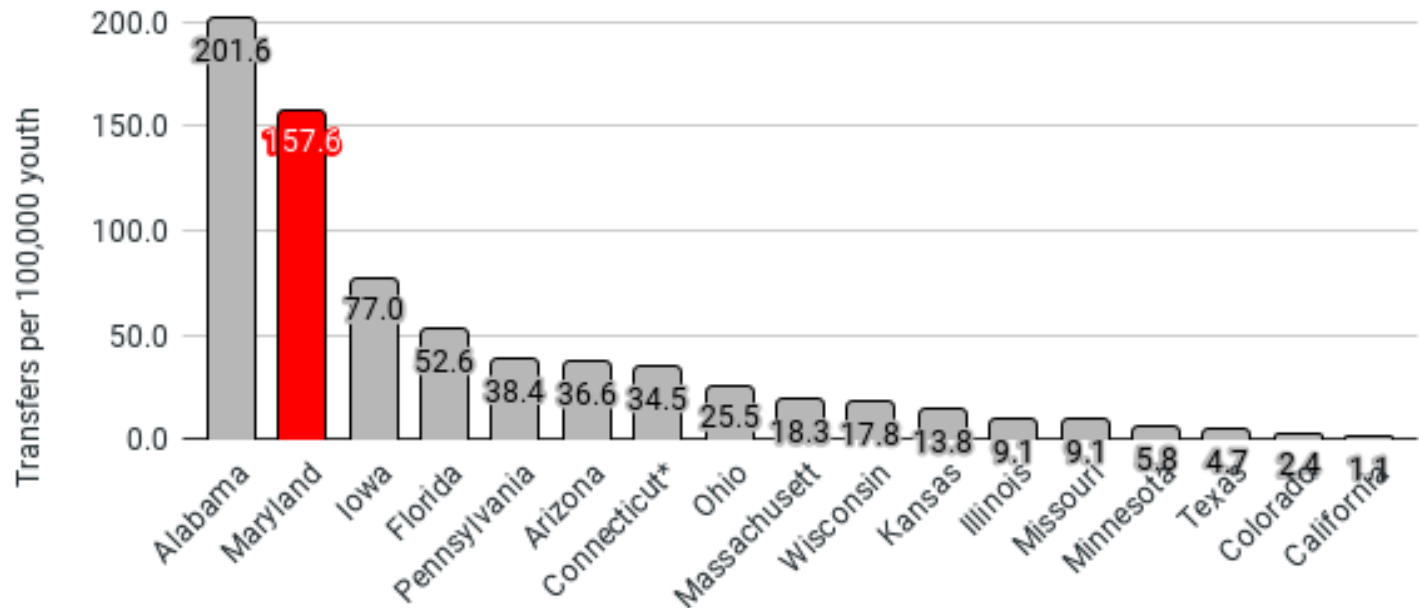
Overuse of Auto Transfer

- States have shrunk their use of automatic transfer; we have gone from 15k down to under 10k per year (2015) over the past decade.
- The Youth Justice system has the skills, staff and knowledge to handle these children.
- Charge does not drive dangerousness or risk to public safety; must look at the whole child.
- Starting kids in adult system and then returning them to juvenile exacerbates trauma and recidivism.
- Only 9 states send more than 200 kids to the adult court every year.

NATIONAL RATES OF TRANSFER

Only Alabama transfers youth to adult courts at a higher rate than Maryland

The chart uses each state's most recently available total of transfers and adjusts for the youth population



District Attorney's Are beginning to Change Practice

- Report of the U.S. Attorney Generals National Task Force on Children Exposed to Violence (2012):
[6.9 Whenever possible, prosecute young offenders in the juvenile justice system instead of transferring their cases to adult courts.](#)
- National Juvenile Prosecution Standards of NDAA (2016):
[4-11.7 Transfer to Criminal Court](#) The transfer of cases to criminal court should be reserved for the most serious, violent, and chronic offenders. Prosecutors should make transfer decisions on a case-by-case basis and take into account the individual factors of each case including, among other factors, the gravity and violent nature of the current alleged offense, the record of previous delinquent behavior of the juvenile charged, and the availability of adequate treatment, services and dispositional alternatives in juvenile court.
- Fair & Just Prosecution:
[Treat kids like kids. It's not only good common sense, but good public policy](#) (2019)
[100 Legal Scholars Support Treating Children Like Children](#) (2019)