
Preliminary Findings: Youth Charged as Adults in Maryland

December 10, 2020

Youth Charged as Adults in Maryland

Data Source: Maryland Courts, 2017-2019 (calendar year)

*Courts Included in Data: Baltimore City Circuit Court,
MDEC Counties District & Circuit Courts*

Notes/Limitations on Methodology

Exclusionary offenses determined as outlined in the DJS data resource guide

- Unable to explore driving offenses due to lack of an efficient way of determining whether a traffic offense was incarcerable
- Unable to explore “once an adult, always charged as an adult” due to lack of indicator that captures prior adult court felony conviction

Charge-level data restructured into youth-level data

- Charge severity ranking determined by referencing DJS offense ranking guide

Outcome analyses (i.e., dispositions, sentencing) limited to circuit court data

- Baltimore City: lack of district court data
- MDEC Counties: unable to determine outcome for district court cases forwarded to circuit court due to different case number

AUTOMATIC ADULT JURISDICTION

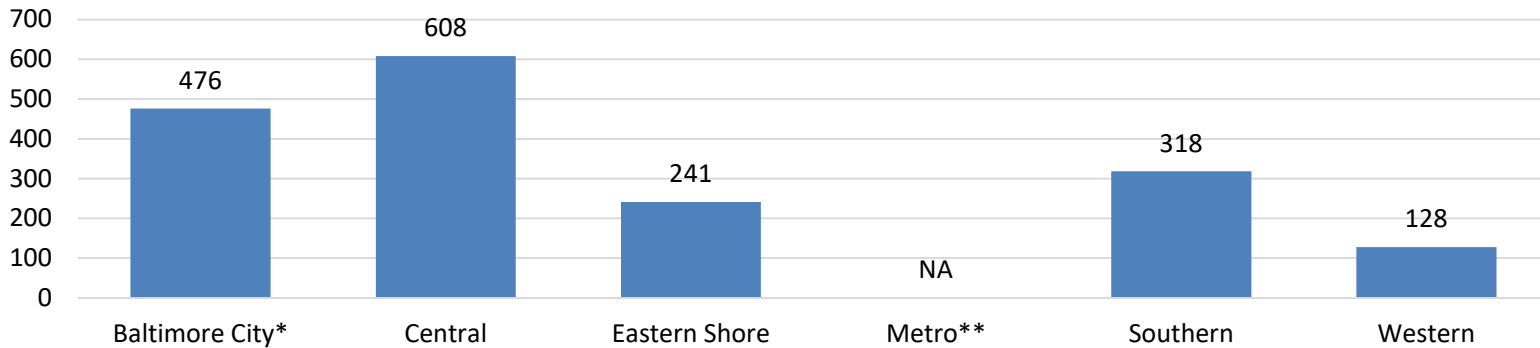
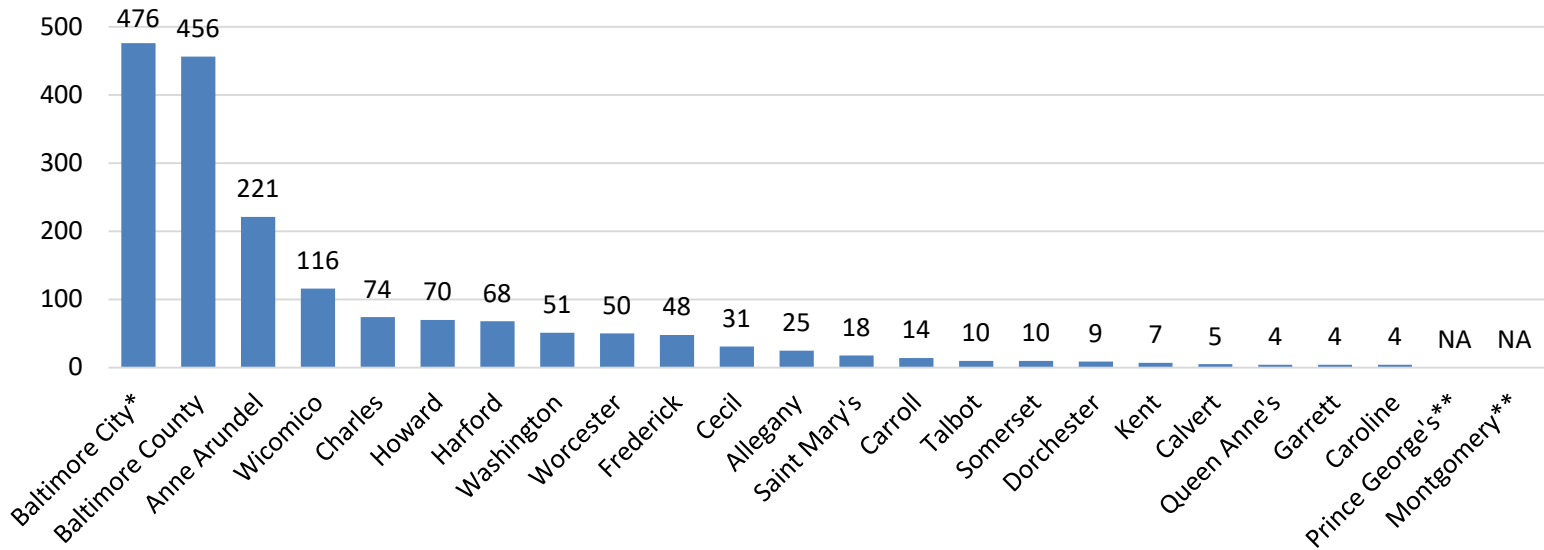
Source: § 3-8A-03 of the Maryland Courts & Judicial Proceedings Article

AGE 14 AND OLDER	AGE 16 AND OLDER	
<ul style="list-style-type: none"> • Murder – 1ST Degree • Rape – 1ST Degree • Any attempts of above • Any conspiracies of above 	<p>Serious/Violent Offenses:</p> <ul style="list-style-type: none"> • Kidnapping • Assault – 1st Degree (CL, §3-202) • Carjacking & Armed Carjacking (CL, § 3-405) • Murder – 2nd Degree <ul style="list-style-type: none"> • Attempted Murder –2nd Degree (CL, §2-206) • Voluntary Manslaughter • Rape – 2nd Degree <ul style="list-style-type: none"> • Attempted Rape – 2nd Degree (CL, §3-310) • Robbery w/ Dangerous Weapon <ul style="list-style-type: none"> • Attempted Robbery w/ Dangerous Weapon (CL, §3-403) • Sex Offense-- 3rd (CL, 3-307(a)(1)) (IE force, a weapon, or threat of force used) 	<p>Firearms Offenses:</p> <ul style="list-style-type: none"> • Wear, Carry, Transport Handgun (CL, §4-203) • Possession of Unregistered Short-barreled Shotgun or Short-barreled Rifle (PS, §5-203(a)) • Possession of Regulated Firearm (PS, §5-133--convicted of prior disqualifying offense, etc.) • Minor in Possession of Regulated Firearm (PS, § 5-133(d)(1)) • Use Wear, Carry, Transport Firearm during Drug Trafficking Crime (CL, §5-621) • Use of Firearm in Commission of Crime of Violence or Felony (CL, §4-204) • Possess, Own, Carry, Transport Firearm by Drug Felon (CL, §5-622) • Possess, Sell, Transfer Stolen Regulated Firearm (PS, §5-138) • Sell, Rent, Transfer Regulated Firearm (PS, §5-134(b)) • Sell, Rent, Transfer Regulated Firearm to Minor (PS, §5-134(d)) • Use or Possess Machine Gun in commission/attempted commission of Crime of Violence (CL, §4-404) • Use or Possess Machine Gun for Offensive or Aggressive Purpose (CL, §4-405) <p>Miscellaneous:</p> <ul style="list-style-type: none"> • Any felony IF prior felony conviction as an adult • Non-incarcerable Traffic & Boating Offenses • Domestic Violence Peace Order requests are heard in the adult court where the victim is: the current or former spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage or adoption; a parent, stepparent, child, or stepchild of the respondent or victim who resides or resided with the respondent or victim for at least 90 days within 1 year before the filing of the petition; a vulnerable adult; or an individual who has a child in common with the respondent. CP, §3-8A-03(d)(6). The juvenile court retains jurisdiction over violations of this section by a juvenile.
<p><u>Automatic Adult Jurisdiction – When Transfer to Juvenile Court is Prohibited (CP, §4-202(c))</u></p> <ul style="list-style-type: none"> • In an unrelated case, Juvenile was convicted of any of the above offenses (excluding “non-incarcerable traffic & boating” and excluding if adult jurisdiction is created only by a prior, non-excluded felony offense). • Offense is 1st degree murder and the juvenile was 16 or 17 years of age when the alleged crime was committed 		

Abbreviations:

CL = Criminal Law Article
 CP = Criminal Procedure Article
 PS = Public Safety Article

Youth Charged as Adults Cases by County & Region (2017-2019)



Notes: * Missing DC data; ** Missing all 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%

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

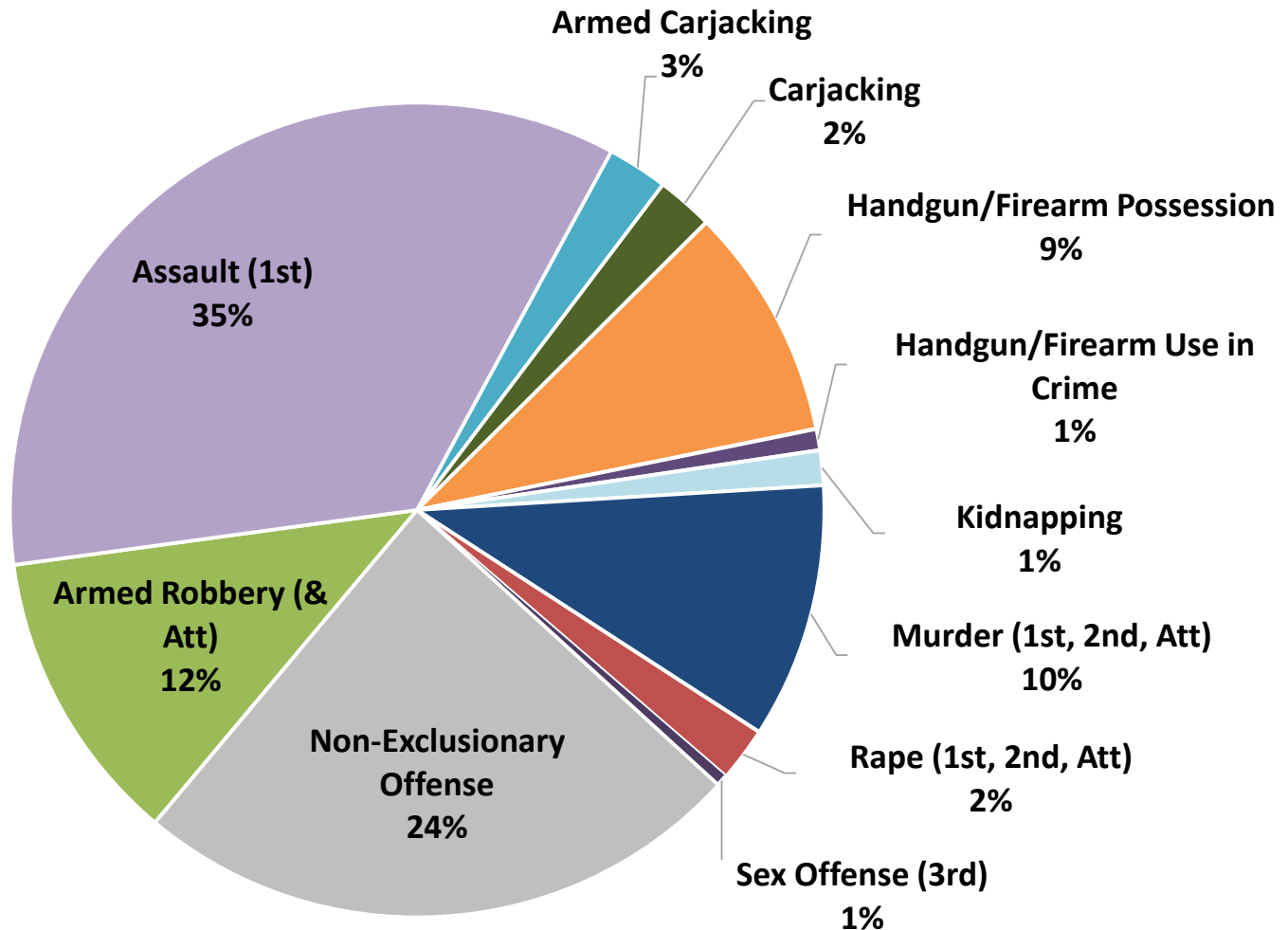
	# of Youth Charged by Age Group	% of All Offenses for Age Group
<u>Ages 13 and younger</u>		
Youth Charged as Adults (< 14)	5	100%
<u>Ages 14-15</u>		
Murder (1st, Att)	31	55%
Rape (1st, Att)	0	0%
Other Offenses	25	45%
Youth Charged as Adults (14-15)	56	100%
<u>Ages 16-17</u>		
Murder (1st, 2nd, Att)	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%
<i>Total Youth Charged as Adults (all ages)</i>	<i>1,295</i>	<i>--</i>

Note: 5 cases did not include age information

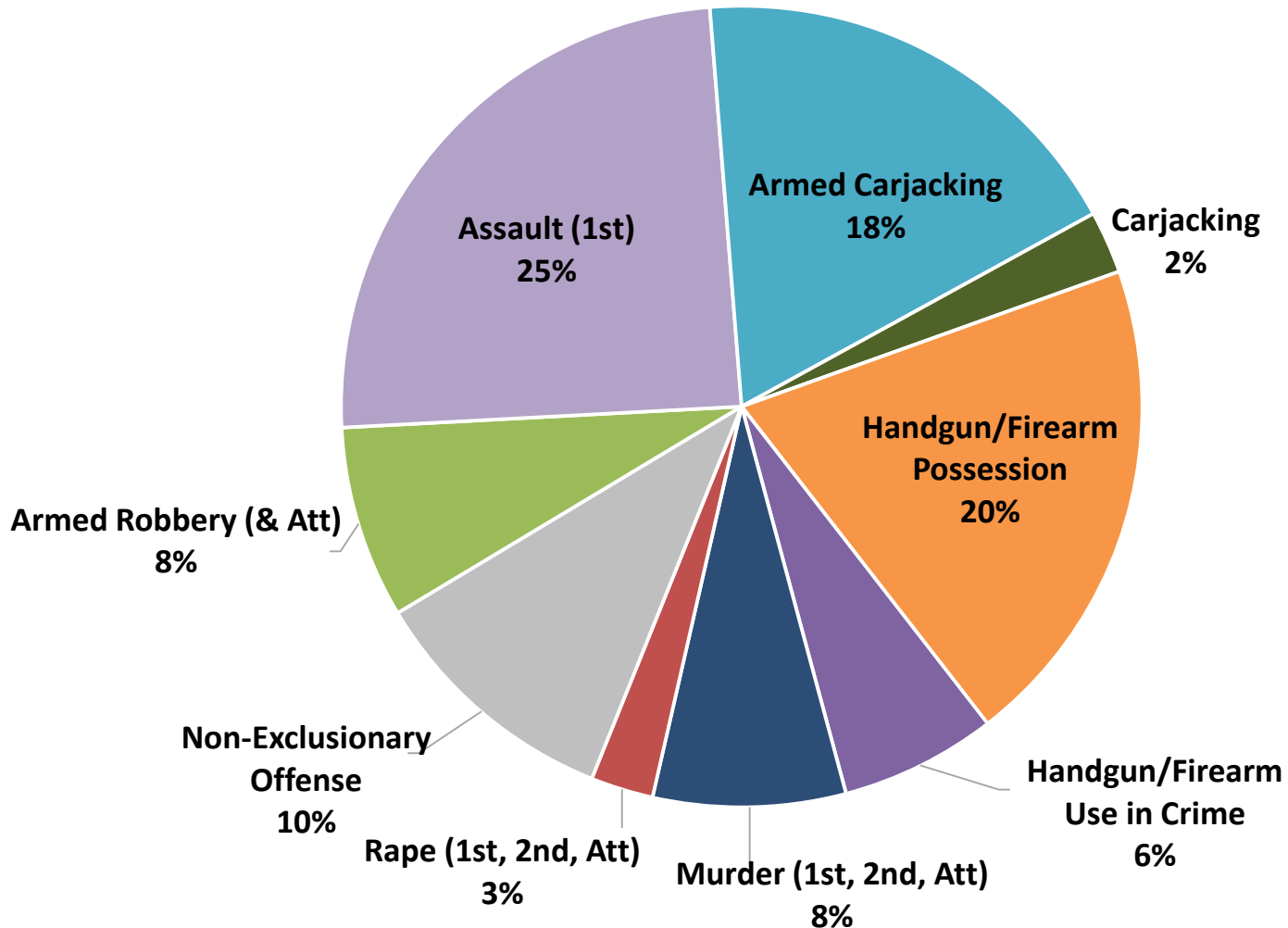
Youth Charged as Adults by Exclusionary Offenses & Age Group, Baltimore City

	# of Youth Charged by Age Group	% of All Offenses for Age Group
<u>Ages 13 and younger</u>		
Youth Charged as Adults (< 14)	3	100%
<u>Ages 14-15</u>		
Murder (1st, Att)	6	38%
Rape (1st, Att)	4	25%
Other Offenses	6	38%
Youth Charged as Adults (14-15)	16	100%
<u>Ages 16-17</u>		
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	--

Top Charge by Exclusionary Offense Category, MDEC Counties

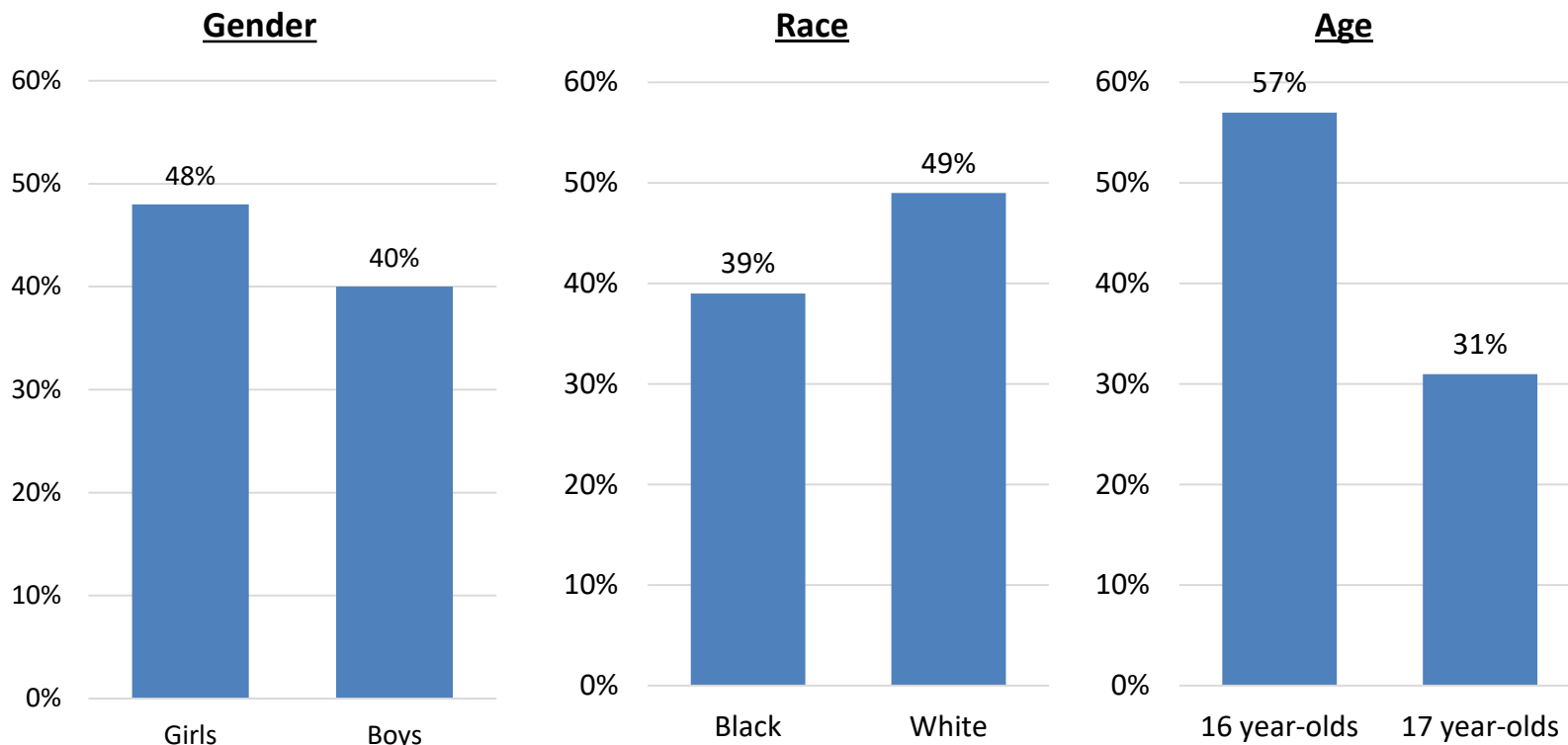


Top Charge by Exclusionary Offense Category, Baltimore City



Cases Transferred Down to Juvenile Court, MDEC Counties

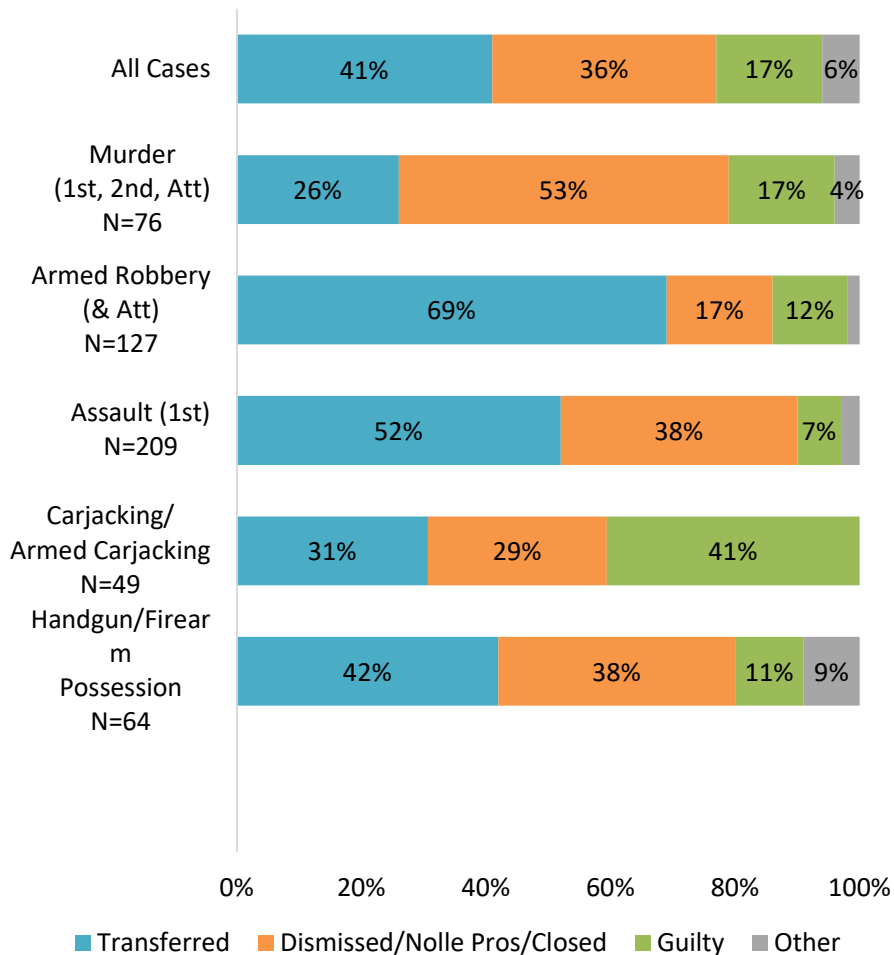
41% of all cases with a disposition were transferred to juvenile court



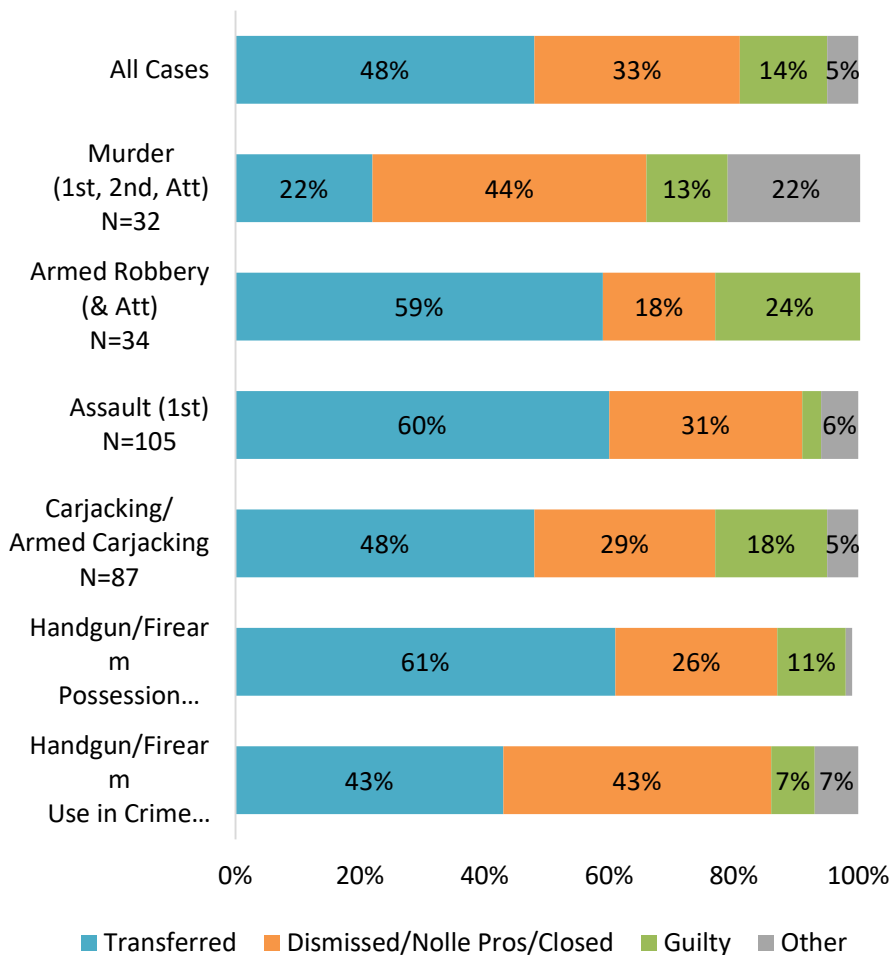
Note: While 48% of cases in Baltimore City were transferred to juvenile court, differences by race and gender could not be calculated due to such a homogenous sample with so few white youth/girls

Case Dispositions

MDEC Counties



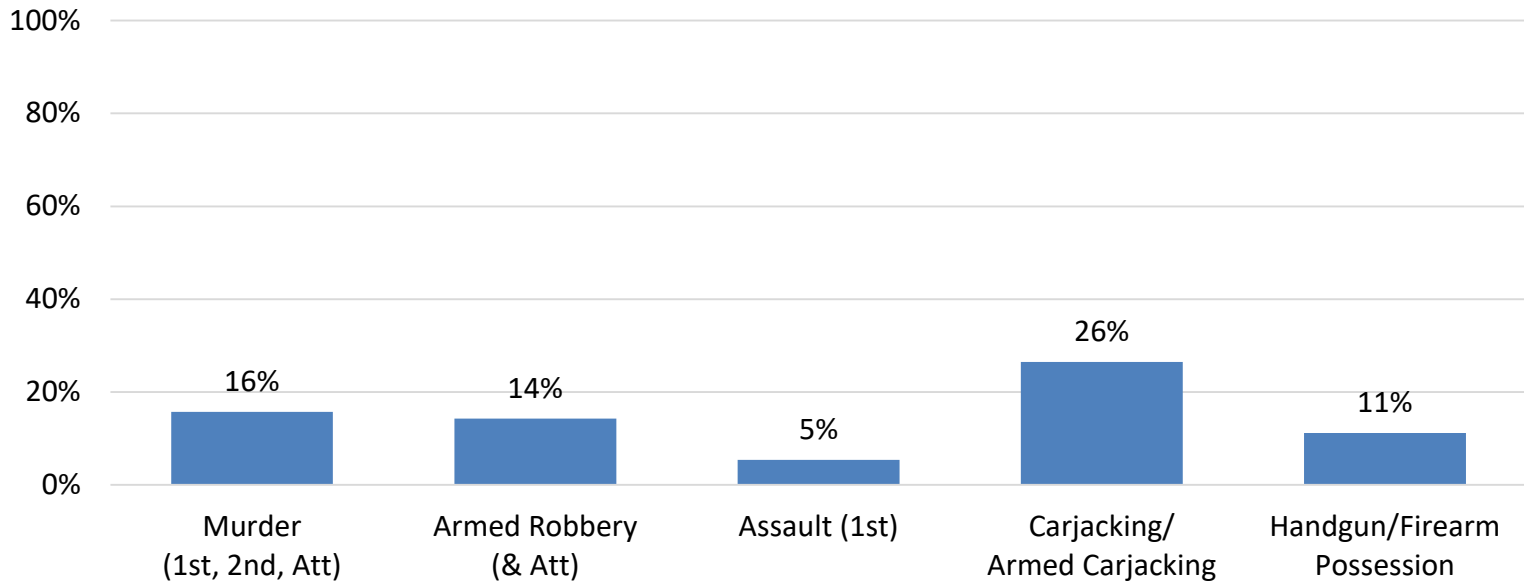
Baltimore City



Notes: N = cases with dispositions; limited to offense categories with at least 10 cases

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

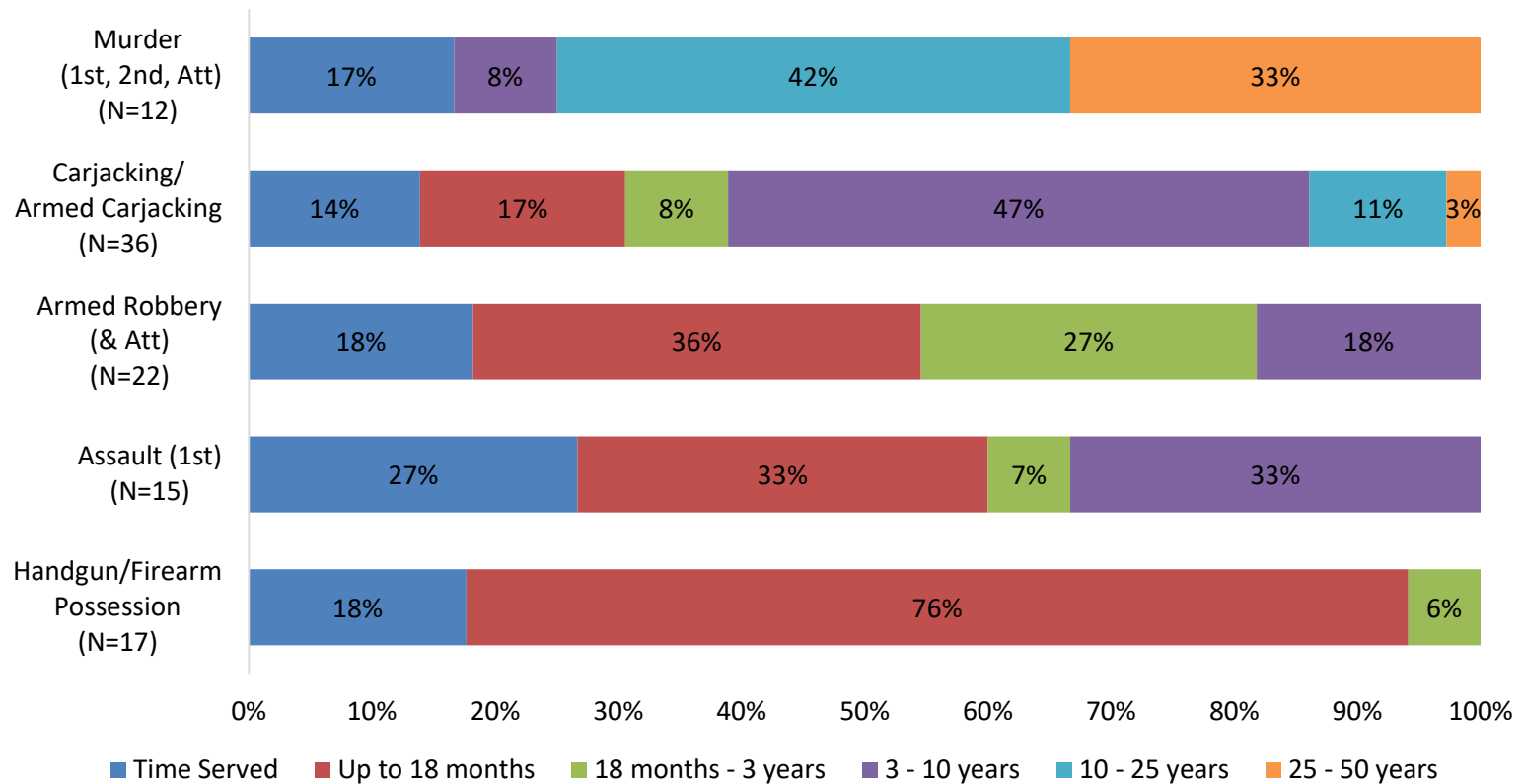
	Charged as an Adult	Convicted in Adult Court	%
Murder (1st, 2nd, Att)	108	17	16%
Armed Robbery (& Att)	161	23	14%
Assault (1st)	314	17	5%
Carjacking/Armed Carjacking	136	36	26%
Handgun/Firearm Possession	152	17	11%



Notes: cases from MDEC Counties and Baltimore City are combined; includes only cases with dispositions

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)



Notes: N = cases with a documented sentence length, excludes 5 cases with a life sentence;
limited to offense categories with at least 10 cases

Complaints Transferred Down to Juvenile Court for Youth Charged as Adults

Data Source: Maryland DJS, 2017-2019 (fiscal year)

Profile of Complaints Transferred to Juvenile Court

Average Age: 16.9 years old

Gender: 93% boys, 7% girls

Race/Ethnicity:

81% Black

10% White

9% Hispanic/Latinx or Other

Region of Jurisdiction:

40% Baltimore City

25% Metro

18% Central

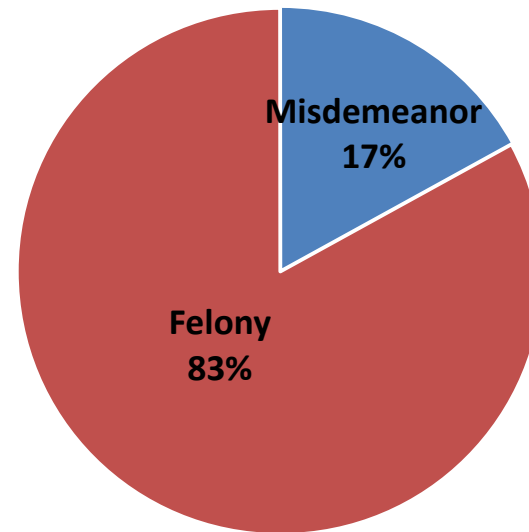
10% Southern

5% Western

3% Eastern Shore

Complaints Transferred Down to Juvenile Court (2017-2019)

N = 1,050

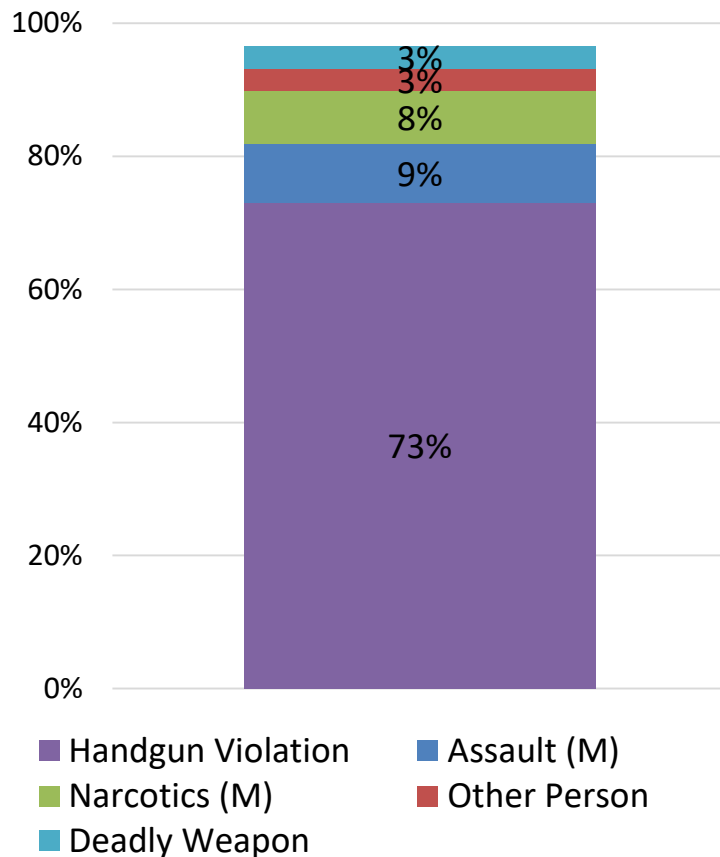


% of complaints transferred down to juvenile court that are misdemeanors has increased each year, from 15% in FY 2017 to 19% in 2019

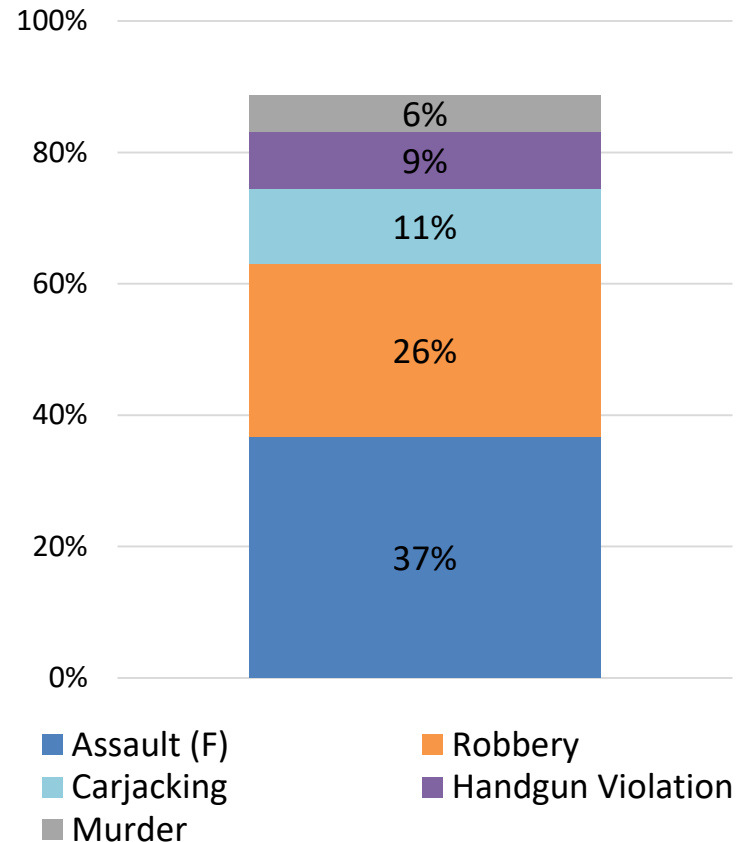
Note: Type of felony not differentiated due to the majority (95%) being crime of violence felonies

Complaints Transferred to Juvenile Court by Charge Severity and Offense

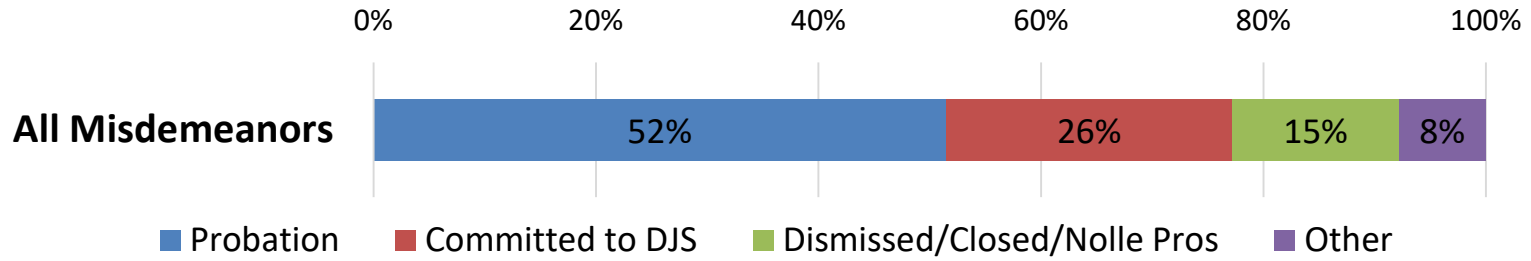
Misdemeanor Offenses
(N = 178)



Felony Offenses
(N = 872)

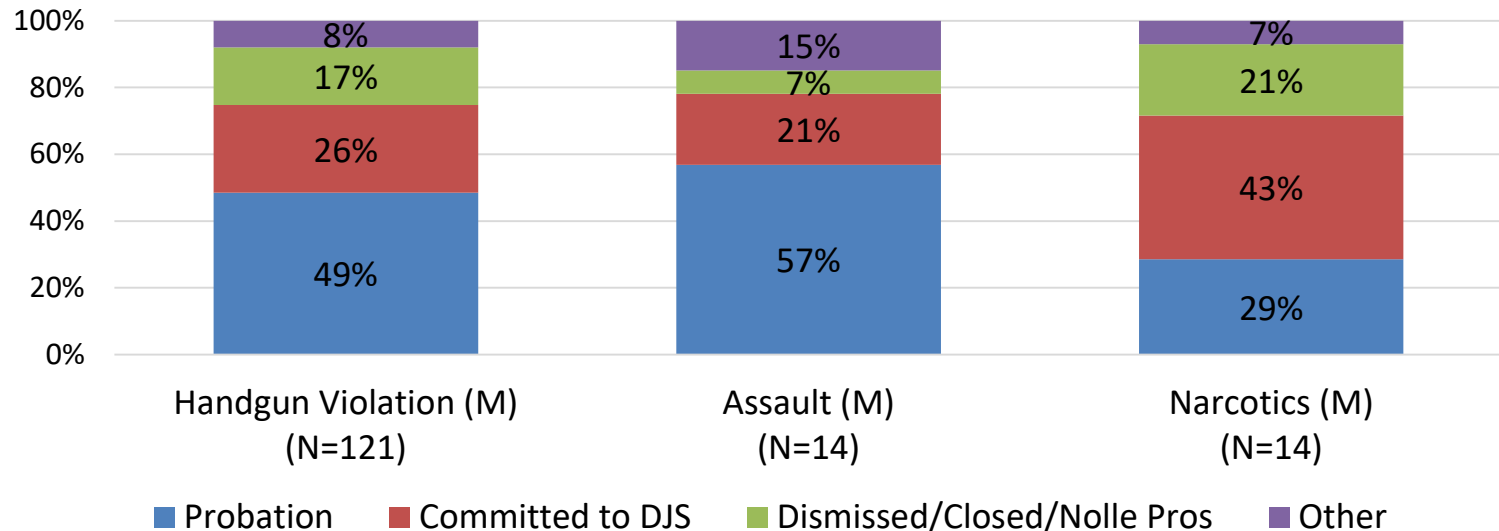


Case Dispositions for Misdemeanor Offenses Transferred to Juvenile Court

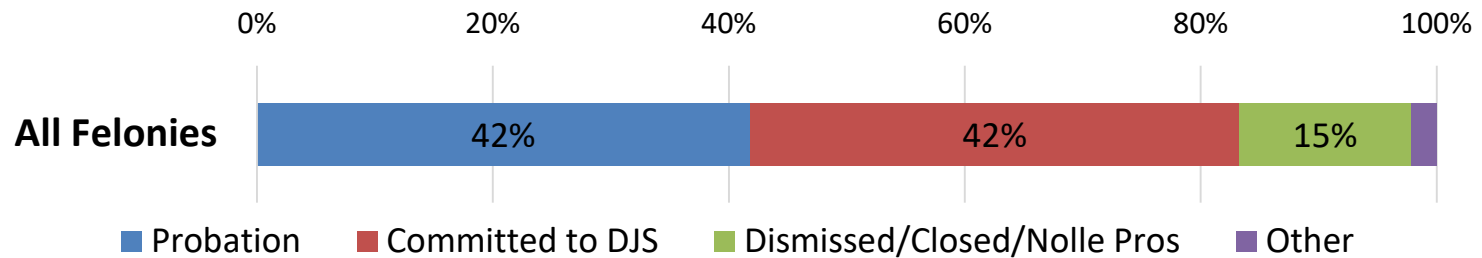


N = 167, excludes 11 cases with missing disposition

Top 3 Most Common Misdemeanor Offenses

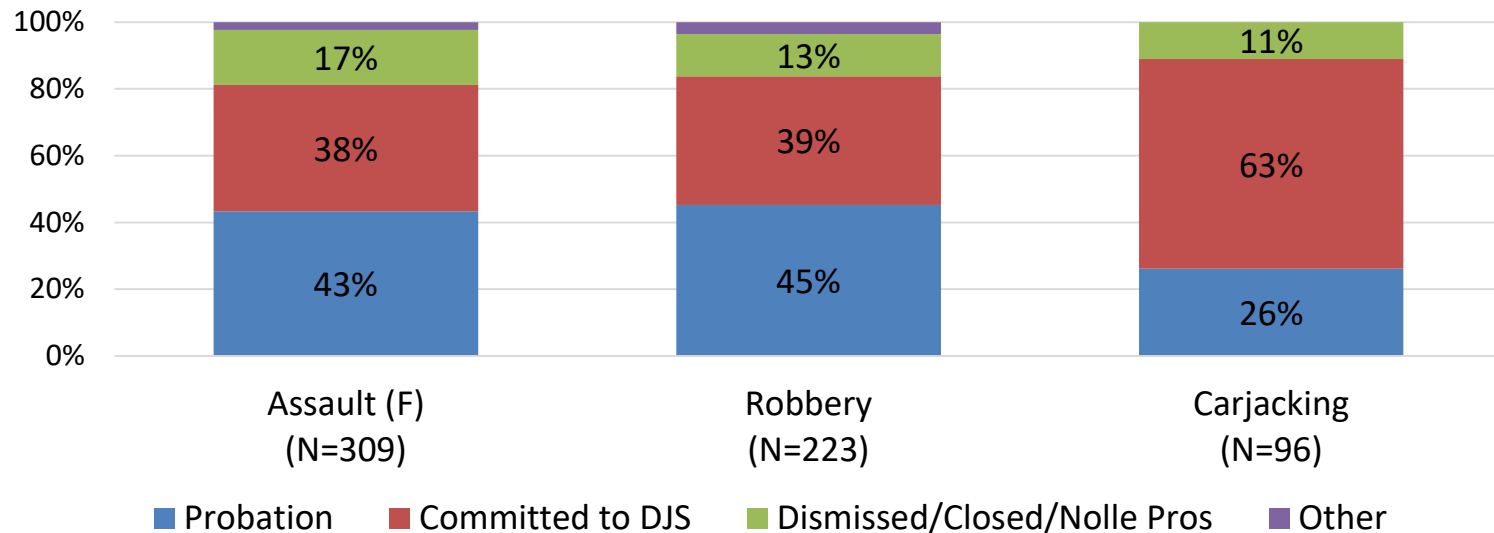


Case Dispositions for Felony Offenses Transferred to Juvenile Court



N = 844, excludes 28 cases with missing disposition

Top 3 Most Common Felony Offenses

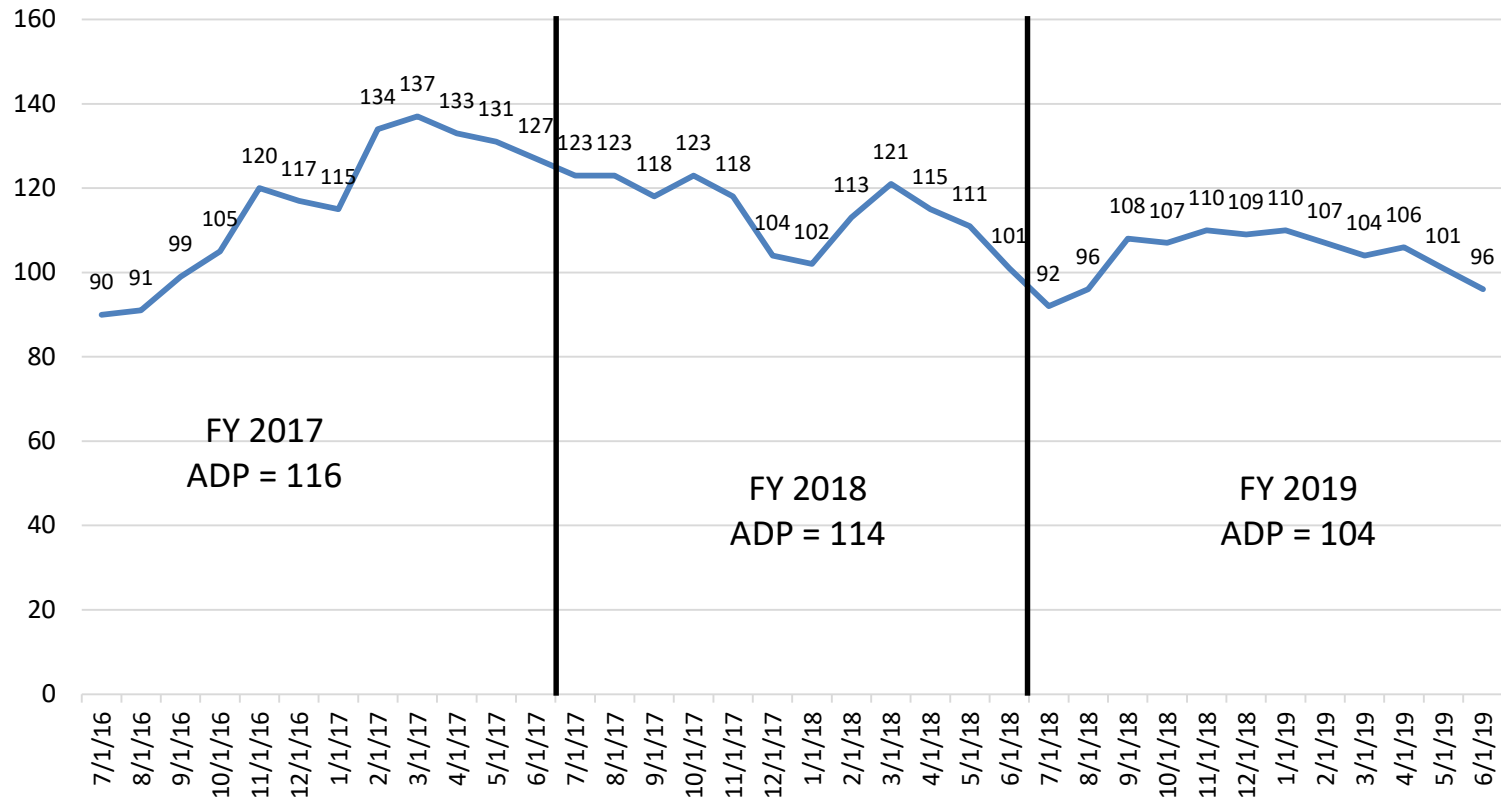


Youth Charged as Adults Detained in Youth Facilities Pending Transfer Hearing

Data Source: Maryland DJS, 2017-2019 (fiscal year)

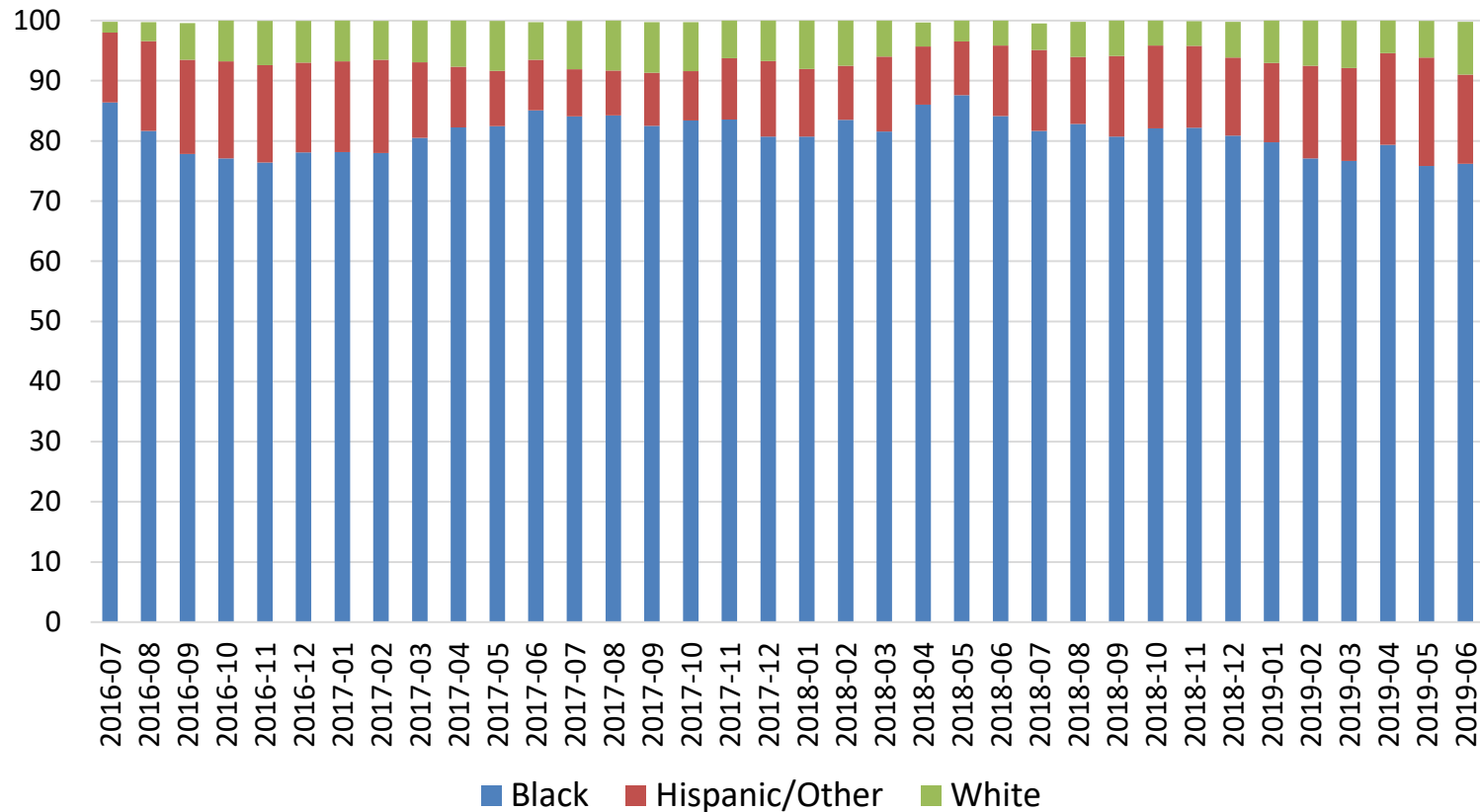
Average Daily Population

The average daily population in juvenile facilities pending transfer hearing has decreased by about 10% from FY2017-FY2019

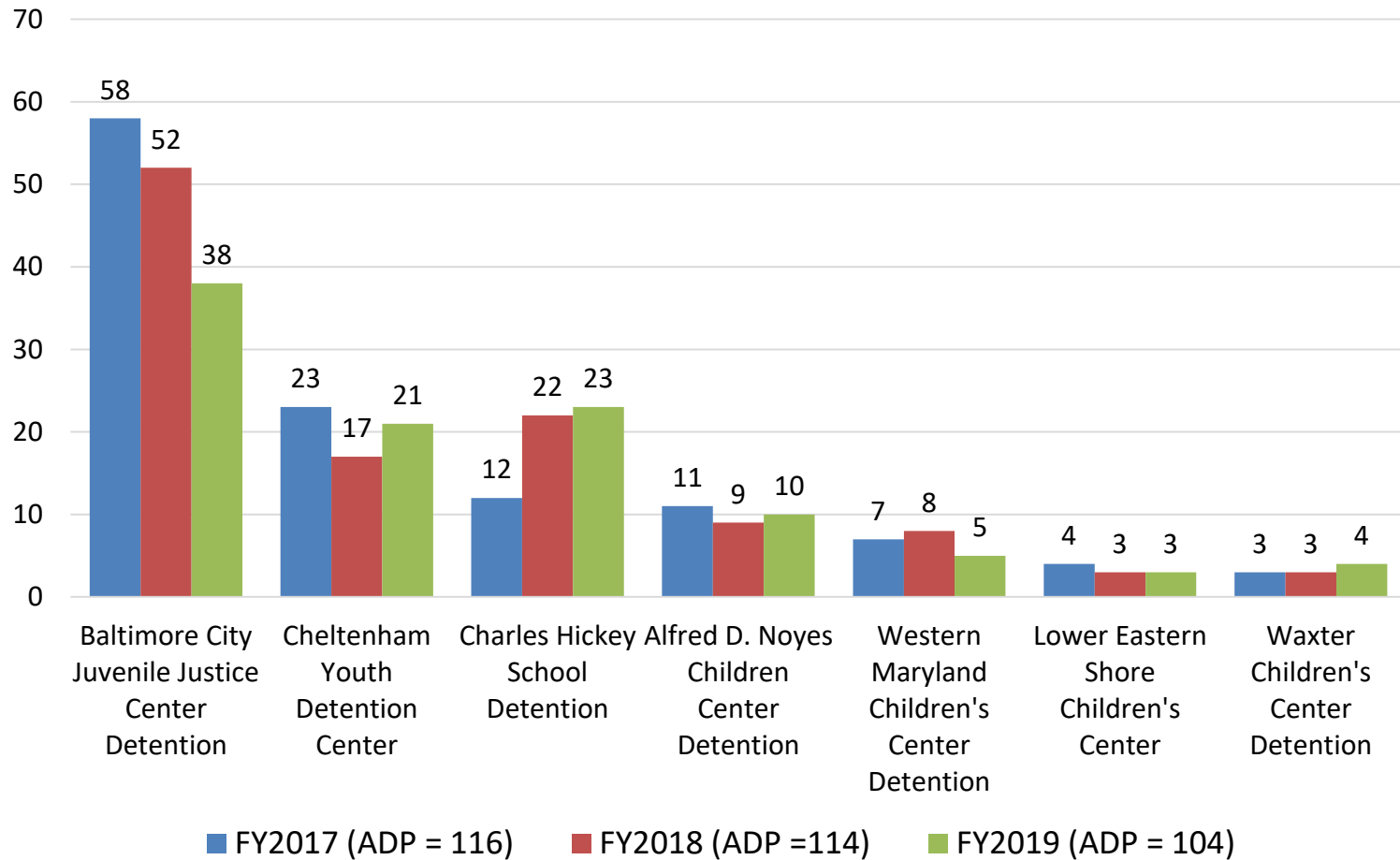


Average Daily Population by Race/Ethnicity

The average daily population in juvenile facilities pending transfer hearing has been over 90% young people of color every month of FY2017-FY2019



Average Daily Population by Facility



Average Length of Stay by Admission Year

The average length of stay in juvenile facilities pending transfer hearing has decreased minimally, from 117 days (3.9 months) in FY 2017 to 105 days (3.5 months) in FY 2019

