Juvenile Grant Planning and Review Council
Maryland's State Advisory Group

Fred Chavis
Chair

TESTIMONY IN SUPPORT WITH AMENDMENTS OF SENATE BILL 827

Background

Maryland's State Advisory Group (SAG) is responsible for carrying out the statutory requirements of the Juvenile Justice and Delinquency Prevention Act (JJDPA) as they pertain to state responsibilities under Executive Order 01.01.2022.06. The JJDPA provides formula funding to the state to issue grants to organizations that support reform in Maryland's juvenile justice system and focus on initiatives and strategies that support the hallmarks of the Developmental Approach to Juvenile Justice Reform.

To be eligible to receive this formula grant, Maryland must maintain a SAG, prepare a three-year strategic plan for juvenile justice system reform, and comply with the Act's core requirements. Those requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

The requirement to remove juveniles from adult jails and lock-ups includes juveniles charged as adults as of 2018. Currently, the law in Maryland allows juveniles charged as adults to be held in adult facilities if the Department of Juvenile Services determines there is not sufficient capacity in a secure juvenile facility, or if the court finds that detention in a juvenile facility would pose a risk of harm to the youth or others in the facility.[1] As of January 2025, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has issued a standard to states for compliance with this core requirement.

Senate Bill 827 (cross-listed with HB 1107) would place a number of limitations on holding a juvenile in restrictive housing, establish certain requirements for detaining, confining, or transporting a child; and require that all juveniles charged as adults be held in a secure juvenile facility unless the youth is released on bail or other conditions of release.

While this legislation is a start to the changes required under federal law, it does not address Crim. Pro. § 4-202(k), which speaks to where juveniles should be held after bail review or a preliminary hearing in District Court. The language in subsection (k) mirrors the language in Crim. Pro. § 4-202(h), which SB827 would amend. The SAG would request that the same language be utilized for both sections. Additionally, the bill should add the specific factors listed in federal law that would continue to give courts the ability to make housing decisions based on each individual case. The language needed is contained in 2023 SB704 which was previously submitted by the Department of Juvenile Services.

[1] Crim. Pro. § 4-202. Transfer of criminal cases to juvenile court

If this law is not passed with the recommended amendments, Maryland will face multi-year non-compliance with JJDPA requirements resulting in negative impacts on youth charged as adults, and a significant decrease in funding currently utilized to make system improvements. The State Advisory Group supports Senate Bill 827/ House Bill 1107 and requests a favorable report.

Health Implications for Restrictive Housing and Adult Jails or Lock-Ups

Housing youth in restrictive housing can lead to serious, unintended consequences on their physical and mental health. The risk of harm for youth within restrictive housing facilities is significantly higher than in a secure juvenile facility. Since restrictive housing cannot accommodate sight and/or sound separation between juvenile and adult offenders, this may lead to unnecessary exposure to hostile environments where juveniles may be victimized by adult inmates. Studies have shown that adult prison environments may lead to more incidents of physical assaults and sexual violence due to a typically more violent and less supportive environment that is found in adult facilities.[2]

Furthermore, being held in adult facilities can lead to detrimental impacts on a youth's mental and psychological health, creating irreversible changes to a juvenile's well-being. Youth are developing emotionally and cognitively until around the age of 18, which allows them to be more vulnerable to the stress and trauma of adult jail facilities.[3] Additionally, housing youth in adult facilities can create feelings of fear and isolation, which can lead to behavioral changes post-release.[4]

By limiting exposure to these environments, youth can remain in developmentally appropriate environments that foster growth and development during vulnerable times. Alternatives to pre-trial detention in adult facilities may allow for youth to remain in connection with critical support systems, such as family ties and education, that may lead to better post-detention outcomes and may result in higher compliance with court dates and lower levels of reoffending[5]

Adult jails often do not have services or resources intended for youth rehabilitation or development, which can lead to higher recidivism rates. Secure juvenile facilities have resources intended for youth rehabilitation that consider their brain development and aid in rehabilitation during their sentence.[6] Therefore, when youth engage in developmentally appropriate resources within secure juvenile facilities, the risk of recidivism lowers, improving community reintegration and public safety.[7]

Impact of Non-Compliance with the Core Protections

---

[2] Baetz, C. L., Surko, M., Moaveni, M., McNair, F., Bart, A., Workman, S., Tedeschi, F., Havens, J., Guo, F., Quinlan, C., & Horwitz, S. M. (2021). Impact of a Trauma-Informed Intervention for Youth and Staff on Rates of Violence in Juvenile Detention Settings. Journal of Interpersonal Violence, 36(17-18), NP9463-NP9482. https://doi.org/10.1177/0886260519857163

[3] Stanford Medicine, Children's Health https://www.stanfordchildrens.org/en/topic/default?id=cognitive-development-in-adolescence-90-P01594#:

[4] E. Jason Baron, Brian Jacob, and Joseph P. Ryan, "Pretrial Juvenile Detention," *Journal of Public Economics* 217 (January 2023): 104798.

[5] IBID

[6] https://www.juvjustice.org/blog/1425

[7] https://www.pbs.org/wgbh/pages/frontline/shows/juvenile/stats/kidslikeadults.html#fn6

If a state is out of compliance with one or more of the core requirements of the JJDPA, its grant award amount for the following fiscal year will be reduced by 20 percent for each requirement with which the state fails to comply under 34 U.S.C. § 11133(c)(1)(A). To receive any allocation, the state must use 50 percent of the amount received after the reduction for noncompliance to achieve compliance, pursuant to 34 U.S.C. § 11133(c)(1)(B)(i).

The Office of Juvenile Justice and Delinquency Prevention issued a letter to State Administering Agency Directors dated January 15, 2025, with the Federal Fiscal Year (FFY) 2024 compliance standards for each core requirement. Maryland will be out of compliance due to the number of youth being held in adult jails and lock-ups.

Federal Standard for Compliance:

- **14.68** violations per 100,000 youth (FFY24)

Maryland's Compliance Report:

- **93.26** per 100,000 youth (FFY23)
- **112.34** per 100,000 youth (FFY24)[8]

Therefore, Maryland's FFY 2025 grant award will be reduced by 20% and required to use 50% of the remaining funds to achieve compliance[9].

The primary purpose of the JJDPA grant program is to improve outcomes for children and youth within the juvenile justice system by increasing and strengthening community-based programs and services, expanding community-based diversion programs, and prioritizing programs focused on positive youth development. This program currently supports the funding of 4 community partners around Maryland.

The FFY 2023 JJAC grantees provide services reaching communities, including Baltimore City public schools by re-engaging students and families with their schools, helping to break the school-to-prison pipeline, providing weekly restorative circles, mentorship tutoring, workshops, and attendance check-ins to youth at risk for delinquency, and providing wraparound services to promote academic success. In Montgomery County, JJDPA funding supports mediation and conflict resolution services that prevent or remedy harm, empower youth, promote accountability and successful reintegration after disciplinary actions, and develop skills to handle conflict and anger to create a safer school and community environment, reduce recidivism, expulsion rates, and disproportionate contact with law enforcement. Restorative services in Baltimore County allow youth to decide what should be done to repair the harm that occurred to them while directly processing and expressing the emotional impact of the crime to the offender. This quickly and effectively holds offenders personally accountable for their behavior in a community-based environment, rather than in a justice system setting. Anne Arundel Teen Court services allow youth who have committed low-level offenses to appear before a jury of peers to receive sentences of community service, counseling, restitution, and/or an apology to the victim to accept responsibility and make amends.

---

[8] This rate is an estimate and will not be verified until FFY24 reporting is submitted to OJJDP in June 2025.
[9] The exact amount of the award will not be known until the federal solicitation for funds is released. The anticipated release date is June 2024.

With a reduction of funding due to non-compliance with Section 223(a)(11)(b), these community partners will not likely receive funding for the continuation of these programs, which takes away resources from youth and their families. These partners provide programming and other resources to approximately 1,107 youth in the current grant awarding period.

The JJDPA grant program also funds SAG events in the community, member attendance at conferences to learn new developments in the youth justice field, and stipends for youth members. The SAG recently hosted several community events that screened documentaries such as *13th* and *Stamped from the Beginning*, which examine the United States' history of racial inequality and mass criminalization, particularly of Black Americans. The screening was followed by a panel of justice-involved youth and adults to promote community connection and understanding. October is nationally recognized as Youth Justice Action Month (YJAM). In October 2024, the SAG hosted two events: a virtual event to improve mental health for system-involved youth and a community conversation to promote voting and legislative participation from young people held in Baltimore City, Maryland. The SAG has also hosted youth-recruitment events at local colleges and town halls.

SB827/HB1107 attempts to ensure that youth would not be housed in an adult jail or lockup prior to the resolution of their legal case, which, with the amendments proposed in this testimony, will ensure Maryland's compliance with the 34 USC 11133(a)(11)(B) requirement of the Act, restoring the full federal grant award.

Given the health and safety consequences for juveniles charged as adults and the consequences of Maryland's noncompliance with the JJDPA, the SAG requests a favorable report with amendments on Senate Bill 827/House Bill 1107.

Sincerely.

Fredrick Chavis

Fred Chavis
Chair, Maryland State Advisory Group