Maryland's JJDPA Compliance Crisis: Youth in Adult Detention
Findings from the Commission's Processes and System Coordination Workgroup

Overview

The Processes and System Coordination Workgroup of the Maryland Commission has been investigating the state's noncompliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA), particularly the practice of detaining youth in adult jails. Through conversations with DJS, GOCPP, Judiciary officials, and county stakeholders, the Workgroup identified systemic and operational issues driving these violations. They conclude that Maryland's current detention practices are not only inefficient and expensive but are also a key contributor to ongoing federal noncompliance. The workgroup is considering recommending that we change our present system of auto-transfer and replace it with a system of starting most cases in juvenile court with the right of the judge to transfer appropriate cases to adult court. This is especially necessary because 85% of present cases are ultimately returned to juvenile court or are dismissed or closed without protecting the public safety.

Background

Because Maryland receives federal funding through the JJDPA's Formula Grants Program, it is required to monitor and report compliance with the law's core protections. The Juvenile Grant Planning and Review Council, also known as the State Advisory Group (SAG), oversees this responsibility.[1] The JJDPA places strict limits on holding youth in adult facilities. Youth may not be held for more than six hours unless a court finds it is in the "interest of justice," based on a seven-factor test that includes age, mental state, charge severity, delinquency history, facility capacity, and public safety. Courts must review such placements every 30 days, with a 180-day maximum unless extended for good cause. Additionally, youth must remain completely separated from adult detainees at all times (sight and sound separation).

Currently, the process for transferring youth from adult to juvenile detention in Maryland requires coordination among multiple systems with distinct roles. Courts determine where a youth should be held based on legal mandates and case specifics, including automatic adult charging laws. County jails house youth charged as adults pre-trial and are responsible for adhering to court orders and federal detention standards, though many face infrastructure and staffing challenges, especially with sight and sound separation requirements. The Department of Juvenile Services (DJS) operates state-run juvenile facilities and receives youth from adult custody when cases return to juvenile court. However, DJS may delay admissions due to capacity constraints to ensure safety and appropriate care.

The Problem

Maryland is significantly out of compliance with federal standards governing the pretrial detention of youth charged as adults. In 2025, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) began enforcing thresholds on length of stay and sight and sound separation in adult facilities, using new

[1] https://governor.maryland.gov/Lists/ExecutiveOrders/Attachments/34/EO%2001.01.2024.05%20Establishing%20the%20Governors%20Office%20for%20Children%20and%20the%20Governors%20Office%20of%20Crime%20Prevention%20and%20Policy_Accessible.pdf

data formulas to assess state performance. As of June, 158 youth were held in adult detention centers across the state, with 65 housed at the DPSCS Youth Detention Facility. In FY 2023, Maryland's detention rate was 93.01 per 100,000 youth, over six times the federal standard of 14.68. That number rose to 116.12 in FY 2024, a 27% increase. The state reported roughly 1,600 violations, more than any other state, prompting OJJDP to exclude Maryland's data from national averages due to its extreme outlier status.

Misalignment with Federal Standards

Maryland law is misaligned with federal standards in several critical ways. It does not require an "interest of justice" determination as mandated under federal law when deciding whether a youth should remain in adult court. Additionally, the state lacks mandatory periodic judicial reviews for youth held in adult facilities, imposes no time limits on how long a young person can be detained in adult jails, and does not guarantee sight and sound separation from adult inmates. These gaps place Maryland at risk of federal noncompliance and expose young people to harmful conditions.[2]

Overuse of Automatic Charging

Maryland has one of the longest lists of offenses for which a child can be charged as an adult in the country. Currently, under Maryland law, there are 33 enumerated offenses that, if committed by a youth, automatically send them to an adult detention center immediately after their arrest (Baltimore City and Baltimore County are exceptions). Ultimately 85% of these cases return to juvenile court or are dismissed or closed. For further clarity, of these cases, approximately 15-20% of them may spend 90 to 180 days in adult jails and then have their cases dismissed outright while approximately 60% are transferred down to juvenile court.

Barriers to Issuing "Interest of Justice" Orders (IOJs)

Federal law permits youth to remain in adult facilities only if courts issue an IOJ order within six hours of arrest and every 30 days while housed in an adult facility, based on continued consideration of statutory factors. However, most judges lack adequate information to confidently make these determinations so quickly. Also, bail commissioners, who often conduct the initial hearings, are not equipped or authorized to issue IOJ orders, creating a process bottleneck. Therefore, IOJ orders are not issued within six hours, and because there is no guaranteed right to a review of detention, very few IOJ orders are issued at each 30 day interval that youth are located within adult detention facilities.

Even in counties where IOJ hearings are taking place, detention facilities frequently report challenges receiving timely, signed orders from the courts. In some jurisdictions, proceedings may occur without the accompanying documentation, creating compliance risks for facilities that are not within their control. Additionally, interpretations of the IOJ form and related compliance practices differ significantly across jurisdictions.

Cross-System Challenges

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[2] https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202

Information gaps continue to hinder the youth transfer process. Judges, public defenders, and prosecutors all need timely case data to fulfill their roles, but delays and limited access undermine IOJ decisions and compliance with JJDPA requirements. Currently, only DPSCS notifies adult facilities of court-ordered transfers, leaving out DJS, counsel, and other key stakeholders. Infrastructure also remains a barrier, as most adult jails lack sight-and-sound separation and retrofitting has proven costly and impractical.

Lengthy Transfer Timelines

Youth charged as adults face an average of 190 days before a transfer hearing, with some regularly waiting over a year and up to two years for final disposition. By contrast, cases initiated in juvenile court are statutorily required to go to adjudication within 30-60 days if the youth is detained. This discrepancy prolongs time spent in adult facilities, directly contributing to noncompliance.

Capacity Constraints at DJS Facilities and Local Jails

Except for Baltimore City local jails do not have access to dedicated facilities for children charged as adults. Local jails do not have any control over when or how many children they receive and are doing their best to keep children (for whom there is no space in juvenile facilities) safe with the limited space and resources at their disposal.[3]

Even when IOJ orders are issued, if DJS determines there is not available capacity in a juvenile facility (which is often the case),[4] youth stays are prolonged in adult detention. DJS is responsible for holding space for juvenile respondents and/or those detained under the juvenile code while also doing what it can to provide space for youth tried as adults in its limited space, exacerbating extended stays in noncompliant settings.

Incentive Misalignment

Many youth accept adult plea deals simply to expedite release, with DJS tracking at least 30 young people withdrawing motions for transfer between January to June 1, 2025. This places them out of DJS jurisdiction, which foregoes access to rehabilitative juvenile services and accrues adult records that harm long-term prospects.

The High Cost of Youth in Adult Detention[5]

Maryland's practice of charging youth as adults, coupled with the lack of state legislation aligning with federal requirements, has created a costly and unsustainable system that directly fuels the state's noncompliance with the JJDPA. The costs are not only measured in lost federal funding, but also in the avoidable fiscal strain placed on the DJS, the Office of the Public Defender (OPD), and local detention centers.

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[3] https://mgaleg.maryland.gov/cmte_testimony/2025/jpr/1BrO_8Szpei3e0APlOWFbA8caV6epamJ1.pdf
[4] Permissible under Md. Crim Pro 4-202
https://mgaleg.maryland.gov/mgawebsite/Laws/StatuteText?article=gcp&section=4-202
[5] See Juvenile Justice Processes and System Coordination Workgroup, Feb. 21 Materials, *Youth Charged as Adult Costs* for cost analysis by GOCPP

DJS bears the most direct financial burden. Youth charged as adults and awaiting transfer hearings spend an average of 125 days in DJS custody, compared to just 27 days for youth charged as juveniles. At a per diem rate of $1,174.02, this amounts to an average cost of nearly $147,000 per youth—more than four times the cost of detaining a youth in the juvenile system. As of early 2025, these cases account for over two-thirds of the youth held pre-disposition in DJS facilities. DJS estimates that if the practice of holding youth in adult facilities were curtailed, the department could reduce its average daily population by 120 youth and save approximately $17 million annually. These inflated detention stays also extend the time youth remain in facilities out of compliance with federal requirements, compounding the state's violation totals.

The fiscal impact extends to the OPD, which is responsible for representing youth charged as adults. The office frequently contracts psychologists to assess whether young clients are competent to stand trial in adult court. These evaluations, and the extended court processes they accompany, are expensive and inefficient. OPD has estimated that scaling back automatic charging would save $1.85 million annually and cut transfer hearings by 75%, which would reduce both workload and unnecessary detention time.

Local jails, where youth are often held when DJS lacks capacity or court orders require it, also face significant and largely unfunded costs. While precise statewide estimates are unavailable, counties have consistently reported that detaining youth in adult jails strains budgets, staffing, and infrastructure. Most facilities were not built to meet federal “sight and sound” separation standards, and retrofitting would cost millions. These limitations increase the likelihood of compliance violations while placing youth at risk of harm.

At the same time, Maryland’s noncompliance with the JJDPA has already triggered direct financial penalties. With the state’s 2024 rate of youth detained in adult facilities going far beyond the federal threshold, Maryland stands to lose $350,000 in federal funding over the next two years due to these violations. Moreover, federal rules now require 50% of those reduced funds to be dedicated solely to compliance efforts, further limiting the availability of flexible support for youth programs and system improvement.

Maryland’s continued use of adult detention for youth carries significant financial, legal, and developmental costs. Beyond putting the state out of compliance with federal standards, this practice reflects a missed opportunity to invest in a more effective and rehabilitative juvenile system. Justice system stakeholders have raised ongoing concerns about gaps in services and placements within the Department of Juvenile Services, particularly for youth with complex needs. In the absence of sufficient resources, young people often remain in adult facilities for extended periods, where there is increased risk and insufficient support for their development or long-term success. Redirecting the substantial funds spent on noncompliance toward expanding juvenile services would bring Maryland into compliance with federal law and support a more equitable and appropriate response to youth in crisis.

Next Steps and Recommendations

Maryland’s noncompliance with federal requirements underscores the urgent need for coordinated, multi-system reform. The current challenges (rooted in automatic adult charging laws, limited capacity in

youth-appropriate facilities, and inconsistent transfer and communication procedures) cannot be resolved by any single agency alone.

GOCPP's ongoing efforts to collect data, support county-level solutions, and engage stakeholders represent critical steps toward mitigating violations and preserving federal funding. However, sustained progress will require continued collaboration across the judiciary, DJS, local governments, and facility administrators.

While efforts to amend state law are ongoing, the immediate focus is on administrative and inter-agency improvements that do not require legislative action. For instance, GOCPP is working closely with the Maryland Association of Counties and the Maryland Correctional Administrators Association to support local jurisdictions in developing compliance strategies. Baltimore City's Youth Detention Center (YDC), the only state-run facility that meets federal standards, is being used as a compliant placement option, but its limited capacity and jurisdictional restrictions underscore the need for additional solutions statewide.

The Workgroup is engaging several coordinated strategies to improve compliance and reduce delays in the initial hearing process. Enhanced data sharing is a top priority, with efforts underway to establish secure, rapid-response information channels between the Department of Juvenile Services (DJS), law enforcement, the judiciary, and detention facilities. These channels aim to support timely initial hearings and IOJ determinations. Simultaneously, the Workgroup is deepening judicial engagement by coordinating with the Judiciary to identify key points of intervention and designate ex officio Commission liaisons from the bench who can guide reform from within the courts.

As Maryland faces reduced federal funding due to noncompliance, the state is now required to direct 50% of those funds toward corrective efforts. In partnership with the State Advisory Group (SAG), the Workgroup will offer recommendations on how to best allocate these resources. Potential uses include supporting after-hours hearings, expanding tele-court options, shared sight-and-sound compliant spaces in adult facilities across jurisdictions, and developing tailored solutions for counties with unique logistical barriers. Additionally, a comprehensive system mapping process is underway to document each step from arrest through youth transfer. This will serve as the foundation for targeted training for judges, magistrates, and detention center staff to ensure a uniform understanding of roles, timelines, and legal requirements.

The Commission on Juvenile Justice Reform and Emerging and Best Practices remains uniquely positioned to support this work. Through its convening power, policy expertise, and stakeholder engagement, the Commission and its workgroups play a vital role in identifying systemic gaps, recommending administrative improvements, and advising on long-term legislative strategies. By fostering alignment across agencies and jurisdictions, the Commission will continue to advance solutions that protect youth, uphold federal standards, and strengthen Maryland's juvenile justice system.