Maryland's Compliance with the Juvenile Justice and Delinquency Prevention Act (JJDPA)

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JJDPA Overview

The Juvenile Justice and Delinquency Prevention Act was signed into law in 1974 and created the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the DOJ and Title II Formula Grants program

OJJDP determines the award amount for each state based on the state's juvenile population and compliance with each core protection

- States report violations of the core protections to OJJDP on a yearly basis which determines eligibility for the following grant cycle
    - For a state or territory to receive its full allocation of Formula Grant program funds, they must first demonstrate compliance with the core requirements of the JJDPA
        - Achieved via State Monitor conducting site visits and reporting violations

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JJDPA Compliance Requirements

The JJDPA consists of four Core Protections

- Maryland is not compliant with the 223(a)(11)(B), Removal of juveniles charged as adults from adult facilities requirement

The 2018 Reauthorization of the JJDPA subjected juveniles charged as adults to the **Separation** and **Removal** core protections under the 223(a)(11)(B) requirement

- Prior to the reauthorization, Maryland did not have issues maintaining compliance with the core protections
- The state law regarding the process for juveniles once charged as adults has not been modified to reflect the changes made in the JJDPA 2018 reauthorization

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Noncompliance in Maryland

Maryland has 215 facilities in its monitoring universe*

- Lockups: short-term holding facilities such as police departments, sheriff's office's for temporary detention/ processing
  - 77% of MD's monitoring universe, core protections achieved easily
- Jail/Detention Centers: Offenders are housed awaiting legal proceedings
  - 12% of MD's monitoring universe, violation incurred as soon as a juvenile enters the facility and every 30 days the juvenile remains housed in the facility

* Where juveniles may be held, not including adult prisons

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Noncompliance in Maryland

In Maryland, juveniles are automatically charged as adults for 33 offenses and held in adult jails* immediately after arrest and processing** in most cases

- Most detention centers cannot accommodate sight and sound separation; so a violation could occur upon entry or after six hours, and every 30 days thereafter

*Exception: in Baltimore City, juveniles charged as adults are held in the Baltimore City Youth Detention Center, a facility which ONLY houses juveniles charged as adults.

**Processing may look different by county.

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Federal Law Versus Maryland Law: Requirements

Federal Law:

- ✓ Sight and Sound Separation
- ✓ Removal after 6 hours
- ✓ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

Maryland Law:

- ✗ Sight and Sound Separation
- ✗ Removal after 6 hours
- ✗ Requires a court order to hold a juvenile in an adult facility for longer than 6 hours

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Exception: Interest of Justice Order

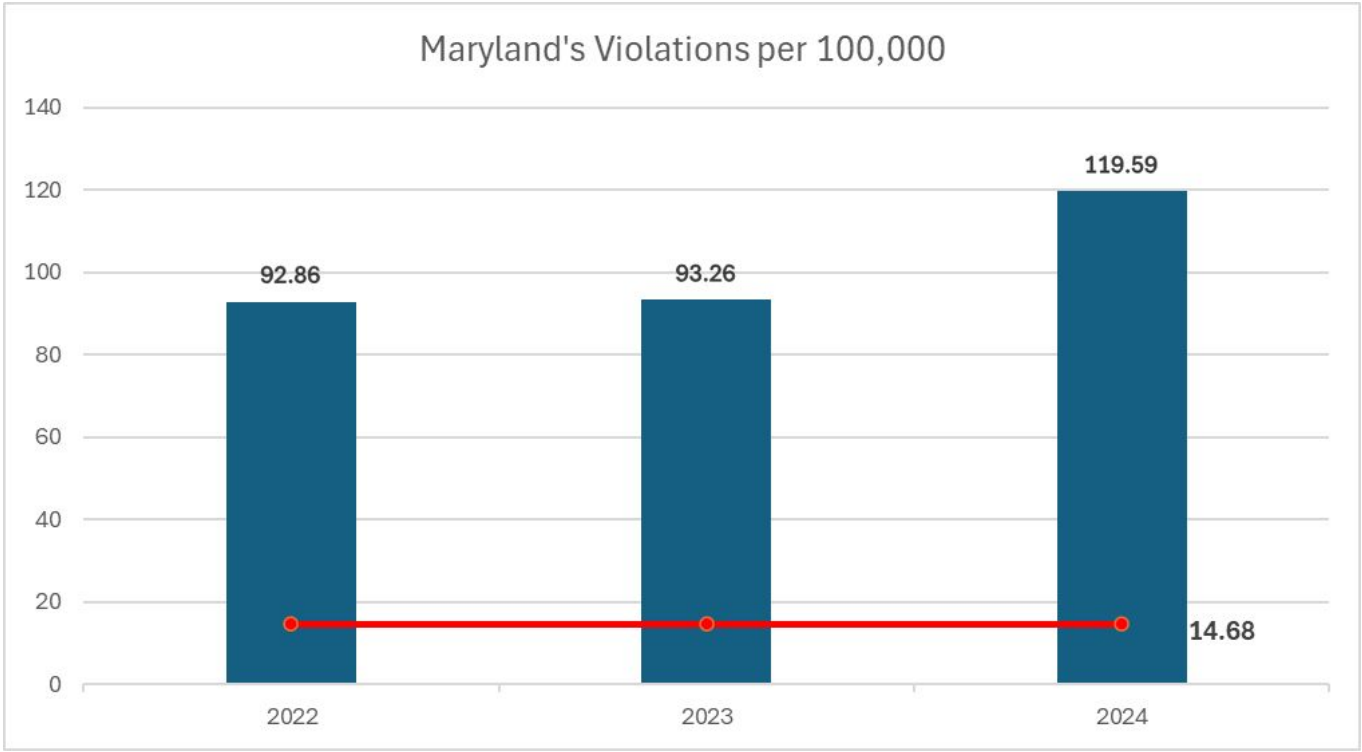
An Interest of Justice (IOJ) order issued by the court would alleviate a violation on a detention center, but often is not issued within six hours of detention

- The court can make determinations such as transferring the case down to juvenile court, ordering the juvenile charged as an adult to be held in a juvenile facility pending trial, ordering home detention, etc. which would avoid further violations accumulated by that individual; however, these options do not occur within six hours

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223(a)(11)(B) Violations

Issued threshold from
OJJDP: 14.68 per 100,000



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Funding Impacts of Noncompliance

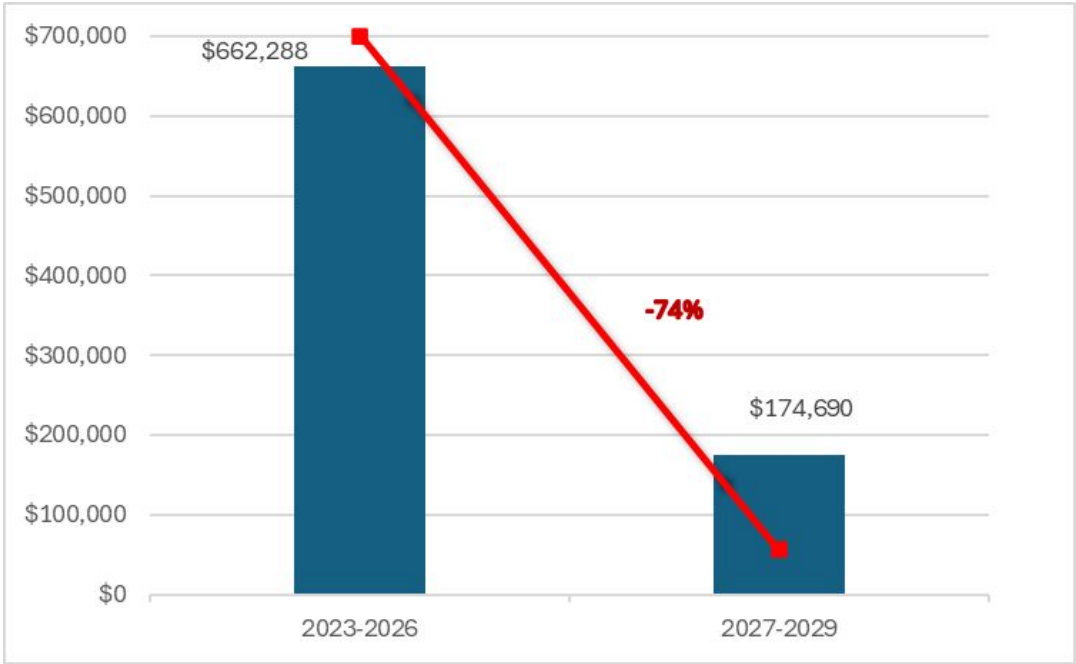
If a state is out of compliance with one or more core protections, its JJAC award amount is reduced by 20% for each core protection out of compliance

- Additionally, states must use 50% of the remaining funds to achieve compliance

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Funding Impacts of Noncompliance

- Average of $662,288 awarded per year to community providers from JJDPA funds.
- Vast majority of federal dollars received must be redirected to compliance efforts
- Estimated loss of $2 million federal dollars over the next three years.



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Conclusion: Maryland's Compliance

Funding items that would be lowered due to the noncompliance finding:

- Evidence-based therapies and behavioral health services
- Job training and life skills
- Peer Mediation
- Mentorships
- Enrichment and Engagement programs during vulnerable times of the day

Maryland has been in compliance with the JJDPA but is facing issues with meeting requirements in the 2018 reauthorization

Maryland WILL be out of compliance with the 223(a)(11)(B) requirement until state law reflects federal requirements

- Optimistic estimate is a $2 million loss, based on the hope that the state is able to align with requirements in the 2018 reauthorization of the JJDPA

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Contact Maryland's Title II Compliance Monitor

Governor's Office of Crime Prevention and Policy

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Read more about the JJDPA in Maryland

Juveniles Charged as Adults Dashboard

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