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## Ending Maryland's Cycle of Delinquency

### *Court Record Review Finds Unnecessary Juvenile Detention*

#### Executive Summary

Based on an extensive review of court records, Maryland can significantly lower its use of secure detention for pre-adjudicated youth by following its own risk assessment findings, fully using available detention alternatives and expanding evidence-based community services. These actions will end the cycle of delinquency, improve safety and save money.

#### Introduction

Many youth in Maryland are detained in juvenile jails while they await adjudication. No one has yet found that they did anything wrong, yet they remain locked up without any access to services or treatment. Unnecessary detention of a youth is not only costly, as much as \$90,000 per year, it also increases future involvement with the juvenile and criminal systems, exacerbates mental health issues, interferes with school and reduces opportunities for successful employment.<sup>1</sup> Advocates for Children and Youth conducted an extensive review of court records to examine Maryland's use of detention.

#### Methodology

The study examined the court records of youth in Baltimore City, where a new alternative to detention, the Pre-Adjudication Coordination and Transition (PACT) Center, opened in late July 2007. The study selected youth who were eligible for PACT referral, based on the residential zip code of the youth or guardian and the date of the delinquency petition. Between August 1 and August 31, 2007, the Department of Juvenile Services (DJS) made intake determinations for 96 youth who resided or were placed with guardians in the 21215, 21217, 21223 and 21229 zip codes.<sup>2</sup>

The study examined the court records for these 96 youth using an adaptation of a form used by the Juvenile Detention Alternatives Initiative.<sup>3</sup> For each youth, the study identified the score on the Detention Risk Assessment Instrument, if available, the placement, treatment history, previous petitions, court orders, pre-disposition investigation reports,

evaluations, progress reports and other resources within the juvenile court files.

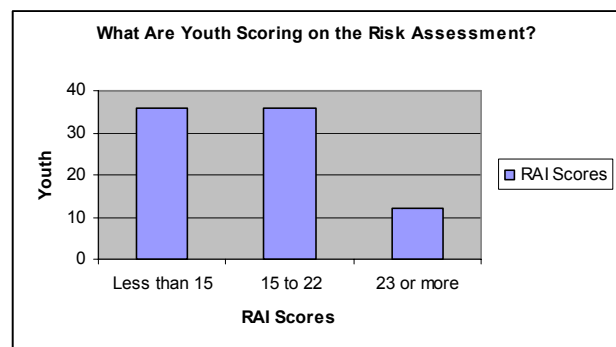
#### Findings

##### *Significant Eligibility for Community Placement*

The decision to detain lies initially with a DJS intake worker who screens each youth with a standardized Risk Assessment Instrument (RAI). The RAI factors whether: (1) the youth presents a substantial risk of not appearing at a hearing; and (2) the youth presents a substantial risk of re-offending before the court hearing.

A score under 15 means a youth can be released without services. A score between 15 and 22 means a youth can be released to a detention alternative, such as community detention, with or without electronic monitoring. A score of 23 or above suggests that a youth be placed in secure detention.<sup>4</sup>

As shown below, based on the DJS risk assessment, almost all of the youth were eligible for placement in the community.



##### *Unnecessary Detention*

Of the youth with RAI scores below 23, more than 30 percent were still detained. A common reason for this "override" of the RAI finding was an outstanding writ or warrant, although this is already considered as part of the RAI. There was no lack of available community services. The PACT Center operated below its 15-youth capacity during this period.



**Shaun\***

A youth with no prior delinquency history was arrested for drug possession and scored a 3 on the risk assessment. He was detained, and no reason was given for a discretionary override.

**Devon**

A 17-year old youth arrested for a non-violent offense was detained after scoring a 21 on the RAI. On the day of his emergency arraignment, he remained in detention because no parent was present in court. After his hearing was rescheduled, he was released on community detention to a relative. According to reports from the community detention officer, the youth’s overall adjustment was satisfactory; the youth maintained appropriate contact and found employment. However, the relative returned the youth to the Baltimore City Justice Center because the relative’s spouse did not want the youth in the home. Shelter care was not an option because the youth turned 18 within days of release from detention.

*Preventable Detention*

Many youth--both those detained and those not detained--had numerous previous contacts with the juvenile justice system, yet received no services in the community. Community detention, with or without electronic monitoring, does not provide a young person with additional supports. Indeed, many youth were not even connected with their families, but instead placed in shelter care.

Also, the cases of many detained youth were ultimately dismissed for a variety of reasons. They received no services during their confinement and no services afterwards.

This means, beyond the 30 percent of cases where detention was unnecessary, there is an even larger percentage of youth for whom detention was avoidable had the youth received effective community-based services earlier.

**Reggie**

A 17-year old youth charged with a drug offense had seven contacts with intake before he received a referral for Multi-Systemic Therapy, an intensive home-based service for high risk youth that is proven to prevent delinquent behavior and reduce re-arrests.

\* Names are changed to preserve confidentiality.

**Recommendations**

**1. Follow the risk assessment recommendation for community placement.** Many lower risk youth were detained because of outstanding writs and warrants related to missed court dates and violations of community detention. Secure detention is not recommended by the Risk Assessment Instrument. DJS workers may need guidance and training on how to address behavior associated with outstanding writs and warrants without having to use secure detention.

**2. Fully utilize effective, community-based services as early as possible.** Given the volume of eligible youth, programs like PACT should be at maximum capacity at all times. In order to end the cycle of delinquency, DJS needs to refer youth to these services when they first come into the system, not wait until they have high risk assessment scores because of repeated contacts. Juvenile masters and judges may also benefit from more information about the availability and effectiveness of these programs.

**3. Expand community-based services, like Functional Family Therapy and Multi-Systemic Therapy.** When DJS starts making earlier referrals to effective community services, it will find that the current capacity is insufficient and that programs like PACT become full. There will be a significant need for more evidence-based programs like Functional Family Therapy and Multi-Systemic Therapy. Because these programs will avoid costly detention and commitment, they will pay for themselves.<sup>5</sup>

**4. Connect youth with their extended families.** For the many youth placed in shelter care, it is likely that someone in the extended family can be found if a greater effort is made.

<sup>1</sup> Paul DeMuro, *4 Pathways to Juvenile Detention Reform*, (Annie E. Casey Foundation 1999); Barry Holman & Jason Ziedenberg, *The Dangers of Detention: the Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Justice Policy Institute 2007).

<sup>2</sup> The State’s Attorney Office filed petitions on 188 youth. Youth not screened by DJS were released to a parent or guardian and issued a summons to appear in court.

<sup>3</sup> For fifteen years, the Juvenile Detention Alternatives Initiative has demonstrated that jurisdictions can safely reduce reliance on secure detention.

<sup>4</sup> Department of Juvenile Services, Detention Risk Assessment Instrument, Baltimore City.

<sup>5</sup> See analysis by Advocates for Children and Youth & the Maryland Budget & Policy Tax Institute: [www.acy.org](http://www.acy.org).

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### *Appendix*

The following chart provides details on the 84 youth for whom the court records contained the Risk Assessment Instrument. The chart provides the placements recommended based on the RAI score, the actual placement and the apparent reason for the placement based on review of the court records.

<b>Youth</b>	<b>Assessment Score</b>	<b>Recommended Placement<sup>1</sup></b>	<b>Actual Placement</b>	<b>Comments</b>
1	-2	Community	Shelter Care	Placed in shelter care because parent "unavailable"
2	-1	Community	Shelter Care	Placed in shelter care because parent "unavailable"
3	0	Community	Shelter Care	Placed in shelter care because parent "unavailable"
4	2	Community	Shelter Care	Placed in shelter care because parent "unavailable"
5	2	Community	Shelter Care	Placed in shelter care because parent "unavailable"
6	3	Community	Shelter Care	Placed in shelter care because parent "unavailable"
7	3	Community	Detain	Unnecessary detention: override; no explanation given
8	4	Community	Shelter Care	Placed in shelter care because parent "unavailable"
9	5	Community	Shelter Care	Placed in shelter care because parent "unavailable"
10	7	Community	Detain	Unnecessary detention: override because of writ or warrant
11	8	Community	Detain	Unnecessary detention: override because of writ or warrant
12	9	Community	Shelter Care	Placed in shelter care because parent "unavailable"
13	9	Community	Shelter Care	Placed in shelter care; no explanation given
14	9	Community	Shelter Care	Placed in shelter; no explanation given
15	9	Community	Shelter Care	Placed in shelter care because parent "unavailable"
16	9	Community	Shelter Care	Placed in shelter care because parent "unavailable"
17	9	Community	Shelter Care	Placed in shelter care because parent "unavailable"
18	9	Community	Shelter Care	Placed in shelter care because parent "unavailable"
19	9	Community	Detain	Unnecessary detention: override because of writ or warrant
20	10	Community	Shelter Care	Placed in shelter care because parent "unavailable"
21	10	Community	Shelter Care	Placed in shelter care because parent "unavailable"
22	10	Community	Shelter Care	Placed in shelter care because parent "unavailable"
23	11	Community	Shelter Care	Placed in shelter care because parent "unavailable"
24	11	Community	Shelter Care	Placed in shelter care because parent "unavailable"
25	11	Community	Detain	Unnecessary detention: override because of writ or warrant
26	12	Community	Detain	Unnecessary detention: override because of "serious" offense
27	12	Community	Shelter Care	Placed in shelter care because parent "unavailable"
28	12	Community	Shelter Care	Placed in shelter care because parent "unavailable"
29	12	Community	Shelter Care	Placed in shelter care; no explanation given
30	12	Community	Shelter Care	Placed in shelter care because parent "unavailable"
31	13	Community	Shelter Care	Placed in shelter care because parent "unavailable"
32	13	Community	Shelter Care	Placed in shelter care because parent "unavailable"
33	14	Community	Detain	Unnecessary detention: override because of writ or warrant
34	14	Community	Detain	Unnecessary detention: override because of writ or warrant
35	14	Community	Detain	Unnecessary detention: override because of writ or warrant
36	14	Community	Detain	Unnecessary detention: override with no explanation given
37	15	Community	Detain	Unnecessary detention: override with no explanation given
38	15	Community	Shelter Care	Placed in shelter care because parent "unavailable"
39	16	Community	Detain	Unnecessary detention: override because of "public safety"
40	16	Community	Community	Remained in community; no referral for services
41	16	Community	Detain	Unnecessary detention: override because of "past behavior"
42	16	Community	Shelter Care	Placed in shelter care; no explanation given

<sup>1</sup> A score under 15 means a youth can be placed in the community without services; a score between 15 and 22 means a youth can be placed in the community under a detention alternative, e.g., community detention with or without electronic monitoring.

Youth	Assessment Score	Recommended Placement <sup>1</sup>	Actual Placement	Comments
43	16	Community	Detain	Unnecessary detention: override with no explanation given
44	16	Community	Shelter Care	Placed in shelter care because parent "unavailable"
45	17	Community	Shelter Care	Placed in shelter care because parent "unavailable"
46	17	Community	Detain	Unnecessary detention: override because of writ or warrant
47	17	Community	Community	Remained in community; no referral for services
48	17	Community	Detain	Unnecessary detention: override because of writ or warrant
49	17	Community	Shelter Care	Received referral for Multi-Systemic Therapy after release
50	18	Community	Shelter Care	Placed in shelter care because parent "unavailable"
51	18	Community	Community	Remained in community; no referral for services
52	18	Community	Detain	Unnecessary detention: override because of "serious" offense
53	18	Community	Detain	Unnecessary detention: override with no explanation given (eventually referred to PACT Center)
54	18	Community	Detain	Unnecessary detention: override with no explanation given
55	18	Community	Community	Remained in community; no referral for services
56	18	Community	Community	Remained in community; referred to PACT Center
57	19	Community	Community	Remained in community; referred to PACT Center
58	19	Community	Shelter Care	Placed in shelter care because parent "unavailable"
59	19	Community	Community	Remained in community; referred to PACT Center
60	19	Community	Shelter Care	Placed in shelter care because parent "unavailable"
61	19	Community	Community	Awaiting implementation of aftercare plan
62	19	Community	Shelter Care	Placed in shelter care with community detention
63	19	Community	Community	Remained in community; no referral for services
64	20	Community	Community	Remained in community, referred to Choice Program
65	20	Community	Detain	Override: detained; violated Community Detention or other Alternative To Detention
66	21	Community	Shelter Care	Placed in shelter care because parent "unavailable"
67	21	Community	Detain	Unnecessary detention: override because of writ or warrant
68	21	Community	Community	Remained in community; no referral for services
69	21	Community	Shelter Care	Placed in shelter care because parent "unavailable"
70	22	Community	Community	Remained in community; referred to PACT Center
71	22	Community	Shelter Care	Placed in shelter; no explanation given
72	22	Community	Detain	Override: detained; violated Community Detention or other Alternative To Detention
73	23	Detain	Detain	Preventable detention: prior history with no referrals for services
74	24	Detain	Detain	Preventable detention; eventually released on community detention with electronic monitoring but no referral for services
75	24	Detain	Detain	Preventable detention: referred for Drug Court after numerous contacts
76	24	Detain	Detain	Preventable detention; history of unmet needs
77	25	Detain	Detain	Preventable detention; Noncompliant with Operation Safe Kids
78	26	Detain	Detain	Preventable detention; history of unmet needs
79	26	Detain	Detain	Preventable detention; linked with services only after numerous contacts
80	27	Detain	Detain	Preventable detention; numerous prior contacts
81	27	Detain	Detain	Placed in out-of-home placement after numerous contacts
82	28	Detain	Community	Override: remained in community; no referral for services
83	28	Detain	Community	Override: remained in community; no referral for services
84	29	Detain	Detain	Preventable detention: prior history with no referrals for services