

Courts and the Juvenile Justice Process

The Urban Child's Experience
in the Juvenile Justice System

The University of Baltimore School of Law
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Decision points in the Juvenile Justice System

- Arrest or charge by law enforcement (CJ 3-8A-14)
- Referral made to a DJS intake officer(3-8A-10)
 - Complaint typically is a police report or citation from law enforcement
- Diversion by DJS (3-8A-10(e),(g))
 - DJS diversion may take form of informal adjustment or denial of authorization to file



Decision points in the Juvenile Justice System

- Secure detention prior to adjudication (CJ 3-8A-15)
 - Adjudication hearing for detained child must occur within 30 days of time court authorized continued detention
 - Extension of time within which to hold adjudication hearing for detained child requires “extraordinary cause”. (Rule 11-114)
- Case petitioned in Court by SAO (CJ 3-8A-10)
 - SAO to make review as to whether the court has jurisdiction and whether judicial action is in the best interests of the public or the child
 - SAO has 30 days, from time we receive authorization to file petition, to file petition in court
- Child found delinquent or not delinquent by Court (CJ 3-8A-18)



Decision points in the Juvenile Justice System

- Child found not a “delinquent child” because child found to have committed a delinquent act, but child not in need of “guidance, treatment or rehabilitation,” child thus not a “delinquent child”; (CJ 3-8A-01).
- “The process by which a child is determined to be delinquent consists of a two-step procedure: an adjudicatory hearing, then a disposition hearing. Only after the adjudicatory judge finds that the child has committed a delinquent act and the dispositional judge finds that the juvenile is in need of guidance, treatment or rehabilitation, can a juvenile be classified as a ‘delinquent child.’” (Charles K. , 1999)
- If Court finds child not in need of “guidance, treatment or rehabilitation, Court shall dismiss the petition. (Charles K., 1999)



Decision points in the Juvenile Justice System

- Probation disposition by Court (CJ 3-8A-19(d)(i))
- Decision whether to confine child in Secure Facility (CJ 3-8A-19(d)(ii))
- Decision whether to pursue case in adult court by:
 - Waiver to adult court (CJ 3-8A-06)
 - Statutory original adult court jurisdiction over certain offenses allegedly committed by juveniles (CJ 3-8A-03(d))

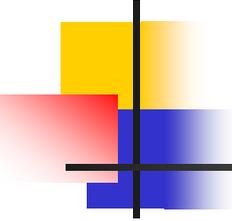


Disproportionate Minority Contact

- Since 1988 States have been required to document and address disproportionate minority confinement or contact
- In 2008 African Americans, Latinos, youth of color were 46% of persons between ages of 10-18 in Maryland;
- 62% of youth referred to DJS in 2008
- 80% of youth held in juvenile detention centers in 2008
- In Montgomery County, Latino youth were 16% of juveniles, yet 27% of youth detained in 2008
- In Montgomery County, African American youth were 18% of juveniles, yet 68% of youth detained in 2011
- (DMC in Maryland, Jan 2011 report by Institute for Governmental Service and Research and Montgomery County DMC Report)

Disproportionate Minority Contact

(Disproportionate Minority Contact in the Maryland Juvenile Justice System
January 2011-Institute for Governmental Service and Research, University
of Maryland, College Park)

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| 1. | African-American juveniles referred to DJS at 2.44 the rate of White juveniles | 1. | Latino juveniles referred to DJS at .91 the rate of White juveniles |
| 2. | African-American juveniles diverted at .83 the rate of White juveniles | 2. | Latino juveniles diverted at .88 the rate of White juveniles |
| 3. | African-American juveniles held in secure detention at 2.42 the rate of White juveniles | 3. | Latino juveniles held in secure detention at 1.92 the rate of White juveniles |
| 4. | African-American juveniles petitioned at 1.41 the rate of White juveniles | 4. | Latino juveniles petitioned at 1.07 the rate of White juveniles |
| 5. | African-American juveniles found delinquent at 1.01 the rate of White juveniles | 5. | Latino juveniles found delinquent at 1.14 the rate of White juveniles |
| 6. | African-American juveniles placed on probation at 1.05 the rate of White juveniles | 6. | Latino juveniles placed on probation at 1.01 the rate of White juveniles |
| 7. | African-American juveniles placed in secure confinement at 2.71 the rate of White juveniles | 7. | Latino juveniles placed in secure confinement at 2.56 the rate of White juveniles |



Disproportionate Minority Contact

Some suggested reasons for DMC at various stages:

- Differential treatment at any particular stage may appear small, the cumulative impact across an entire juvenile justice system is relatively large (Elijah Wheeler-DMC Reduction Coordinator, Montgomery County, Md.)
- “Accumulated disadvantage”-as with each referral, youth become more familiar to police and other referral sources and become the object of enforcement activities (p. 31);
- Is a child viewed as a “legacy candidate” by virtue of prior contact with law enforcement, DJS, SAO (Elijah Wheeler)
- “Social History” factors in referral or supervision- Statewide, African American youth reported fewer problems with substance abuse, mental health issues and school issues compared to White peers, but greater issues with anti social friends, household members with detention history or problems with getting kicked out of home (p. 31);
- Report suggests that police or others making DJS referrals may be more influenced by factors involving families and peers and less by school performance, substance abuse or mental health issues (p. 31);



Disproportionate Minority Contact

- Some suggested reasons for DMC at various stages:
 - Statewide African American youth detained at a rate of 2.4 times higher than Whites
 - Latino youth detained at 1.92 rate higher than Whites;
 - Currently, no accurate tool being utilized in Maryland to record race and ethnicity, therefore DMC for Latino youth may be underreported, as Latino youth may be recorded as “White” or “African American”;
 - Reports notes that the detention decision is most associated with the current offense or with prior delinquent behavior (p. 40);
 - Report also suggests that some staff when using the DRAI (Detention Risk Assessment Instrument), may opt for more lenient options for White youth, particularly when an alternative to detention is the recommended outcome (p. 37)
 - “Justice by geography” mechanism may contribute to DMC in Baltimore City (p. 32);
 - Analysis of the initial petitioning decision found that African American youth were more likely to be forwarded (to Court), than White youth, controlling for numerous delinquency, social history and demographic factors (p. 45);



Some alternatives in Delinquency Proceedings

- Truancy Court Program (TCP)-effort by University of Baltimore School of Law, Center for Families, Children and the Courts (CFCC);
- Why effective?
 - According to some studies, truant youth are 2-8 times more likely to be adjudicated delinquent;
 - TCP Program brings Judge, prosecutor, student, family, mentors and volunteers into the school on a weekly basis to meet with the child, not to punish but to guide, care and provide resources to help support regular school attendance for a child who is truant or tardy
 - In Montgomery County, program resulted in 54% reduction in absences and 67% reduction in tardies



Some alternatives in Delinquency Proceedings

- Juvenile Drug Court-Provides weekly juvenile court sessions for juveniles who may be at risk for detention who have substance issues;
- John Kennedy Project-Community Court project that works with school community, especially children who are at risk for delinquency
- Teen Court-Diversion program for juveniles
- Truancy Review Board