

# Maryland Department of Juvenile Services

## Report on the Utilization of Alternative to Detention Programming

In response to the *Report on the Fiscal 2015 State Operating Budget (SB 170) and the State Capital Budget (SB 171) and Related Recommendations – Joint Chairmen’s Report, 2014 Session (page 149)*.

## Executive Summary

The Department of Juvenile Services (DJS) is responsible for managing, supervising, and treating youth who are involved in the juvenile justice system in Maryland. This report summarizes DJS's current continuum of alternative to detention (ATD) programs and assesses whether such programs are sufficient to meet the needs of DJS' predisposition population.

- Youth in all jurisdictions have access to at least one community-based detention alternative through DJS' community detention (CD) program. There is no limit on the number of youth who may be placed into the two least restrictive levels of DJS CD, though placements into the most restrictive form are limited to 600 based on the number of available electronic monitoring (EM) units throughout the state. In 2014, the average daily population (ADP) for DJS' CD program, including the most restrictive version, was below 400 youth.
- Baltimore City and the Metro Region have the most extensive ATD continuums. In addition to DJS' CD program, both jurisdictions offer shelter care and reporting center placements as detention alternatives, and Baltimore City's continuum also includes other, privately-operated programs. Outside of these two jurisdictions, the breadth of available ATD programming is largely limited to DJS' CD program and, in some locations, shelter care.
- The majority of ATD programs in the state serve both males and females.
- From January through June 2014, there were approximately 14 placements into detention alternatives in Maryland for every ten detention placements. In Baltimore City, the number of placements into ATDs exceeded the number of detention placements by more than 2 to 1. On the other hand, detention placements outnumbered ATD placements in both the Metro and Western Regions during this time frame.
- Parent refusal and unavailability are leading contributors to the use of detention in situations in which youth are otherwise eligible to go home or be placed in an ATD.
- Efforts can be made throughout the state to better utilize existing ATD resources and to ensure that release- and ATD-eligible youth are effectively diverted from detention.

## Introduction

State statute defines the circumstances in which secure detention may be used,<sup>1</sup> and the Department of Juvenile Services' (DJS or the Department) policy further recommends that placements in such facilities should be reserved for only those youth who present a clear risk to public safety or who are likely to leave the jurisdiction of the court. In those circumstances in which flight or safety risk are not factors, the Department and/or the courts may choose to implement community-based placements that provide the supervision necessary to maintain public safety and to ensure that youth appear for required court hearings. Such placements are defined statutorily as "community detention":

“(1) ‘Community detention’ means a program monitored by the Department of Juvenile Services in which a delinquent child or a child alleged to be a delinquent is placed in the home of a parent, guardian, custodian, or other fit person, or in shelter care, as a condition of probation or as an alternative to detention.

(2) ‘Community detention’ includes electronic monitoring.”

*-Md. Code, Courts and Judicial Proceedings, 3-8A-01(h)*

Though “community detention” placements, as defined here, include court-ordered conditions of probation, the focus of the current report is on the use of such placements as *alternatives to detention (ATDs)* prior to disposition. Completed at the request of the state legislature, this study seeks (1) to describe DJS’ current continuum of available ATD programs and (2) to determine how well such services meet the needs of DJS’ predisposition population. The next section provides an overview of the ATD programs utilized by DJS.

## Pre-Disposition Placement into ATDs

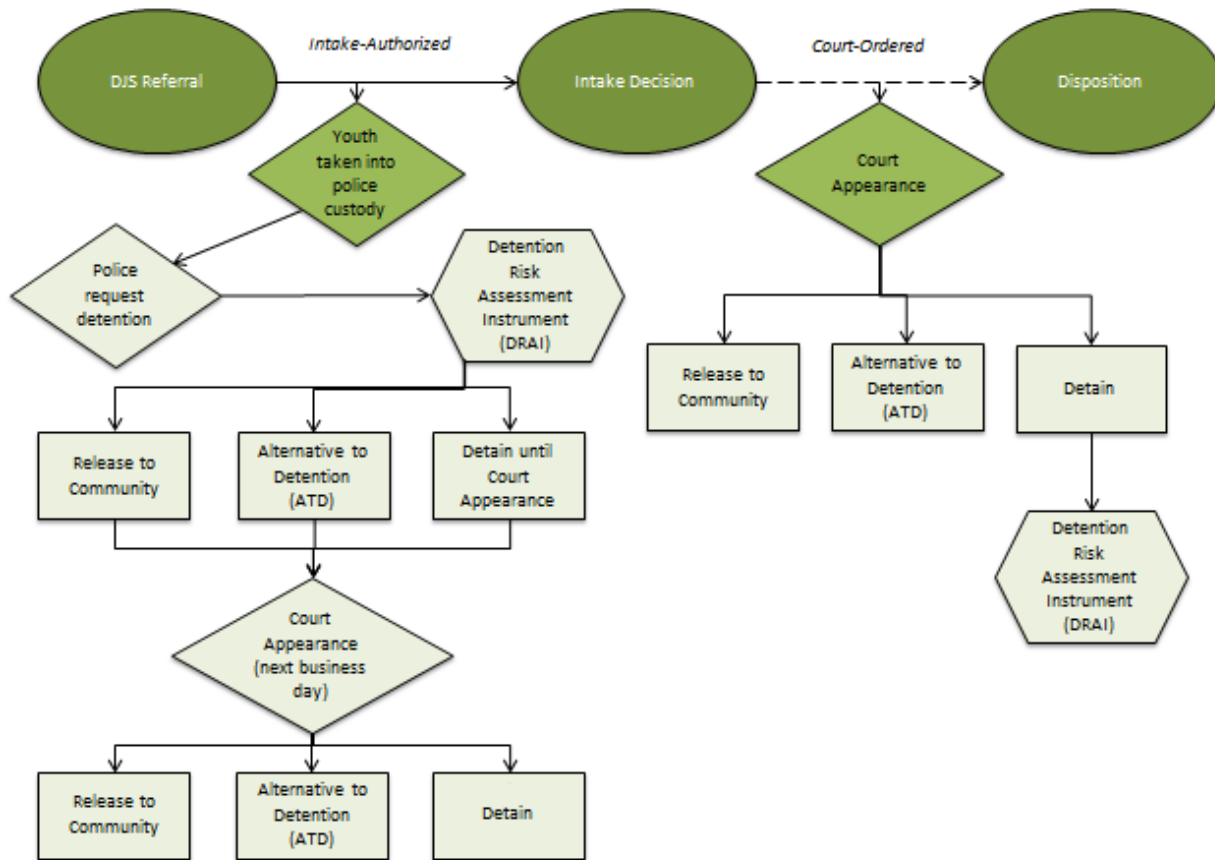
ATDs may be either *intake-authorized* or *court-ordered* (Figure 1). The use of ATDs at intake includes situations in which police request an emergency detention, outside of normal business hours, for a youth in custody whom they are referring to DJS for a new complaint. In order to determine whether secure detention or alternative is appropriate, DJS personnel administer the Detention Risk Assessment Instrument (DRAI).<sup>2</sup> The DRAI uses a risk score to assess both the youth’s risk to the community and his or her risk for failing to appear in court. This risk score is calculated based on items pertaining to the youth’s most serious alleged offense, prior offending, current supervision, and history of failing to appear as well as escaping/being absent without official leave (AWOL). Though DJS personnel have the discretion to override the DRAI’s recommendations, they are required to document the primary factor influencing their override decision. Youth who are placed in either secure detention or an ATD are required to appear in court on the next business day for an emergency detention hearing. At this hearing, the juvenile court Judge or Master determines if secure detention is required until the adjudicatory or dispositional hearing, and an order is issued. Alternatively, youth may be court-ordered to an ATD placement (or detention) at other court hearings occurring between the intake decision and the disposition hearing; the DRAI is retrospectively administered to youth who are detained through this path.

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<sup>1</sup> In Maryland statute, secure detention is defined as: “the temporary care of children who, pending court disposition, require secure custody for the protection of themselves or the community, in physically restricting facilities” (*Md. Code, Courts and Judicial Proceedings, 3-8A-01(n)*).

<sup>2</sup> DRAI items and associated scoring are provided in Appendix A.

**Figure 1. Pre-Disposition Path to ATD Placements**

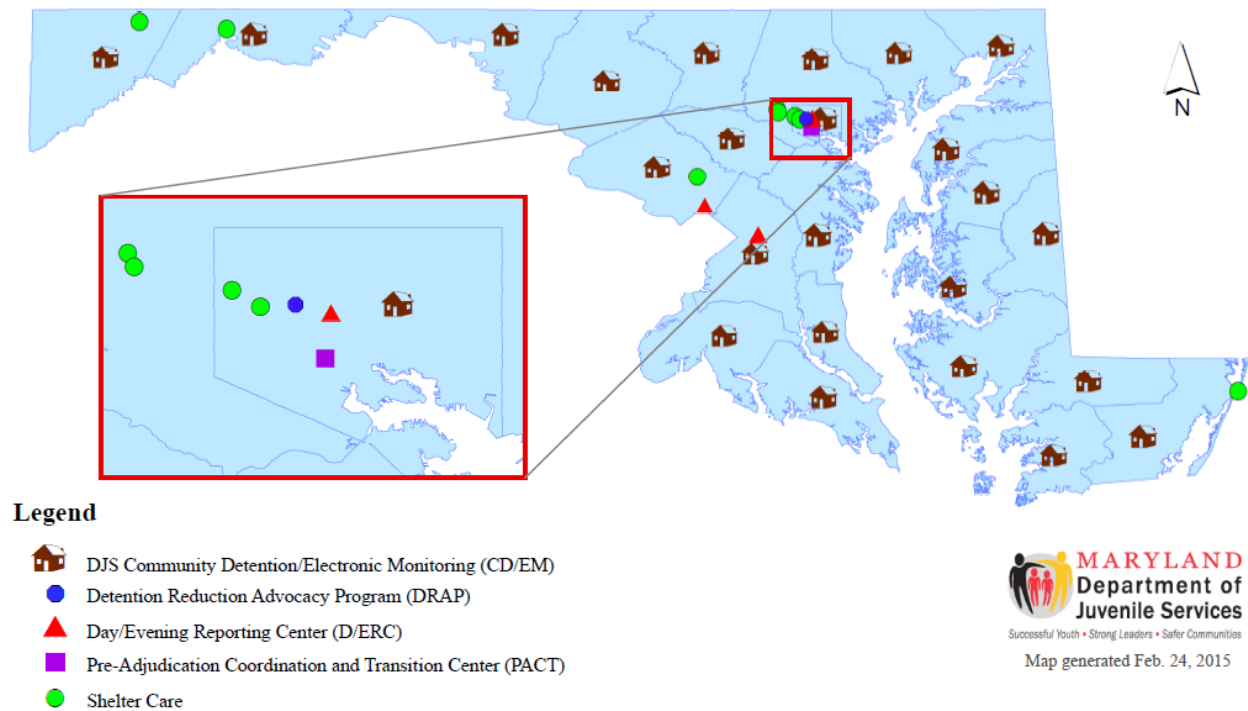


DJS utilizes a variety of ATD programs designed to safely supervise youth in the community prior to their disposition hearing. Some of these programs are operated by DJS, while others are operated by private providers. The different types of ATD programs available throughout the state are discussed in the sections that follow.

### **Maryland’s ATD Continuum**

The array of ATD programming available to Maryland youth varies by jurisdiction (Figure 2). For much of the state, the only available ATD programming comes in the form of community detention (CD), which may or may not involve electronic monitoring (EM), as well as more limited access to emergency shelter care. CD programs are operated by the Department and are available in Baltimore City and each of the 23 counties. Baltimore City has the most extensive ATD continuum, including a DJS-operated Day & Evening Reporting Center (D/ERC), as well as other, privately-operated programs. ATD options in the Metro Region include a licensed shelter in Montgomery County as well as two Evening Reporting Centers (ERCs) – one operated by DJS in Prince George’s County, and one operated by Hearts and Homes for Youth, Inc. in Montgomery County. Outside of Baltimore City and the Metro Region, the breadth of available ATD programming is much more limited. Shelter care may be provided in emergency situations by licensed group homes or treatment foster care providers in both the Central and Western Regions, and shelter care is also available in Wicomico County (during the summer months only).

**Figure 2. Alternative to Detention (ATD) Programs in Maryland**



### **DJS Community Detention (with and without Electronic Monitoring)**

DJS began operating its statewide community detention (CD) program in 1998. The purpose of DJS CD is to provide supervision to youth who are in the community on home detention; no additional programming beyond supervision is provided. Youth on DJS CD supervision are only permitted to leave the home for court-ordered or DJS-approved activities. No exclusionary criteria preclude ATD-eligible youth from being placed on DJS CD, and the program may serve youth of either sex up to the age of 21.

There are several forms of DJS CD, with varying levels of restrictiveness (Figure 3). All youth in the program are subject to designated numbers of face-to-face and telephone contacts from their Community Detention Officer (CDO) on weekdays; the Community Detention Rapid Response (CDRR) Team also provides monitoring and supervision on evenings and weekends, and the CDRR may also assist in fulfilling the required contacts. The least intensive form of DJS CD requires five random face-to-face contacts with a CDO per week; youth with landline telephones in their homes are also contacted by phone five times per week. A slightly more restrictive form, “CD Voice Recognition,” uses an automated system that calls the youth’s landline phone at random times throughout the day to ensure that the youth is at home. The system verifies the youth’s identity through a biometric “voice print” authentication. Youth on this level of DJS CD supervision also receive three face-to-face five contacts and five telephone contacts by their CDO each week. Finally, the most intensive version of DJS CD includes electronic monitoring (CD/EM); a monitoring unit in the youth’s home sends a radio frequency to a transmitter affixed to the youth’s ankle to confirm when the youth is in the home and when he/she leaves. In addition, youth placed on CD/EM meet face-to-face with their CDO three times per week, and they are additionally contacted by phone five times per week if they have a landline telephone.

There is no designated number of CD slots, but placements in CD/EM are capped at 600 based on the number of available EM units in the state. In FY14, the average daily population (ADP) for the CD

(without EM) program was 40 youth, and the ADP for CD/EM was 347 youth. The current youth-to-staff ratio for the CD program is twelve to one.

**Figure 3. DJS Community Detention Levels in Maryland**

DJS CD Levels	Level of Contact	Requirements	Capacity
CD	<ul style="list-style-type: none"> <li>• 5 face-to-face visits/ week</li> <li>• 5 phone calls/week</li> </ul>	<ul style="list-style-type: none"> <li>• Must be under 21 years old</li> <li>• Landline telephone may be used for phone contacts but is not required</li> </ul>	Unlimited
CD Voice Recognition	<ul style="list-style-type: none"> <li>• 3 face-to-face visits/ week</li> <li>• 5 phone calls/week</li> <li>• Pre-determined number of random voice verification calls/week</li> </ul>	<ul style="list-style-type: none"> <li>• Must be under 21 years old</li> <li>• Requires landline telephone</li> </ul>	Unlimited
Electronic Monitoring	<ul style="list-style-type: none"> <li>• 3 face-to-face visits/ week</li> <li>• 5 phone calls/week</li> <li>• Monitoring via ankle transmitter</li> </ul>	<ul style="list-style-type: none"> <li>• Must be under 21 years old</li> <li>• Landline telephone may be used for phone contacts but is not required</li> <li>• Home monitoring unit and ankle transmitter</li> </ul>	600 EM units statewide

### Reporting Centers

Evening Reporting Centers (ERCs) are ATD programs to which assigned youth report daily for in-person supervision as well as programmed activities. DJS operates two centers – one in Baltimore City and one in Prince George’s County – and Hearts and Homes for Youth Inc., a nonprofit organization, operates a center in Montgomery County.

#### Baltimore City Day and Evening Reporting Center (D/ERC)

Baltimore City’s Day and Evening Reporting Center (D/ERC) is the only one of the three reporting centers to operate during daytime and evening hours. On weekdays, beginning at 7:00 am, eligible youth who have been suspended or expelled from school are transported to the Center, where they take part in classes and recreation activities from 9:00am to 3:00pm. Evening activities run from around 3pm, when youth are picked up, to 8:30 pm, when they are returned home. In addition to supervision and transportation, youth placed in the D/ERC are provided with meals, and they may also receive academic tutoring, job readiness, counseling, field trips, and community service opportunities (a complete list of services is provided in Figure 4). Program success is determined based on attendance and participation in the program, in addition to youth appearing at scheduled court hearings. Youth may be ejected from the program for assaultive behavior or if they pose a serious threat to themselves or others. The Baltimore City D/ERC can serve up to 30 males but does not admit females; in addition, the program cannot serve gang-involved youth, youth with sustained arson charges, or youth with serious mental illnesses/emotional disorders, suicidal or homicidal ideations, or chronic physical health conditions that might require specific medication. In FY14, the program’s ADP was 21 youth. There are two staff members for every 10 youth at the Baltimore City D/ERC.

#### Prince George’s County Evening Reporting Center (ERC)

The Prince George’s County Evening Reporting Center (ERC) operates in two locations. The Bladensburg site has a total of 15 slots available, while the Suitland location has the capacity to serve 10 youth. The Prince George’s County ERC is able to serve youth of either sex, and the program targets youth who have been adjudicated for non-violent offenses, who are not imminent threats to flee or to harm themselves or others, and who have no history of arson, handgun, or serious sex offenses. However, the program will accept any youth who are ordered by the court to participate. The ERC operates Monday through Friday, from 2:00 pm until 10:00 pm. Transportation to and from the program is

provided, and all participants are provided with supervision and an evening meal. In addition, participants may receive drug testing/breathalyzers, academic assistance/G.E.D. programming, employment readiness, life and social skills training, recreational activities and outings, and community service opportunities (a complete list of services is provided in Figure 4). Successful completion is assessed based on active participation in the program (i.e., no more than two unexcused absences) with no new delinquent charges, in addition to regular school attendance. Ejection from the program may result when youth have had 3 or more unexcused absences, are charged with a new offense, are noticeably or verifiably under the influence of drugs or alcohol, are found to be in possession of a concealed or illegal weapon, have a writ of attachment issued due to their whereabouts being unknown, have been found to have had sexual contact within the transportation van or the ERC facility, or have made threats that are deemed harmful, whether implied, written, or verbal. In FY14, the program's ADP was 8 youth. There is typically one staff member for every eight youth participating in the program.

#### Hearts and Homes for Youth Evening Reporting Center (ERC)

Montgomery County's Evening Reporting Center is operated by Hearts and Home for Youth, Inc., a private, nonprofit organization. The program has 15 allotted slots that can be filled by youth of either sex, and there are no reported criteria precluding youth from participating. The ERC operates on weekdays from 1:00pm until 9:00pm. Meals and transportation to and from the program are provided to participating youth, in addition to other services, including, but not limited to, employment readiness, life/social skills training, counseling, field trips and other outings, and community service opportunities (a complete list of services is provided in Figure 4). To successfully complete the program, youth must typically attend for 60 days and be told by the judge that they no longer need to attend the ERC. Ejection may result when youth pose a safety risk to themselves or others, or if youth consistently and blatantly disregard the rules of the program. In FY14, the program's ADP was 6 youth. There is one staff member for every 3 youth.

#### **Shelter Care**

Shelter beds may serve as a detention alternative in some circumstances when release-eligible youth are unable to return home, usually because the parent is unavailable or refuses to retrieve the youth. The Intake Office can authorize these temporary placements until the youth may be released to his or her guardian or until he or she may appear at an emergency court review (the next business day). Three placements throughout the state serve as designated shelters: Liberty House Shelter (Baltimore City), Harriet Tubman Shelter (Montgomery County), and Hot Boards Shelter (Worcester County – summer months only). In addition, some licensed group homes and treatment foster care placements will allow temporary shelter placements on an as-needed basis. In FY14, the ADP for all shelter placements in the state was 35 youth.

#### **Other ATD Programs**

##### Pre-Adjudication Coordination and Transition (PACT) Center

The Pre-Adjudication Coordination and Transition (PACT) Center is located in Baltimore City and operates in partnership with the Mayor's Office of Employment Development and other partners. PACT is an enhanced ERC program with a case management component to ensure youth and family access to community-based programs and services. The program has 15 slots designated for males, who are eligible if they live within specific Baltimore City zip codes, as well as 7 slots for females from across the city. Youth are precluded from placement in PACT if they have alleged or sustained sex or arson offenses, are currently taking prescribed psychotropic medications, have had a handgun violation, are homeless or runaways, or are in an inpatient treatment facility. The Center is open from 3 pm to 9 pm, Monday through Friday. In addition to transportation to and from the Center and dinner each night, there are numerous educational, job readiness, and counseling services provided by the PACT Center. For instance, youth may be connected to summer employment and are assisted with registering for the Mayor's Summer YouthWorks Initiative. A complete list of PACT services is provided in Figure 4.

Youth may successfully complete the program if they participate daily without violating their court order and without obtaining any new charges. Ejection may result if youth assault staff or possess weapons or drugs. In FY14, the program's ADP was 21, and there were three staff members for every 11 youth.

Detention Reduction and Advocacy Program (DRAP)

The Detention Reduction Advocacy Program (DRAP) is operated by a private, for-profit company, Building Communities Today for Tomorrow, Inc., and DJS has utilized DRAP's services since 2005. There are 15 slots available for youth of either sex who are between the ages of 10 to 18. Face-to-face contact with youth occurs three times per day, including weekends; youth are visited at school once per weekday to ensure that they are in attendance. In addition to this enhanced level of supervision, DRAP offers a number of other services to the youth and their family, including mentoring, counseling, and life skills training (a complete list of services provided by the program is shown in Figure 4). Youth are considered to have successfully completed the program if they are compliant with the conditions of DRAP, attend school, and are not re-arrested. Non-compliance may result in ejection. The ADP for DRAP during FY14 was approximately 8 youth per day, and the youth-to-staff ratio for the program was 5 to 1.



**Figure 4. Services Provided by Maryland ATD Programs**

	DJS CD (incl. EM)	Baltimore City D/ERC	Prince George's County ERC	Hearts and Homes for Youth ERC	PACT Center	DRAP
Supervision	X	X	X	X	X	X
Drug Tests/ Breathalyzers			X			
G.E.D. Programming			X			
Academic Tutoring		X	X		X	
Employment Readiness		X	X	X	X	
Job Placement					X	
Mentoring					X	X
Anger Management		X	X	X	X	X
Group Counseling		X		X	X	X
Individual Counseling		X		X	X	X
Family Therapy				X		X
Conflict Resolution		X	X	X	X	X
12 Step Program						
Interpersonal/Social Skills Training		X	X	X	X	X
Life Skills (e.g., nutrition, budgeting, scheduling)		X	X	X	X	X
Victim Awareness			X	X		
Parenting Skills/ Education (for youth/teen parents)			X			
Safe Sex Education/ STD Awareness		X	X	X	X	
Exercise/Sports		X	X	X	X	
Field Trips/Outings/ Recreational Activities		X	X	X	X	
Community Service Opportunities		X	X	X	X	
Gender- Responsiveness		X		X		
LGBT- Responsiveness		X		X		
Meals		X	X	X	X	X
Transportation		X	X	X	X	
Ave. Length of Stay (days) in FY14	CD: 22 CD/EM: 35	24	51	91	44	57

### ATD Programming Gap Analysis

To reiterate, the array of ATD program varies substantially by jurisdiction, with most Maryland counties providing levels of DJS CD as the only ATD (Figure 5). The majority of ATD programs in the state

serve both males and females.<sup>3</sup> More detailed breakdowns of ATD programming by gender are provided in Appendix B.

**Figure 5. ATD Programs by Region and County**

Region/County	DJS CD (Including EM)*	Total # Other ATD Programs
Baltimore City†	1*	5
Central	1*	2
Baltimore Co.	1*	2
Carroll	1*	0
Harford	1*	0
Howard	1*	0
Eastern Shore	1*	1
Caroline	1*	0
Cecil	1*	0
Dorchester	1*	0
Kent	1*	0
Queen Anne’s	1*	0
Somerset	1*	0
Talbot	1*	0
Wicomico	1*	0
Worcester	1*	1
Metro	1*	3
Montgomery	1*	2
Prince George’s	1*	1
Southern	1*	0
Anne Arundel	1*	0
Calvert	1*	0
Charles	1*	0
St. Mary’s	1*	0
Western	1*	2
Allegany	1*	1
Frederick	1*	0
Garrett	1*	1
Washington	1*	0
Statewide	1*	13

\*All levels of DJS CD (including EM) are counted as one, statewide program.

†Baltimore City’s D/ERC is counted as one program.

The ATD gap analysis is focused on programming provided for youth as a detention alternative for youth prior to their disposition hearing. Many of the programs described previously may also be used for youth as supervision (i.e., probation or aftercare) enhancements. This population of youth is not included in the descriptive analyses that follow.

<sup>3</sup> MAGIC Unity Home for Girls, which serves as a temporary shelter on an as-needed basis in Baltimore County, serves only girls. The Baltimore City D/ERC and three facilities that serve as temporary shelters - the Harriet Tubman Shelter (Montgomery County), the Liberty House Shelter (Baltimore City), and TuTTie’s Place Short Term Group Home (Baltimore City) – serve only boys.

As shown in Figure 6, there were a total of 1,144 pre-disposition detention placements in Maryland between January and June 2014. The largest share of detention placements occurred in Baltimore City (37%), followed by Metro (19%), Central (17%), Southern (12%), Western (8%), and Eastern Shore Regions (7%). During the same time period, there were 1,154 pre-disposition placements into DJS' CD program (including EM), with Baltimore City accounting for half (50%) of these placements. Further, Baltimore City accounted for 82% of the 449 other pre-disposition ATD placements (including temporary shelter care) in Maryland between January and June 2014. The majority of youth placed in detention and ATD placements were male (84%) and African American/black (81%), and they averaged 15.5 years of age.

**Figure 6. Pre-Disposition Detention and ATD Placements, January-June 2014\***

		Detention	DJS CD (incl. EM)	Other ATDs†
Demographics	Average Age	15.6	15.5	15.4
	Female	191 (17%)	181 (16%)	63 (14%)
	Male	953 (83%)	973 (84%)	386 (86%)
	African American/Black	900 (79%)	933 (81%)	402 (90%)
	Caucasian/White	181 (16%)	175 (15%)	32 (7%)
	Hispanic/Latino	54 (5%)	39 (3%)	11 (2%)
	Other	9 (1%)	7 (1%)	4 (1%)
Region/County	Baltimore City	427 (37%)	582 (50%)	370 (82%)
	Central	191 (17%)	180 (16%)	17 (4%)
	Baltimore Co.	134 (12%)	121 (10%)	6 (1%)
	Carroll	8 (1%)	9 (1%)	2 (<1%)
	Harford	29 (3%)	31 (3%)	2 (<1%)
	Howard	20 (2%)	19 (2%)	7 (2%)
	Eastern Shore	81 (7%)	68 (6%)	9 (2%)
	Caroline	5 (<1%)	3 (<1%)	1 (<1%)
	Cecil	5 (<1%)	5 (<1%)	--
	Dorchester	4 (<1%)	3 (<1%)	1 (<1%)
	Kent	1 (<1%)	1 (<1%)	--
	Queen Anne's	8 (1%)	7 (1%)	--
	Somerset	3 (<1%)	2 (<1%)	1 (<1%)
	Talbot	2 (<1%)	2 (<1%)	1 (<1%)
	Wicomico	35 (3%)	35 (3%)	5 (1%)
	Worcester	18 (2%)	10 (1%)	--
	Metro	214 (19%)	126 (11%)	34 (8%)
	Montgomery	39 (3%)	17 (1%)	14 (3%)
	Prince George's	175 (15%)	109 (9%)	20 (4%)
	Southern	136 (12%)	141 (12%)	8 (2%)
	Anne Arundel	66 (6%)	63 (5%)	4 (1%)
	Calvert	9 (1%)	11 (1%)	--
	Charles	32 (3%)	33 (3%)	3 (1%)
	St. Mary's	29 (8%)	34 (3%)	1 (<1%)
	Western	95 (8%)	57 (5%)	11 (2%)
	Allegany	10 (1%)	8 (1%)	2 (<1%)
	Frederick	32 (3%)	18 (2%)	2 (<1%)
	Garrett	6 (1%)	--	--
	Washington	47 (4%)	31 (3%)	7 (2%)
	Statewide	1,144	1,154	449

\*Placements are complaint-based case counts; youth may have been placed in multiple ATDs or have both ATD and detention spells associated with the same complaint.

†Other ATDs include reporting centers, shelter care, PACT, and DRAP.

Figure 7 depicts the overall ratio of detention-to-ATD placements (including all levels of CD) from January through June 2014. The red, dotted line at 1.0 represents detention placements, and bars reaching above that line suggest that the use of ATD placements exceeded the use of detention placements; conversely, bars falling below 1.0 suggest that detention placements exceeded the use of ATD placements. The statewide ratio of detention-to-ATD placements from January through June was 1:1.4. In other words, for every 10 detention placements, there were 14 placements into detention alternatives. However, detention-to-ATD ratios varied jurisdictionally:

- Only Baltimore City and the Southern Regions had overall ratios exceeding 1-to-1. In Baltimore City, there were more than twice as many ATD placements as detention placements.
- In the Central and Eastern Shore Regions, placements into detention and ATDs were approximately equivalent.
- In both the Metro and Western Regions, overall ATD placements were underutilized in comparison to detention placements. In the Western Region, there were seven placements into ATDs for every 10 detention placements. In the Metro Region, there were eight ATD placements for every 10 youth detained.

**Figure 7. Ratio of Detention-to-ATD Placements by DJS Region, January-June 2014**

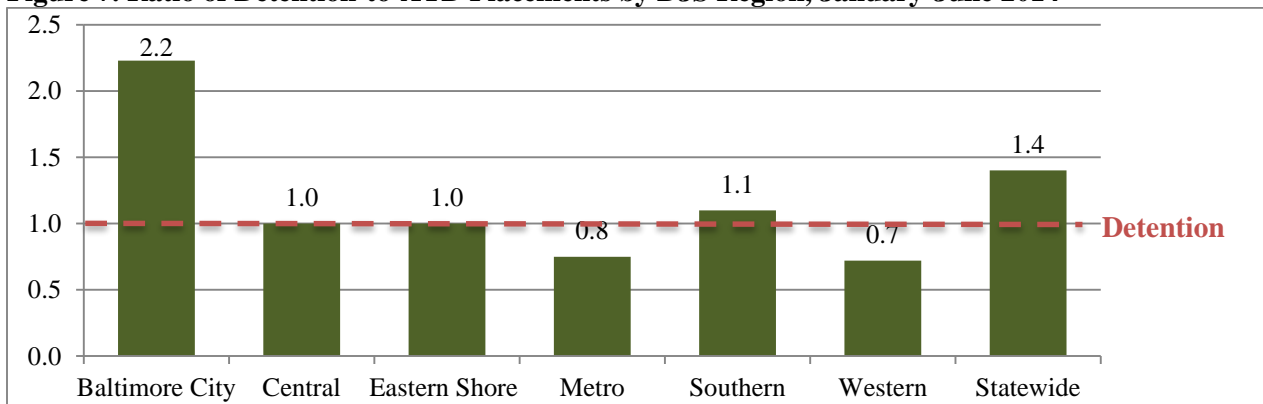
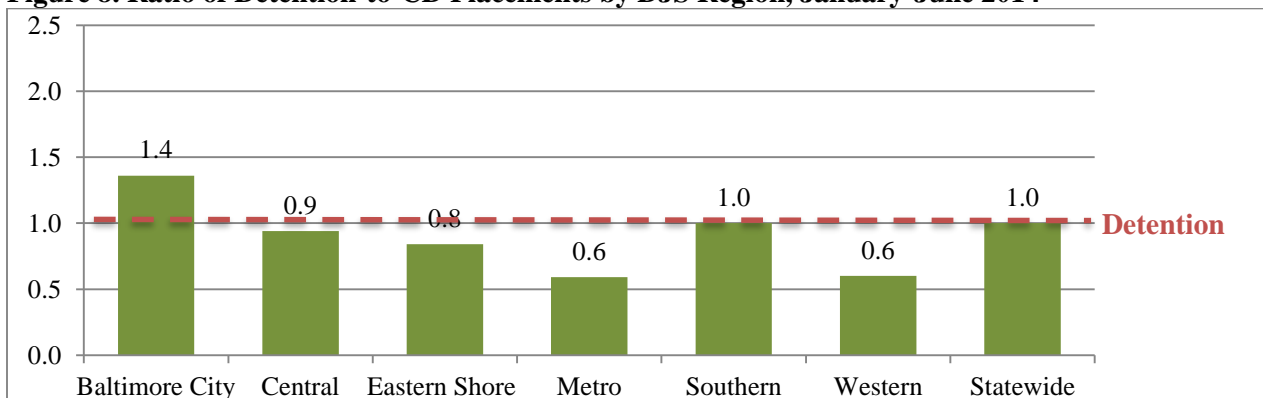


Figure 8 separately considers the ratio of only detention-to-CD (including EM) placements and suggests:

- Baltimore City was the only jurisdiction with more placements into DJS CD than in detention during the study period.
- In the Southern Region, placements into detention and DJS CD were equal.
- Fewer youth were placed in DJS CD than detained in the Central, Eastern Shore, Metro, and Western Regions. Findings for the Metro and Western Regions are particularly striking, with only six DJS CD placements for every 10 detention placements.

**Figure 8. Ratio of Detention-to-CD Placements by DJS Region, January-June 2014**



The preceding analyses provide jurisdictional-level counts and ratios of detention and ATD placements and, accordingly, allow for assessments of where ATD placements were used less frequently than detention placements. However, these analyses alone are insufficient for determining where gaps exist in ATD programming because they do not assess the appropriateness of such placements based on youth risk. The analyses that follow examine whether the use of ATDs would have been justified, based on youth risk, for youth who were detained throughout the state from January through June 2014.

### Gaps in the ATD Continuum

The DRAI is used to determine whether the youth's risk to the community and/or failing to appear in court is high enough to warrant detention;<sup>4</sup> the DRAI is administered retrospectively to youth who are detained through paths other than intake.<sup>5</sup> Risk scores between 0 and 9 suggest that the youth may be safely released to a family member or guardian, while risk scores between 10 and 14 suggest that an ATD is appropriate. Although the DRAI recommends detention for youth who score 15 or higher, detention is mandatory for youth who meet other criteria (e.g., have a writ or warrant, are transferred from the jurisdiction of the adult court, etc.) regardless of the risk score generated by the DRAI.<sup>6</sup>

DRAI data from January through June 2014 were analyzed to determine the extent to which detained youth could have alternatively been served by ATDs. Of the 1,144 cases that were detained prior to disposition during this period, 914 cases (80%) had matching DRAI assessments.<sup>7</sup> In 40% (n=368) of these cases, the detention outcome was consistent with the DRAI recommendation. The remaining 546 detained cases with DRAIs were classified as either release- or ATD-eligible, but only 12% (n=64) of these were truly divertible (i.e., they were not associated with circumstances in which detention is mandatory).<sup>8</sup> These 64 cases are summarized in Figure 9; gender-specific findings are provided in Appendix B. Though the numbers are small, these results suggest that:

- Parent refusal and unavailability were leading contributors to the use of detention in situations in which youth are otherwise eligible to go home or be placed in an ATD.
- Despite having the most extensive ATD continuum, Baltimore City had the largest proportion of release- and ATD-eligible pre-disposition youth detained between January and June 2014.
- Twenty percent of community-eligible pre-disposition cases were detained in the Eastern Shore Region.

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<sup>4</sup> The Department has made revisions the DRAI over time in order to use the most up-to-date and empirically validated predictors of risk and to provide a better mechanism for tracking the “doors” through which youth enter detention. The most recent revisions were implemented in July 2014, immediately following the study period examined in this report.

<sup>5</sup> The *Doors to Detention: Statewide Detention Utilization Study*, prepared by The Institute for Innovation & Implementation in June 2013, details the various “doors” through which youth may enter detention without going through the intake process.

<sup>6</sup> Detention is mandatory for youth who: used or possessed a firearm (excluding BB guns); violated the ATD conditions of a detention order; have a writ or warrant; are transferred from the jurisdiction of the adult court; have a detainer for a concurrent adult charge; are court-ordered to detention at a hearing; are on an interstate hold; are committed to DJS and are required to appear at a court hearing; have escaped from a secure facility; or have been ejected from a committed placement.

<sup>7</sup> In order to be considered a match, the DRAI must have been completed no more than one day prior to the detention admission or seven days following the detention release.

<sup>8</sup> Of the 323 release-eligible cases: 182 (56%) were associated with one or more DRAI rationale mandating detention; 40 (12%) had mandatory, discretionary overrides because the ATD conditions of detention orders were violated; 1 (<1%) had a mandatory, discretionary override because of firearm use/possession; 27 (8%) had discretionary override reasons related to parent, shelter, or ATD availability/refusal; 28 (9%) had other override reasons listed; and 45 (14%) had no override justification provided. Of the 223 ATD-eligible cases: 97 (44%) were associated with one or more DRAI rationale mandating detention; 25 (11%) had mandatory, discretionary overrides because the ATD conditions of detention orders were violated, 4 (2%) had mandatory, discretionary overrides because of firearm use/possession; 1 (<1%) had a mandatory, discretionary override due to an emergency hold-over; 37 (17%) had discretionary override reasons related to parent, shelter, or ATD availability/refusal; 4 (2%) had discretionary override reasons related to history of violence/victim residing in the home; 1 (<1%) had a discretionary override reason related to absconding from non-secure placement; 21 (9%) were other discretionary override reasons listed; and 59 (26%) had no override justification provided.

- The Metro and Western Regions together accounted for 25% of release- and ATD-eligible predisposition detentions during the study period.

**Figure 9: Release- and ATD-Eligible Cases Detained Prior to Disposition, January-June 2014**

	Release-Eligible Cases	ATD-Eligible Cases	Total Community-Eligible Cases
Total	27	37	64
Average Age	15.1	15.0	15.1
Sex			
Female	10 (37%)	11 (30%)	21 (33%)
Male	17 (63%)	26 (70%)	43 (67%)
Race/Ethnicity			
African American/Black	19 (70%)	25 (68%)	44 (69%)
Caucasian/White	5 (19%)		13 (20%)
Hispanic/Latino	3 (11%)		7 (11%)
Other	--	--	--
Override Reason			
Parent Refusal/Unavailable	18 (67%)	8 (22%)	26 (41%)
ATD Refusal	1 (4%)	--	1 (2%)
Shelter Refusal/Unavailable	8 (30%)	3 (8%)	11 (17%)
History of Violence/Victim in Home	--	4 (11%)	4 (6%)
Absconded from Non-Secure Plcmt.	--	1 (3%)	1 (2%)
Other	--	21 (57%)	21 (33%)
Region			
Baltimore City	16 (59%)	9 (24%)	25 (39%)
Central	2 (7%)	3 (8%)	5 (8%)
Eastern Shore	3 (11%)	10 (27%)	13 (20%)
Metro	2 (7%)	5 (14%)	7 (11%)
Southern	2 (7%)	3 (8%)	5 (8%)
Western	2 (7%)	7 (19%)	9 (14%)

## Conclusion & Recommendations

### Summary

The primary purpose of this report was to describe the continuum of ATD programs available in Maryland and to assess whether they are meeting the needs of DJS' predisposition population. The major findings related to identified programming gaps are summarized as follows:

- DJS CD (including EM) is available in all Maryland jurisdictions and is the most commonly utilized ATD. Although placements into CD/EM are limited to 600 based on the number of available electronic monitoring units throughout the state, there is no cap on the number of youth who may be placed into the two least restrictive levels of DJS CD.
- The most extensive arrays of ATD programs are available in the Baltimore City and Metro Regions.
- Aside from the Baltimore City D/ERC and four placements that serve as temporary shelters, the majority of ATD programs in the state serve both males and females.
- In Baltimore City, the number of ATD placements exceeds the number of detention placements by more than 2 to 1, but some release- and ATD-eligible youth are still being detained.
- Though efforts can be made to better utilize ATDs throughout the state, the findings suggest that the Eastern Shore, Metro, and Western Regions, in particular, have higher numbers of placements

into detention than into alternatives, and instances in which release- and ATD-eligible youth were detained were evident in all of these locations.

## **Recommendations**

DJS is committed to providing quality care and appropriate services to youth and families involved in the juvenile justice system. Recommendations related to the appropriate use of ATDs are summarized as follows:

### Parent Engagement

The current analysis suggests that parent refusal and unavailability continue to contribute to detention placements for youth who are otherwise eligible for release or ATDs. Some efforts, including the Parent and Youth Empowerment Program in Baltimore City, have already been made to address transportation and other factors that sometimes prevent parents/guardians from keeping their children out of detention. Additional efforts should be made to engage parents and to help them make well-informed decisions regarding their youth's care.

### JDAI

Since the early 2000s, the Department has participated in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) efforts in Baltimore City, and more recent efforts have been focused on detention reform in Prince George's County. Consistent with JDAI's guiding principles, DJS staff and stakeholders in these two jurisdictions have been engaged in conversations regarding the purpose and use of detention. DJS should continue its commitment to JDAI strategies, including the development of efficacious ATDs, and it should expand these efforts to additional jurisdictions in Maryland.

## Appendix A. DRAI Items and Scoring

### DETENTION RISK ASSESSMENT INSTRUMENT (DRAI), PAGE 1

1 Maryland DJS Detention Risk Assessment Instrument – Implemented 7/1/2013

Youth's Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

ASSIST PID: \_\_\_\_\_ Complaint ID: \_\_\_\_\_

Jurisdiction (county): \_\_\_\_\_ Law Enf. Agency: \_\_\_\_\_

DRAI Completion Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Completed by: \_\_\_\_\_

Completed Pre-Detention

Completed Post-Detention

#### Rationale

- New Complaint (including VOP/VOC)
- ATD Violation (NOT including VPI GPS violations)
- Writ – Mandatory Detention
- Warrant – Mandatory Detention
- Transfer from Adult Jurisdiction – Mandatory Detention
- Adult Detainer Concurrent Charge – Mandatory Detention
- Juvenile Detention Pending Adult Court Action – Mandatory Detention
- Court-Ordered Detention at Hearing – Mandatory Detention  
Drop-Down with Hearing type: Adjudication, Disposition, Review, Review - Drug Court
- Interstate Hold – Mandatory Detention
- Committed Youth Held for Court Hearing – Mandatory Detention
- Escape – Secure Facility – Mandatory Detention
- Ejected – Committed Placement – Mandatory Detention



DETENTION RISK ASSESSMENT INSTRUMENT (DRAI), PAGE 2

2 Maryland DJS Detention Risk Assessment Instrument – Implemented 7/1/2013

1. Most Serious New Alleged Offense (specify): \_\_\_\_\_

Category I.....	15	
Category II.....	12	
Category III.....	7	= <input type="checkbox"/>
Category IV.....	5	
Category V.....	3	
No New Charge.....	0	

2. Additional Alleged Offenses: Include Charges Pending Adjudication and Charges Pending at Intake (Including Current Complaint)

Two or more additional Category I or II Offenses.....	10	
One additional Category I or II Offense.....	7	
One or more additional Category III Offense.....	5	= <input type="checkbox"/>
One or more additional Category IV or V Offense.....	1	
No additional current or pending charges.....	0	

DETAIN = 15+

3. Current Supervision Status

Any VPI Supervision .....	8	
Aftercare Supervision .....	4	
Probation or ATD Supervision .....	3	= <input type="checkbox"/>
Pre-Court Supervision or Investigation .....	2	
No current supervision.....	0	

ATD = 10 - 14

4. Prior Sustained Adjudications

One or more prior sustained adjudication(s) for a Category I or II Offense.....	8	
Two or more prior sustained adjudications for Category III or IV Offenses.....	6	
One prior sustained adjudication for a Category III or IV Offense.....	4	= <input type="checkbox"/>
One or more prior sustained adjudication(s) for a Category V Offense.....	1	
No prior sustained adjudication.....	0	

RELEASE = 0 - 9

5. History of Failure to Appear (within past 12 months)

Two or more writs/warrants for failure to appear in past 12 months.....	3	
One writ/warrant for failure to appear in past 12 months.....	1	= <input type="checkbox"/>
No warrants for failure to appear in past 12 months.....	0	

6. History of Escape/AWOL (within past 12 months)

One or more escapes from secure confinement or custody.....	4	
One or more instances of AWOL from non-secure, court-ordered placement.....	3	= <input type="checkbox"/>
No escapes/ AWOLs in past 12 months.....	0	

INDICATED DRAI DECISION =  RISK SCORE =

MANDATORY DETENTION REASONS:

DETENTION RISK ASSESSMENT INSTRUMENT (DRAI), PAGE 3

3 Maryland DJS Detention Risk Assessment Instrument – Implemented 7/1/2013

ACTUAL DECISION:

RELEASE

ALTERNATIVE (ATD)

SECURE DETENTION

Please check the **primary** factor below that impacts your decision to override.

OVERRIDE UP TO ATD OR SECURE DETENTION REASON	
<input type="checkbox"/>	Emergency Hold-Over - <b>Mandatory</b>
<input type="checkbox"/>	Firearm use / possession (Excludes BB guns) – <b>Mandatory</b>
<input type="checkbox"/>	Violation of ATD conditions of detention order – <b>Mandatory</b>
<input type="checkbox"/>	VPI Violation
<input type="checkbox"/>	Parent refusal
<input type="checkbox"/>	Parent unavailable
<input type="checkbox"/>	Juvenile has a history of violence in the home or victim resides in the home.
<input type="checkbox"/>	ATD Refusal (Dropdown to select program)
<input type="checkbox"/>	Shelter unavailable
<input type="checkbox"/>	Shelter refusal
<input type="checkbox"/>	Victim / witness intimidation (with police intelligence)
<input type="checkbox"/>	Absconded from non-secure placement
<input type="checkbox"/>	Other (please specify, <b>required</b> ): _____

OVERRIDE DOWN TO ATD OR RELEASE REASON	
<input type="checkbox"/>	Age of youth.
<input type="checkbox"/>	Parent willing/able to provide supervision.
<input type="checkbox"/>	Juvenile has no prior record.
<input type="checkbox"/>	Offense less serious than indicated by charge.
<input type="checkbox"/>	New charge referred is not recent.
<input type="checkbox"/>	Other (please specify, <b>required</b> ): _____

**DISCRETIONARY OVERRIDE WITH SUPERVISORY APPROVAL ONLY:**

Approved by: \_\_\_\_\_

DETENTION RISK ASSESSMENT INSTRUMENT (DRAI), PAGE 4

4 Maryland DJS Detention Risk Assessment Instrument – Implemented 7/1/2013

**FIRST COURT APPEARANCE:**

<p><b>Current Detention Status (prior to Court action)</b></p> <p><input type="checkbox"/> Detained</p> <p><input type="checkbox"/> Detention Alternative: <input type="checkbox"/> CD   <input type="checkbox"/> Shelter   <input type="checkbox"/> DRAP   <input type="checkbox"/> ERC   <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Released</p>
<p><b>DJS Recommendation to Court</b></p> <p><input type="checkbox"/> Detain</p> <p><input type="checkbox"/> Detention Alternative: <input type="checkbox"/> CD   <input type="checkbox"/> Shelter   <input type="checkbox"/> DRAP   <input type="checkbox"/> ERC   <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Release to: <input type="checkbox"/> Parent   <input type="checkbox"/> Sibling   <input type="checkbox"/> Grandparent   <input type="checkbox"/> Aunt/Uncle   <input type="checkbox"/> Other: _____</p>
<p><b>Court Detention Decision</b></p> <p><input type="checkbox"/> Detain</p> <p><input type="checkbox"/> Detention Alternative: <input type="checkbox"/> CD   <input type="checkbox"/> Shelter   <input type="checkbox"/> DRAP   <input type="checkbox"/> ERC   <input type="checkbox"/> Other: _____</p> <p><input type="checkbox"/> Release to: <input type="checkbox"/> Parent   <input type="checkbox"/> Sibling   <input type="checkbox"/> Grandparent   <input type="checkbox"/> Aunt/Uncle   <input type="checkbox"/> Other: _____</p> <p><b>Special Circumstances Affecting Detention Decision:</b></p>

## Appendix B. ATD Programming By Gender

**Table 1. ATD Programs by Region and County\***

Region/County	# Female-Only ATD Programs	DJS CD Program – Serves Males and Females*	# Other ATD Programs Serving Males and Females	# Male-Only ATD Programs
Baltimore City†	0	1*	2	3
<b>Central</b>	1	1*	1	0
Baltimore Co.	1	1*	1	0
Carroll	0	1*	0	0
Harford	0	1*	0	0
Howard	0	1*	0	0
<b>Eastern Shore</b>	0	1*	1	0
Caroline	0	1*	0	0
Cecil	0	1*	0	0
Dorchester	0	1*	0	0
Kent	0	1*	0	0
Queen Anne’s	0	1*	0	0
Somerset	0	1*	0	0
Talbot	0	1*	0	0
Wicomico	0	1*	0	0
Worcester	0	1*	1	0
<b>Metro</b>	0	1*	2	1
Montgomery	0	1*	1	1
Prince George’s	0	1*	1	0
<b>Southern</b>	0	1*	0	0
Anne Arundel	0	1*	0	0
Calvert	0	1*	0	0
Charles	0	1*	0	0
St. Mary’s	0	1*	0	0
<b>Western</b>	0	1*	2	0
Allegany	0	1*	1	0
Frederick	0	1*	0	0
Garrett	0	1*	1	0
Washington	0	1*	0	0
<b>Statewide</b>	1	1*	8	4

\*All levels of DJS CD (including EM) are counted as one, statewide program.

†Baltimore City’s D/ERC is counted as one program

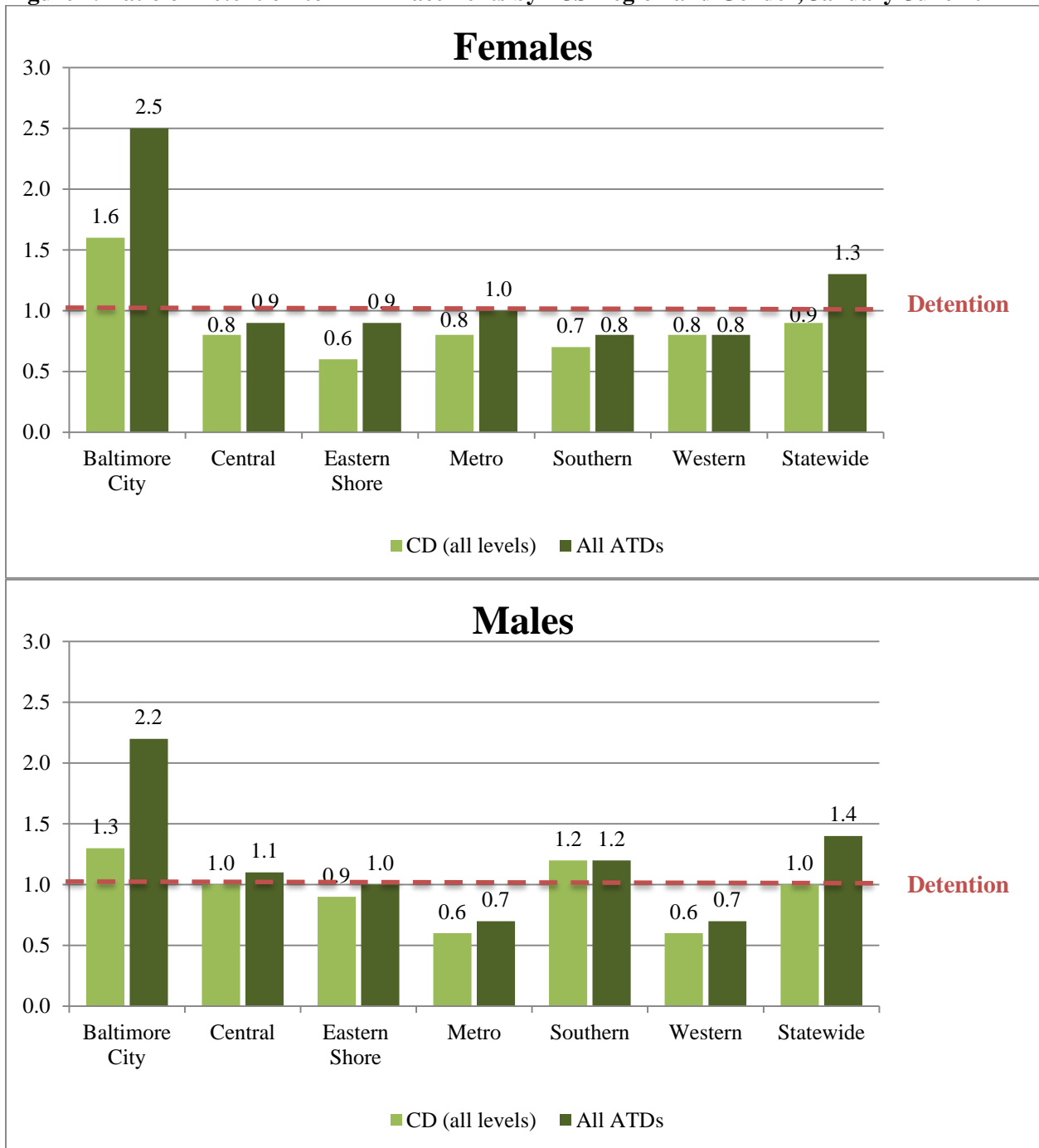
**Table 2. Pre-Disposition Detention and ATD Placements by Gender, January-June 2014\***

		Females			Males		
		Detention	DJS CD (incl. EM)	Other ATDs†	Detention	DJS CD (incl. EM)	Other ATDs†
Demo.	Average Age	15.4	15.4	14.8	15.7	15.5	15.4
	African American/Black	147 (77%)	136 (75%)	55 (87%)	753 (79%)	797 (82%)	347 (90%)
	Caucasian/White	38 (20%)	35 (19%)	5 (8%)	143 (15%)	140 (14%)	27 (7%)
	Hispanic/Latino	4 (2%)	8 (4%)	2 (3%)	50 (5%)	31 (3%)	9 (2%)
	Other	2 (1%)	2 (1%)	1 (2%)	2 (1%)	5 (1%)	3 (1%)
Region/Jurisdiction	Baltimore City	44 (23%)	72 (40%)	40 (63%)	383 (40%)	510 (52%)	330 (85%)
	Central	40 (21%)	30 (17%)	6 (10%)	151 (16%)	150 (15%)	11 (3%)
	Baltimore Co.	24 (13%)	20 (11%)	--	110 (12%)	101 (10%)	6 (2%)
	Carroll	1 (1%)	1 (1%)	1 (2%)	7 (1%)	8 (1%)	1 (<1%)
	Harford	10 (5%)	7 (4%)	2 (3%)	19 (2%)	24 (2%)	--
	Howard	5 (3%)	2 (1%)	3 (5%)	15 (2%)	17 (2%)	4 (1%)
	Eastern Shore	19 (10%)	12 (7%)	6 (10%)	62 (7%)	56 (6%)	3 (1%)
	Caroline	1 (1%)	--	1 (2%)	4 (<1%)	3 (<1%)	--
	Cecil	1 (1%)	3 (2%)	--	4 (<1%)	2 (<1%)	--
	Dorchester	1 (1%)	1 (1%)	1 (2%)	3 (<1%)	2 (<1%)	--
	Kent	1 (1%)	--	--	--	1 (<1%)	--
	Queen Anne's	2 (1%)	1 (1%)	--	6 (1%)	6 (1%)	--
	Somerset	1 (1%)	--	1 (2%)	2 (<1%)	2 (<1%)	--
	Talbot	1 (1%)	--	--	1 (<1%)	2 (<1%)	1 (<1%)
	Wicomico	9 (5%)	4 (2%)	3 (5%)	26 (3%)	31 (3%)	2 (1%)
	Worcester	2 (1%)	3 (2%)	--	16 (2%)	7 (1%)	--
	Metro	31 (16%)	24 (13%)	7 (11%)	183 (19%)	102 (10%)	27 (7%)
	Montgomery	3 (2%)	1 (1%)	1 (2%)	36 (4%)	16 (2%)	13 (3%)
	Prince George's	28 (15%)	23 (13%)	6 (10%)	147 (15%)	86 (9%)	14 (4%)
	Southern	38 (20%)	28 (15%)	3 (5%)	98 (10%)	113 (12%)	5 (1%)
	Anne Arundel	14 (7%)	13 (7%)	2 (3%)	52 (5%)	50 (5%)	2 (1%)
	Calvert	4 (2%)	3 (2%)	--	5 (1%)	8 (1%)	--
	Charles	8 (4%)	5 (3%)	1 (2%)	24 (3%)	28 (3%)	2 (1%)
	St. Mary's	12 (6%)	7 (4%)	--	17 (2%)	27 (3%)	1 (<1%)
	Western	19 (10%)	15 (8%)	1 (2%)	76 (8%)	42 (4%)	10 (3%)
	Allegany	3 (2%)	3 (2%)	--	7 (1%)	5 (1%)	2 (1%)
	Frederick	5 (3%)	1 (1%)	--	27 (3%)	17 (2%)	2 (1%)
	Garrett	1 (1%)	--	--	5 (1%)	--	--
	Washington	10 (5%)	11 (6%)	1 (2%)	37 (4%)	20 (2%)	6 (2%)
	Statewide	191	181	63	953	973	386

\*Placements are complaint-based case counts; youth may have been placed in multiple ATDs or have both ATD and detention spells associated with the same complaint.

†Other ATDs include reporting centers, shelter care, PACT, and DRAP.

**Figure 1. Ratio of Detention-to-ATD Placements by DJS Region and Gender, January-June 2014**



**Table 3: Release- and ATD-Eligible Cases Detained Prior to Disposition, January-June 2014**

Region/County	Females	Males	Total Cases
Baltimore City	9 (43%)	16 (37%)	25 (39%)
Central	--	5 (12%)	5 (8%)
Baltimore Co.	--	3 (7%)	3 (5%)
Carroll	--	--	--
Harford	--	2 (5%)	2 (3%)
Howard	--	--	--
Eastern Shore	4 (19%)	9 (21%)	13 (20%)
Caroline	--	--	--
Cecil	--	1 (2%)	1 (2%)
Dorchester	--	--	--
Kent	--	--	--
Queen Anne's	--	--	--
Somerset	--	--	--
Talbot	--	1 (2%)	1 (2%)
Wicomico	4 (19%)	3 (7%)	7 (11%)
Worcester	--	4 (9%)	4 (6%)
Metro	3 (14%)	4 (9%)	7 (11%)
Montgomery	1 (5%)	1 (2%)	2 (3%)
Prince George's	2 (10%)	3 (7%)	5 (8%)
Southern	1 (5%)	4 (9%)	5 (8%)
Anne Arundel	--	4 (9%)	4 (6%)
Calvert	--	--	--
Charles	--	--	--
St. Mary's	1 (5%)	--	1 (2%)
Western	4 (19%)	5 (12%)	9 (14%)
Allegany	1 (5%)	--	1 (2%)
Frederick	--	--	--
Garrett	1 (5%)	--	1 (2%)
Washington	2 (10%)	5 (12%)	7 (11%)
Statewide	21	43	64