

NCCD

National Council on Crime and Delinquency

Bed Space Forecast for Baltimore Youth Detention Facility

Christopher Hartney

Isami Arifuku, Ph.D.

May 12, 2011

Submitted to

Open Society Institute–Baltimore

Annie E. Casey Foundation

Maryland Department of Public Safety and Correctional Services

by

National Council on Crime and Delinquency

Table of Contents

3	Executive Summary
5	Introduction
6	Ten-year Data Trends Relevant to the Forecast
9	Forecast
13	Scenarios
22	Conclusion

Appendix A: Monthly ADP of BCDC Juvenile Unit (2004–2010), Total and by Gender

Appendix B: Baltimore City Commitment Rate Increase, 2007–2008

Acknowledgments

NCCD would like to acknowledge the guidance, cooperation, and financial support of the Maryland Department of Public Safety and Correctional Services, the Maryland Department of Juvenile Services, the Open Society Institute–Baltimore, and the Annie E. Casey Foundation. NCCD would also like to thank James Austin of JFA Institute for his consultation and assistance.

About NCCD

NCCD is the nation's oldest private nonprofit criminal justice research organization. NCCD works to create just and humane social systems for all people through innovation in research, public policy, and practice.

www.nccd-crc.org

Executive Summary

This report describes the National Council on Crime and Delinquency's forecast of future bed space needs for youth detained in the adult criminal justice system in the City of Baltimore, Maryland. These youth are processed and, if necessary, detained in the adult system—currently in the Juvenile Unit of the Baltimore City Detention Center (BCDC)—after either being charged with certain crimes that require their automatic involvement in the adult justice system (known as an automatic waiver) or being sent to the adult system by a juvenile court judge (known as a judicial waiver).

The State is currently considering options for housing these youth, as the present facility is inadequate.^{1,2} A new facility is in the planning stages and is designed to hold 180 youth, based on a forecast completed by the State in 2007. In a 2010 report by NCCD, the earlier forecast was found to overestimate the number of beds needed in a new facility.³ Subsequently, the Maryland Department of Public Safety and Corrections Services (DPS), along with two local foundations, the Open Society Institute–Baltimore and the Annie E. Casey Foundation, asked NCCD to perform this new forecast to assist in the decision-making process.

This report first describes the project's data sources, methodological assumptions, and results of an examination of trends and circumstances related to arrest and detention rates in Baltimore City and other jurisdictions. It then describes the methods used to perform the forecast and presents the forecast findings, that is, the estimated number of beds the City will require over the next three decades for youth detained in the adult criminal justice system. Finally, the report describes a set of “scenarios” that give estimates of bed

space needs if certain changes were made to the way youth are processed. These scenarios represent a few options among many that the State and stakeholders can consider as a means to minimizing the number of youth held in secure custody and, when detention is found to be required, ensuring that youth are held in the most appropriate setting.

Relevant Trends

The report describes data trends that are relevant to forecasting the number of beds needed for youth detailed in the adult system, including the following:

- The number of youth living in Baltimore has dropped 17% since 2000;
- The number and rate of crimes reported in Baltimore have dropped by over a third since 2000;
- The number of youth arrested in Baltimore has decreased 46% since 2003;
- National and state reported crime and arrest trends are similar to those found in Baltimore;
- New admissions of youth into the adult Baltimore City Detention Center are declining.

Forecast

The forecast for bed space needs for youth transferred to the adult system used youth population, youth arrests, commitments, as well as length of stay (LOS) and average daily population (ADP). Adjusted for normal inmate population fluctuations, the projected need for beds is 117 over the next three decades.

Scenarios

NCCD developed four scenarios in which system changes could reduce the bed space needed in an adult detention facility. These scenarios show that the forecast of 117 beds could be reduced by well over 50%, to as low as 44 beds, were reforms put into place. If more than one of these types of reforms were put into place,

¹ The State of Maryland has jurisdiction over both the criminal and juvenile justice system, including its facilities.

² DPS, DPDS. (2007). *Project program for new youth detention center* (revised December 2007). Baltimore City, MD: Author.

³ Hartney, C., & Marchionna, S. (2010). *Critique of Maryland's population forecast: No call for a new youth detention facility*. Oakland, CA: NCCD. Available online at http://nccd-crc.issuelab.org/research/listing/critique_of_marylands_population_forecast_no_call_for_a_new_youth_detention_facility.

the size of a new adult facility could be reduced still further. Importantly, these reductions could be achieved while maintaining public safety, reducing costs, and improving outcomes for arrested youth.

Scenarios 1 and 2 are related to the large percentage (over two thirds) of youth held in the juvenile unit of the adult jail who are eventually released to home or transferred to the juvenile system. Each scenario could reduce bed space needs by about 40% of the 117 beds that are needed if no reforms are enacted. Scenario 1 illustrates that bed space need for youth in adult detention could be reduced to 48 if youth who are not destined to serve time in the adult system (except for time in detention) could avoid the adult system altogether. The 48 beds still needed in adult detention would be used by youth who are likely to ultimately serve time in the general adult detention or prison population. Scenario 2 illustrates the reduction in bed space needs if the types of offenses that lead to waiver to the adult system are limited. In this case, the 44 beds still needed in adult detention would be used by youth who are charged with offenses most likely to lead to conviction and a sentence in adult prison.

Scenarios 3 and 4 target the length of time youth are detained before being moved to the juvenile system or released home. Scenario 3, to reduce length of stay to no more than 30 days for those youth eventually transferred to the juvenile court, results in needed bed space of 82. Scenario 4, to reduce the length of stay to two days for youth who are released on bail, results in needed bed space of 99. Again, if several reforms were implemented jointly, bed space needs would be further reduced.

Finally, since the scenarios presented largely depend on the juvenile justice system having the capacity to absorb youth who would otherwise be held in the adult system, Scenario 5 discusses options for creating bed space availability in DJS—decreasing admissions and reducing length of stay for youth awaiting placement, especially by increasing use of detention alternatives and increasing availability of placement slots.

Introduction

This report describes the National Council on Crime and Delinquency's (NCCD) forecast of future bed space needs for youth detained in the adult criminal justice system in the City of Baltimore, Maryland. These youth are processed and, if necessary, detained in the adult system—currently in the Juvenile Unit of the Baltimore City Detention Center—after either being charged with certain crimes that require their automatic involvement in the adult justice system (automatic waiver), or being sent to the adult system by a juvenile court judge (judicial waiver).

Methodology and Findings

In addition to a 30-year forecast of bed space needs for youth detained in the adult system in Baltimore City, NCCD was asked to develop a set of “scenarios” that give estimates of bed space needs if certain changes were made to the way youth are processed. These scenarios represent a few options among many that the State and stakeholders can consider as a means to minimizing the number of youth held in secure custody and ensuring that youth are held in the most appropriate setting.

The report describes the project's data sources and methodological assumptions, the methods used to perform the forecast, and results of an examination of trends and circumstances related to arrest and detention rates in Baltimore City and other jurisdictions. After presenting the forecast findings, the report describes the methods, rationale and calculations of the scenarios.

Data Sources

This report depended on the following key sources of city, state and national data:

- Population statistics from the U.S. Census and the Maryland Department of Planning;
- Reported crime from the FBI Uniform Crime Reporting Program;

- Arrest statistics from Maryland DPS and Maryland Department of Juvenile Services (DJS). DPS provided detailed arrest data for those under 18 years old arrested for automatic waiver offenses. DJS provided detailed data on all juvenile intake cases from 2005–2010. Separate DJS intake data from 2002–2010 were accessed online.⁴
- Jail statistics included new admissions and exits data (2002–2009) from DPS; average daily population (ADP) data (2004–2011) from DPS's Division of Pretrial Detention and Services (DPDS); jail roster data (2009–2010), including admissions and exits, from the Baltimore City Detention Center;
- Juvenile detention statistics from DJS;
- Other data and information from various public and private reports and publications.

Methodological Assumptions

- While data from the most recent years best reflect current policies, practices, and circumstances, this forecast also reviews historic demographic and justice data to examine longer-term trends, to place current statistics in context, and to judge if current statistics are likely to reflect those in the future.
- Sociopolitical and attitudinal trends among the public help identify how laws, policies and practices—which can have significant impact on bed space needs—may or may not change in coming years.
- Since criminal justice trends and characteristics within a city tend to correspond to state, regional, and national trends, and vice versa, state- and nationwide criminal justice statistics are helpful in placing Baltimore in context.
- The target population for a forecast of youth processed in the adult system is youth under 18, with a particular focus on youth 14–17 years old

⁴ Maryland DJS. (Published annually). *Annual statistics report*. Available online at <http://www.djs.maryland.gov/publications.html>.

(nearly all youth charged as adults fall within this range).

- The purpose of detention is to ensure that those awaiting trial return to court for hearings and trials and do not commit crime in the meantime. Detention for those already adjudicated is meant to ensure that those sentenced to out-of-home placement do not commit new crimes while they await appropriate placement.

A Note on Forecasting Methodology

Forecasting uses certain known quantities, mainly historical data on population, arrests, admissions to detention, and duration of detention, and many unknown quantities, including how offending behavior will change in the future and how a system's response to that behavior will change. Some of these quantities remain fairly static, while others typically fluctuate. Some are very sensitive to changes in laws, policies, and practice in the justice system, e.g., detention rates and sentence lengths; some are the result of both justice system practice and broader forces, e.g., crime rates; and some are for the most part independent, e.g., population and demographics. Other factors are also at play, such as public opinion and politics.

The number of youth who are held in a facility on any given day of the year is called the average daily population (ADP). ADP is a function of two main factors: the number of youth entering or newly committed to the facility, also known as new admissions, and the total number of days they are detained, also known as length of stay (LOS). A typical method of forecasting bed space needs, therefore, attempts to predict how many youth will be admitted to the facility (new admissions) and how long they will stay (LOS).

New admissions are mainly based on two factors: number of arrests and the percentage of those arrests that lead to admission to detention. There is a series of events and decisions between arrest and admissions, but for the purposes of forecasting, the arrest is the primary driver of admissions. For that matter, arrests are based on a series of events and decisions that are not directly

measurable, so population (technically speaking, the number of individuals theoretically at risk of being arrested) is used as the primary driver of arrests.

When historic data and trends, both in the jurisdiction under study and in related jurisdictions, indicate that there will not be a significant amount of movement or change in population, arrests, detention rate, or LOS, it is reasonable to simply use the average of a number of recent years of data, usually new admissions and LOS, in order to calculate bed space needs.

Finally, to calculate bed space needs, a forecast of ADP is added to an estimate of the extra number of beds a facility may need to account for days with above-average population, also called a peak and classification factor.

Ten-year Data Trends Relevant to the Forecast

Summary of Relevant Trends

Overall, the Baltimore youth population is lower and likely to drop more, reported crime is on a long-term downward trend, arrests are mainly flat, and new commitments are dropping. *Demographics are not likely to drive a significant rise or drop in justice trends.*

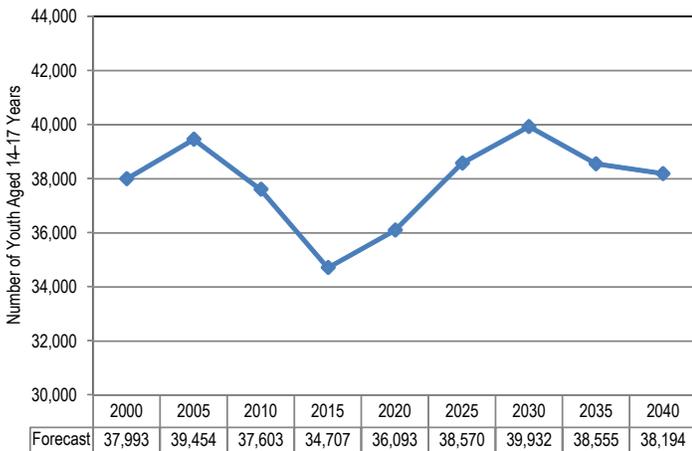
The number of youth living in Baltimore dropped 17% since 2000.

- Based on the 2010 Census for Baltimore City, from 2000 to 2010 there was a 17% drop (161,353 to 133,560) in the population of youth under age 18.⁵
- This continues a trend dating back to the 1990 Census, when the youth population was 170,241, making the 2010 youth population the lowest it has been in at least 20 years.

⁵ Maryland Department of Planning. (2011, February). *Census 2010 redistricting data for Maryland*. Accessed April 9, 2011, at <http://planning.maryland.gov/msdc/census/cen2010/pl94-171/pl-LT18.shtml>.

- The adult population of Baltimore fell just one half of a percent since 2000, so the total population decline of 4.6% was driven by the youth decline.
- The state as a whole had only a slight drop of 0.2% for youth since 2000, with a total population increase of 9%.
- The Department of Planning projects a fluctuating youth population through 2040: a 5-year drop until 2015, then a 15-year increase, then a 10-year drop. Their population projection ultimately remains essentially flat: the 2040 population estimate is approximately the same as the population in 2010 (see Figure 1).⁶

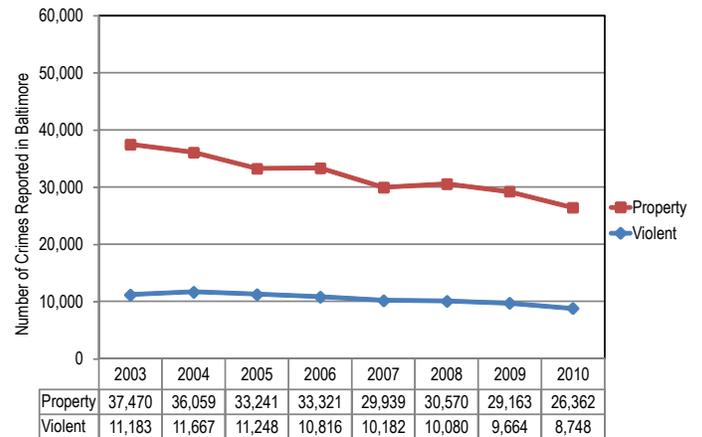
Figure 1
2000–2040 Forecasted Youth Population, 14–17 Years



The number and rate of crimes reported in Baltimore dropped by over a third since 2000.

- In Baltimore over the past decade, serious violent and property crime rates dropped 38% and 40%, respectively (see Figure 2).⁷
- After a small rise of 4% in 2004, reported violent crime has dropped each year since. Property crime had small rises in 2006 and 2008, but otherwise has dropped each year. This trend continued through the first half of 2010 (the most recent data available), with reported crime of both types falling about 5%.⁸

Figure 2
2003–2010 Number of Crimes Reported in Baltimore⁹



- In summary, the substantial drop in the past decade, and the fluctuation projected by the Department of Planning, suggest that *changes in youth population will not significantly impact arrest and commitment trends.*

⁷ Federal Bureau of Investigation (FBI). (2011). *Uniform crime reports, prepared by the National Archive of Criminal Justice Data*. Available at <http://www.ucrdatatool.gov/index.cfm>. Note: Rates are number of FBI index crimes reported per 100,000 persons in the population.

⁸ These percentages are approximately equal whether reported crime is calculated as a rate per 100,000 persons or as a count of reported crimes.

⁹ FBI. (2011). *Uniform crime reports, prepared by the National Archive of Criminal Justice Data*. Washington, D.C.: U.S. Department of Justice, FBI. Available at <http://www.ucrdatatool.gov/index.cfm>. Note: 2010 figures represent the first six months doubled.

⁶ The Department of Planning population projections used in the forecast were done before the 2010 Census release and based on other population data; it is likely that they do not take into account the full extent of the current downward trend in youth population. They were, however, the only population projections available, and do accurately predict a downward trend, albeit a smaller one (8%) than reported in the 2010 Census.

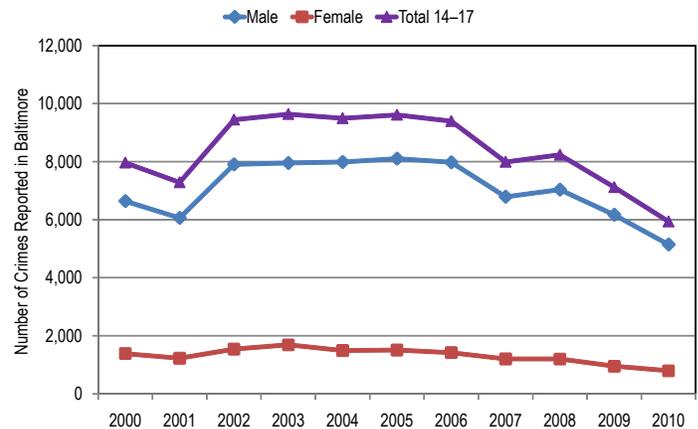
The number of youth arrested in Baltimore has decreased significantly.

- DJS intake cases in Baltimore (most of which are arrests by law enforcement) of youth under 18 in 2010 were just over half (54%) of the decade high in 2003. The number has dropped each year since 2003.
- For Baltimore youth 14–17 years old (the focus of this forecast), arrests decreased 38% from 2003 to 2010, including a 28% decrease in 2009 to 2010 alone (see Figure 3).
- New intake cases were substantially down in Baltimore City at the end of 2010 compared to the beginning of the year.¹⁰
- These trends are similar for boys and girls; intakes for girls have had a more consistent decline, while the decline in intakes for boys started slower but declined more rapidly after 2006.
- According to DJS intake statistics, the drop in youth arrests in recent years includes the most serious offenses, including murder, aggravated assaults, robbery, carjacking, deadly weapons, and handgun violations. The number of sex felonies has fluctuated since 2007.¹¹
- Based on population forecasts and the lack of any known shifts in policy planned for the near future, *arrests will fluctuate somewhat but should remain relatively flat or decrease. There are not likely to be changes in arrest trends that will significantly impact new admissions.*

¹⁰ Maryland DJS. (2011). *DJS StateStat spreadsheet*. Available at <http://www.djs.state.md.us/publications.html>.

¹¹ Maryland DJS. (Published annually). *Annual statistics report*. Available at <http://www.djs.maryland.gov/publications.html>.

Figure 3
2000–2010 Baltimore Juvenile Intake Cases (Ages 14–17)¹²



National and state reported crime and arrest trends are similar to those found in Baltimore.

- Nationally, there was a 15% drop in the reported violent crime rate and a 16% drop for reported property crime rate in the past decade.¹³
- This nationwide drop was more pronounced in U.S. cities of Baltimore's size, with violent and property crime rates dropping 19% and 22%, respectively, in the past decade. These trends continued through the most recent data available: violent crime decreased 8.3% and property, 4.8%, in the first half of 2010 compared to the first half of 2009.¹⁴

¹² Maryland DJS. (Published annually). *Annual statistical reports, FY 2003–2010*. Available at <http://www.djs.maryland.gov/publications.html>.

¹³ Rate is reported crimes per 100,000 persons in the general population. Source: FBI. (2010). *Crime in the United States, 2009*. Washington, D.C.: U.S. Department of Justice, FBI. Retrieved from http://www2.fbi.gov/ucr/cius2009/data/table_01a.html.

¹⁴ FBI. (2010). *Uniform crime reports*. Washington, D.C.: U.S. Department of Justice, FBI. Retrieved from http://www.fbi.gov/about-us/cjis/ucr/ucr#ucr_cius. Cities with populations between 500,000 and 1,000,000.

- For Maryland statewide in the past decade, violent and property crime rates dropped 25% and 21%, respectively.¹⁵
- Nationally, the youth arrest rate in 2009 was down 6% from 2000, although there were increases in 2002 and again 2006 and 2007. Since 2007, the rate has dropped 8%, mirroring the similar drop in Baltimore.
- In Maryland, statewide arrests of youth dropped 25%, with a decrease each year since 2006.¹⁶
- Calculated from DPS commitment data, LOS generally rose since 2002, but fluctuated each year. It fell from 2009 to 2010, from 113 to 103. Calculating LOS from commitment data allows forecasters to place the LOS in the context of trends in arrest and commitment rates and ADP. However, it is a rougher estimate compared to actual facility counts (as represented by BCDC and DPDS roster data).
- *Unsteady trend: An average of 2009–10 is a prudent basis for forecast.*

New admissions of youth into the Juvenile Unit of the Baltimore City Detention Center are declining.

- In 2010, the number of new admissions of youth into the adult facility—a key determinant of bed space needs—were almost 50% fewer than the number in 2004. The number of new admissions fluctuated through the first half of the last decade. However, after a rise in 2006 and 2007, new admissions have dropped in each of the years since.
- *Based on population and arrest trends, new admissions are likely to remain level or continue to drop.*

Length of stay is mixed.

- Besides new admissions, the other key determinant of bed space needs is the number of days youth are typically held in the adult detention facility, referred to as the average length of stay, or LOS. Because LOS is impacted by many factors, it is not unusual for it to fluctuate.
- The BCDC roster data indicated an average LOS of 114 days in 2009 and 119 in 2010.

Forecast

This section describes the forecast methods, assumptions, and findings. Forecast findings are based on the status quo; that is, they assume that current policies and trends will hold into the future. In contrast, the scenarios presented in the next section use the forecasts as a basis for estimating how reforms aimed at reducing the use of adult detention for youth can lower future bed space needs.

Methods for the Forecast: Current Policies and Trends

NCCD built two forecasts, Forecasts A and B, to assess future bed space needs. Both reflect current policies and trends. The two methods use largely different data sources and somewhat different calculation methods.

In consideration of available data, data trends, and the key assumption that there will be no significant changes to relevant law, policies, or practices, Forecast A is the primary forecast. Forecast B is included to give a broader historical context to the findings and to provide corroboration of Forecast A. A discussion of each forecast and their comparative strength follows.

Data Sources

Forecast A is based primarily on the BCDC Juvenile Unit “roster” recorded at the facility. Forecast B is based primarily on the DPS data extract of youth admitted to BCDC. Both forecasts also incorporate Division of

¹⁵ FBI. (2011). *Uniform crime reports, prepared by the National Archive of Criminal Justice Data*. Washington, D.C.: U.S. Department of Justice, FBI. Available at <http://www.ucrdatatool.gov/index.cfm>.

¹⁶ Maryland DJS. (Published annually). *Annual statistics report*. Available at <http://www.djs.maryland.gov/publications.html>.

Pretrial Detention and Services (DPDS) ADP data, although not directly in any calculations in Forecast A. Both approaches consider historic trends in system data, but rely most heavily on the last two years, 2009 and 2010, to predict future needs.

Two Approaches

Forecast A, shown in Table 1, is a simple yet powerful approach that uses the most reliable sources of recent commitment, LOS, and ADP data to forecast future bed space needs.

Forecast B, illustrated in Table 2, incorporates a series of calculations meant to reflect the interconnected nature of demographic, arrest, and detention data. Baltimore City youth population projections and historic arrest rates are used to project the number of future arrests. Arrest projections and historic rates of commitment (that is, the percentage of arrested youth who are detained) are used to project the number of youth who will be detained. Finally, detention admissions projections and historic LOS are used to project future ADP.

Strengths of Each Forecast

The jail roster and DPDS data used in Forecast A require no calculations or estimates of LOS or ADP, but rather rely on actual counts from the facility. While Forecast B takes into account a more detailed array of data over a longer period, its estimates of historic LOS and ADP—the key drivers of bed space needs—are not based on actual jail data but on calculations (e.g., ADP is calculated from admission and exit dates as a function of days in the year, rather than taken directly from daily population counts).

The sequence of linked statistics in Forecast B is certainly important to Forecast A, but in Forecast A these links are assumed to be intrinsic to the most recent data for number of commitments, LOS, and ADP. Especially in a jurisdiction like Baltimore, where population and arrest trends are not rising and the commitment rate is fairly static, recent commitment, LOS, and ADP data are the best indicators of future

ADP. A forecast based on the most reliable source of those types of data will produce, in turn, the most reliable projections of bed space needs. Hence, Forecast A is the favored approach.

Trend Assumptions for Forecasts

As described above, the following demographics and arrests assumptions underlie the forecast findings.

- Population will remain flat or fall.
- Number of arrests will remain flat or fall.
- The number of youth arrests resulting in admissions to the adult jail will remain flat.
- There will be no major changes in policy or practice regarding which youth are arrested. Laws, policy, and practice can, to varying degrees, increase or decrease arrests, commitments, and other criminal justice and corrections statistics. NCCD is not aware of any major shifts in law, policy, or practice being sought in the coming years that would significantly impact youth detention in Baltimore. (These forecasts assume that future changes in policy and practice, and normal fluctuations in crime and arrest rates, will, practically speaking, offset one another in their overall impact on bed space needs.)
- There will be no significant change in policy regarding which arrested youth are detained and no significant change in length of stay beyond normal fluctuation.
- Average daily population of youth in detention in the adult system will remain flat or fall.

Peak and Classification Factors

Peak factor adjusts for short-term peaks in daily population due, for example, to weekends, end of the month, or short-term changes in policies or practices, such as crime sweeps during a certain month. Awaiting-placement populations can fluctuate due to short-term factors such as programs temporarily closing or reaching

capacity in programs serving certain needs such as substance abuse treatment.

The peak factor is calculated from the difference between the average daily population (ADP) and the highest single-day populations. In the past year peaks have averaged approximately 7% with a maximum of 9%. (See Appendix A for 2004–2010 monthly ADP by gender.)

A classification factor accounts for normal movement of inmates among cells for administrative, legal, health, or disciplinary issues. A certain number of beds per classification factor is typically enough to account for this. The Baltimore jail uses three classes (low, medium, and maximum). At two extra beds per classification and a 2010 ADP of 89, the classification factor is 7% (3×2 beds each = $6/84 = 7\%$).

To account for both peak and classification factor, we add 15% to each forecasted ADP. This is a typical factor for this type of forecast and facility.

Forecast Findings

The two forecast approaches produce almost equal results. Together, they provide strong support that the forecasted bed space need of 117 is reasonable.

Forecast A: BED SPACE NEED = 117 (ADP = 102 + 15% at LOS of 116)

Forecast B: BED SPACE NEED = 119 (ADP = 103 + 15% at LOS of 108)

Table 1. Forecast A: Based on BCDC and DPDS Data

	New Admissions	LOS	DPDS ADP	Male ADP	Female ADP
Actual					
2009	324	114	112	104	9
2010	298	119	92	86	6
Projected					
2015	311	116	102	95	7
2020	311	116	102	95	7
2025	311	116	102	95	7
2030	311	116	102	95	7
2035	311	116	102	95	7
2040	311	116	102	95	7

Forecast A sources: 2009 commit numbers from DPS commitments data; 2010 commitments and LOS from BCDC roster file (2010 commits = two times the number of new admissions from 7/1 – 12/31/2010; 2010 LOS = average 7/1 – 12/31/2010); ADP from Division of Pretrial Detention and Services.

HIGH ADP **102**
 15% **15**
TOTAL **117**

Table 2. Forecast B: All DPS Data

	Population	Arrest/Population (per 1000)	Youth Arrests (14–17)	Admissions/Arrests	New Admissions	LOS	Calculated ADP	DPDS ADP*	Calculated Male ADP	Calculated Female ADP
Actual										
2004	39,157	242	9,495	6%	612	55.0	92	115	88	4
2005	39,454	289	11,384	5%	554	67.3	102	110	93	9
2006	39,077	240	9,395	6%	583	53.8	86	110	79	6
2007	38,703	194	7,510	8%	596	68.3	112	137	107	5
2008	38,333	195	7,492	6%	480	82.6	109	130	101	7
2009	37,966	167	6,350	5%	334	112.5	103	112	94	9
2010	37,603	120	4,522	7%	313	103.3	89	92	85	4
Projected										
2015	34,707	144	4,989	6%	304	107.9	90		84	6
2020	36,093	144	5,189	6%	316	107.9	93		88	6
2025	38,570	144	5,545	6%	338	107.9	100		94	6
2030	39,932	144	5,740	6%	350	107.9	103		97	7
2035	38,555	144	5,542	6%	338	107.9	100		94	6
2040	38,194	144	5,491	6%	334	107.9	99		93	6

*DPDS ADP is based on facility counts and is included for comparison purposes. Calculated ADP is typically lower than facility counts.

Key: Population and arrests are for youth aged 14–17 only. New admissions are number of new admissions in that year. LOS is the average LOS of individuals released during that year. Projected (>2010) arrests, admissions rate, and LOS are 2009–2010 averages. Forecast B sources: Arrest data: combined DJS arrest and DPS commitment data (14–17 year olds only); commitments and LOS: 2002–2010 from DPS commitment file; arrests from DJS annual reports (2004–2006) and DJS data received by special request (“CY2007–2010 intake data for NCCD”).

HIGH ADP **103**
 15% **16**
TOTAL **119**

A Note on Comparing the Current Forecast to the 2007 Forecast

The forecast findings reported here are significantly lower than those reported in the 2007 DPS forecast (117 vs. 180). There are at least two factors that contributed to this difference. First, the current setting in the Juvenile Unit of the adult jail requires a high level of movement of youth between cells and sections in order to compensate for deficiencies in programming space and classrooms, and to ensure separation of juveniles and adults. The earlier forecast therefore included an unusually high peak and classification factor that raised the estimated average daily population by over 40%. It is assumed that a new design, or use of existing juvenile facilities, will account for separation by gender and classification and provide access to medical, education, and services in ways that the current facility does not. Second, there were an unusual number of circumstances likely to have impacted commitments in 2006–07, including crime trends; changes in law, policy, and law enforcement practice; the use of technology; information sharing with neighboring jurisdictions; hiring; and grant monies. For a discussion of these factors, please see Appendix B.

Scenarios

The forecast of 117 beds assumes that in the coming years there will be no significant changes to the process or nature of decision making regarding youth in the adult system. It is a forecast based on the status quo. However, many options exist to improve youth processing and reduce the number of youth in adult detention. If significant changes were made to pertinent laws, policies, or practices in Baltimore, substantial reductions in the number of youth in adult detention could be achieved.

To illustrate how such changes may directly impact bed space needs in a new youth facility, NCCD was asked to identify a number of reform scenarios. The scenarios presented here provide estimates of the number of beds that would be needed in a new youth detention facility if particular changes or reforms were made to the way youth charged with “adult” crimes are processed.

These are by no means the only possible changes; there is a range of options the City and State can consider. Further, if multiple reforms were to be put into place at one time, greater overall impact can be expected.

The scenarios presented were chosen because (1) they have worked in other jurisdictions; (2) they are likely to be effective in Baltimore, should they be implemented; and (3) because there were data available to calculate an estimate. The scenarios are predominantly based on statistics from data provided directly by the BCDC, including LOS, offense type, and disposition or reason for exit from adult detention in 2009–10.¹⁷ Additional DPS and DJS data were also used. NCCD reviewed various publications, reports, and available data and consulted with local stakeholders to determine which scenarios were likely to be successful in Baltimore.

This report discusses the feasibility of each scenario but does not provide detailed answers as to how the scenario would be put into action. Some would require substantial planning, development, and implementation, such as changing the automatic waiver law, while others might happen quickly, such as a judge deciding unilaterally that she will no longer detain youth with certain charges or other characteristics.

Transfer Options

Besides “reverse waivers,” in which the adult court gives jurisdiction over to the juvenile court (and the youth is moved from adult detention to a DJS facility), the adult court also may retain jurisdiction over the case but allow the youth to be physically held in the juvenile system. This is an available but rarely used option in Baltimore. There are several states in which all or most youth being tried in the adult system are held automatically held pretrial in juvenile facilities, including Virginia and Pennsylvania. In the scenarios presented, both of these

¹⁷ Calculating bed space needs for the scenarios required two types of data: new admissions data, since the scenarios were being theoretically applied to all those newly admitted, and disposition, or reason for exit, data. However, these were not available from the same database. Therefore, for each offense type, NCCD applied the proportion of each reason for exit in the 2009–2010 BCDC data to the new admissions data in the 2010 DPS data. LOS was calculated from the 2009–2010 BCDC data using the same method.

methods could be used to reduce the bed space needs of a new detention facility. Ending the practice of waiving youth under 18 to the adult system altogether is also an option. This would produce a zero need for youth beds in an adult facility, but would also require the most significant changes to state laws and policies.

Girls

Note that the scenarios do not calculate bed space needs separately for girls. The discussions regarding the scenarios offered here are meant to include the circumstances and needs of girls. However, the mathematics behind the estimates do not disaggregate by gender because of girls' low numbers in detention: a monthly average of 6 in 2010 and 9 in 2009 (see Appendix A, Table A3). From a standpoint of statistics, it is difficult to analyze and generalize about such a small cohort. A scenario regarding girls would most certainly explore the expense of the adult system maintaining living quarters and programming for such a small group and the potential for the juvenile system to absorb all of these girls.

Each scenario is calculated based on Forecast A. The findings include the highest projected ADP over the next 30 years and the resulting bed space need when the 15% peak and classification factor is added.

Summary of Scenario Findings

The first two scenarios reflect major changes in the way youth are processed after being charged with "adult" crimes. They show the reduction in the size of a potential new adult facility if youth who are likely to be released or transferred to juvenile court are never held in adult detention, but rather immediately held in the juvenile system or released. The findings show that the size of a new DPS facility could be reduced to just over one third of the forecasted 117 beds (44 or 48 beds, depending on the approach used).

The second two scenarios reflect relatively minor changes in the way youth are processed. They show changes to bed space needs if certain youth (those likely to be transferred to the juvenile system or those released on bail) are simply processed more quickly. The findings

Justice-system Decision Points: Opportunities for Reform

There are numerous opportunities during the processing of an arrested youth to impact whether or not the youth will be detained (or continue to be detained) and, if so, for how long and under what circumstances. Some of the key points include the arrest itself, the decision to charge and for what offense, case review, intake, the decision to process as juvenile or adult, court hearings, delays in court processing, and disposition. Decisions made at each of the key points ultimately impact how many youth are detained and for how long; in other words, bed space needs. These stages of the system are referred to as decision points because choices are being made at each of them, choices that in some cases are made in other arenas at other times, such as legislation and statewide policy, and some on the spot by the key players involved, including representatives of law enforcement, probation, pretrial services, corrections, and the courts, as well as various public and private agencies providing programming and services to system-involved individuals. Unlike demographic or offending trends, these decision points are directly and strongly impacted by laws, policies, practices, and agency decisions. In complicated systems like criminal and juvenile justice, despite the best intentions of all involved, there is always room for improvement. Large or small changes can reduce the bed space needs of facilities and improve the chances each youth will eventually free him or herself from the system.

show that the size of a potential new DPS youth detention facility could be reduced to less than 100 (82 or 99, respectively).

The remainder of this section provides details of the background, rationale, and findings for each scenario. It also discusses a fifth scenario that explores options for increasing space in the juvenile justice detention facilities for youth who would be transferred from the adult system if the scenarios were implemented.

Other Trends Relevant to the Scenarios

Besides the demographic and criminal justice trends reported earlier, research and social, political, and legal thought in Maryland and across the U.S. can be characterized as changing regarding the criminal behavior of youth. Some emerging trends include the following:

- Recognizing the important developmental differences between youth and adults and that society's response to youth crime should be, likewise, different from its response to adult crime. These trends are most clearly represented by the U.S. Supreme Court's decisions to forbid the use of the death penalty for youth under 18 and to limit the sentencing of youth to life without the possibility of parole to only murder cases.
- After years of increased use of adult sanctions on youth, there is a national trend toward limiting the means for processing youth in the adult justice system as the impacts of this practice are better understood.^{18,19}
- Recognizing the negative impact of detention on inmates, including increasing their chances

¹⁸ Campaign for Youth Justice. (2011). *State trends: Legislative victories from 2005–2010: Removing youth from the adult criminal justice system*. Washington, D.C.: Author. Available at http://www.campaignforyouthjustice.org/documents/CFYJ_State_Trends_Report.pdf.

¹⁹ Redding, R. E. (2010, June). *Juvenile transfer laws: An effective deterrent to delinquency? Juvenile justice bulletin*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

of conviction and serving more time in custody, increasing recidivism, and other negative outcomes.²⁰ An analysis of 117 studies involving 442,471 offenders (both adults and youth, males and females) showed that none of the following—length of time incarcerated, serving an institutional sentence, serving an intermediate sanction—were associated with a reduction in recidivism, and longer periods of confinement were associated with an increase in recidivism.²¹

- There is a national trend to reduce unnecessary detention: that is, to ensure that youth are not held in secure detention when they can be safely supervised in their home community without missing court dates or committing new crimes.^{22,23,24} Maryland has taken steps toward the decreased use of detention through increased use of alternatives to detention and the development of a risk assessment that can be used to identify which youth can be safely held in the community instead of detained.

²⁰ Holman, B., & Ziedenberg, J. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, D.C.: Justice Policy Institute.

²¹ Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences*. Available at http://www.unafei.or.jp/referencematerials/135th/135thweb/English_pdf/III%20Recidivism/200201_Gendreau_e.pdf.

²² See, for example, the Juvenile Justice and Delinquency Prevention Act, 2002, at <http://www.ojjdp.gov/about/ojjdpact2002.html>; NCCD. (2008). *The declining number of youth in custody in the juvenile justice system*. Oakland, CA: Author; Austin, Johnson, & Weitzer. (2005). *Alternatives to the secure detention and confinement of juvenile offenders*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention (OJJDP), Juvenile Justice Practice Series. Available at <http://www.ncjrs.gov/pdffiles1/ojjdp/208804.pdf>.

²³ See OJJDP's Best Practices guide: <http://www2.dsgonline.com/dso2/Default.aspx>; and Model Programs guide: <http://www.ojjdp.gov/mpg/Default.aspx>.

²⁴ For example, Lane County, Oregon, is using a public safety risk assessment tool that helps determine risk to public safety, risk of recidivism, and risk of failing to appear in court.

Scenarios 1 and 2

The first two scenarios are responses to a single circumstance: the large percentage of youth held in the adult jail who are eventually released to home or transferred to the juvenile system. Before the scenarios are described in detail and their findings reported, the situation to which the scenarios are meant to respond will be described along with their rationale, how they might work on the ground, and their feasibility, or why it is likely they will be successful.

Background

Over two thirds of all youth committed to the BCDC eventually leave without a conviction in adult court.²⁵ In the 2009–2010 BCDC data, 38% of detained youth were transferred to the juvenile justice system and 14% were released home by the court for various reasons, such as being found not guilty in court or the district attorney deciding not to pursue a trial. Another 14% were released on bail while a few more were put on probation. Yet these youth—who are never convicted in adult court and never serve time in an adult prison—spent an average of three months in an adult facility.²⁶ This raised the ADP while at the same time lowering the chance of a good outcome for these youth.

The portion of youth who were tried and sentenced to time in adult prison was small, just 7%.²⁷ There was also a large percentage (22%) of youth in BCDC who reached the age of 18 before they were tried. These youth were moved into the general adult population

²⁵ This finding has been supported in other research. See Just Kids Partnership. (2010, October). *Just kids: Baltimore's youth in the adult criminal justice system*. Baltimore: Author.

²⁶ This group represents most of the drug, property, and “other” offenders held in the jail; that is, those charged with relatively minor offenses. However, it is not *only* the lower-level offenders. In fact, two thirds of youth held for weapons charges and two thirds of youth held for violent offenses are also eventually released to home or DJS.

²⁷ According to DPS Division of Correction data, despite more than 300 new admissions a year, with youth spending months of their lives in the jail before they are tried, there are just 58 youth under 18 serving time in DOC, and this number is trending down. It is not clear how many are serving time in DOC who were under 18 when their term started.

upon turning 18. How many of them ended up freed or in non-custodial placement is not clear.

Rationale

With most youth in adult jail eventually returning home or to the juvenile system, and given that the juvenile system is best equipped for providing the unique services and methods that young people require, the rationale for these scenarios is that the most effective way to serve most of these youth is through DJS from the start.

National research shows that youth who are processed in the adult system have a greater likelihood of future reoffending than those processed in the juvenile system, even when type of offense, offense history, and other factors are considered.²⁸ The interests of the public for safety and cost-effective responses to crime would be better served if these youth were held in DJS facilities. Costs associated with staffing, training, and equipping a redundant facility would be less using DJS facilities rather than a new facility embedded in the adult system.

How the Scenarios Might Work

These scenarios could be achieved in a number of ways, including greater and expedited use of reverse waiver and transfer hearings, detention criteria by which law enforcement officers and courts agree to refer all youth arrested for certain offenses to DJS instead of DPS, the use of a specialized screening or risk assessment at intake, and changing the law. Some youth could be held in DJS but still tried in adult court; others could be held and tried in juvenile court.

²⁸ See, for example, Mason, C. A., & Change, S. (2001, October). *Re-arrest rates among youth sentenced in adult court*. Miami: Miami-Dade Public Defender's Office; and CFYJ. (2011). *State trends: Legislative victories from 2005–2010: Removing youth from the adult criminal justice system*. Available at http://www.campaignforyouthjustice.org/documents/CFYJ_State_Trends_Report.pdf.

Feasibility

Facilities that hold Baltimore City youth involved in the DJS system are capable of holding the range of offenders, including very serious, currently held in the jail. DJS placement data show, in fact, that a large number of high-level offenders are typically held in its facilities.²⁹ Baltimore City Juvenile Court data show 337 youth transferred from adult to juvenile court since 2008, all but 5 of whom were charged with person or weapons offenses (see Table 3). Thus, the reverse waiver—moving cases from the adult system to the juvenile system—is already regularly used; these scenarios would likely require it be used more often.

Table 3. Youth Transferred From Adult (DPS) to Juvenile (DJS) Through Reverse Waivers, Baltimore City, 2008–2010³⁰

Offense Type*	2008	2009	2010	Total
Assault	19	15	5	39
Murder	19	13	9	41
Rape	4	2	2	8
Robbery	61	69	31	161
Weapons	39	18	11	68
Carjacking	6	5	2	13
CDS	2	1	1	4
Other	1	2	0	3

*Each offense type includes all levels of that offense, including attempted.

It is important to note that, despite many of them having serious offense histories, the youth held in BCDC are not a particularly difficult group to manage. According to an NCCD review of jail files, 85% of youth held in the jail were classified as low or medium risk, and none had indications of behavior problems in their files.

The planned new detention center will be a facility serving only youth under 18. However, it will be an

²⁹ 2004–2010 DJS intake data (10/12/2010) by special request.

³⁰ Baltimore City Juvenile Court (4/28/2011) by special request.

adult facility insofar as it is planned, funded, staffed, and monitored in an adult system. DJS facilities are designed and staffed to serve youth and therefore can offer youth transferred from the adult system the age-appropriate programming and services they require with higher quality, greater continuity (since over a third will end up in the juvenile justice system), greater family involvement, and less cost than an entirely separate facility run by the adult system. DJS already has programs shown to serve youth well, including high quality residential treatment service programs like the Allegany County Girls Group Home and the recently closed Mount Clare House.³¹ These programs can be expanded, and numerous proven-effective programs from around the nation can be assessed for possible replication in Baltimore.

Scenario 1: Create adult detention bed space only for those youth who are likely to ultimately serve time in the general adult detention or prison population.

BED SPACE NEED = 48

(ADP = 42 + 15% at LOS of 184)

This scenario estimates the bed space needs if the only youth detained in the adult detention facility were the 25% of youth in BCDC in 2009–10 who were eventually either convicted and sentenced to time in adult prison or who aged out of the Juvenile Unit and moved to the general adult jail population. All other youth who would have been detained in the adult system are either reverse waived to DJS or transferred to a DJS facility while they await an adult trial.

Alternatively, applicable laws and policies could be changed so that all youth under 18 are first processed in the juvenile system. In this scenario, youth found to require adult processing—25% of new admissions, in this case—would be waived to the adult court.

Table 4 reflects the changes to Forecast A (Table 1) if the reforms proposed in Scenario 1 are implemented.

³¹ Juvenile Justice Monitoring Unit. (2010, August). *Overcrowding in DJS detention facilities*. Baltimore: Maryland Office of the Attorney General.

Table 4. Scenario 1

	New Admissions	LOS	ADP
2009	87	184	44
2010	78	184	39
2015	83	184	42
2020	83	184	42
2025	83	184	42
2030	83	184	42
2035	83	184	42
2040	83	184	42
	HIGH ADP	42	
	15%	6	
	TOTAL	48	

There are fewer admissions to the adult system since more youth are processed by DJS, but higher LOS since more serious cases would remain in DPS. This results in a lower maximum ADP of 42 and a bed space need of 48 after accounting for peak and classification.

Scenario 2: Create adult detention bed space only for those youth most likely to eventually be convicted and sentenced to adult prison (based on offense type).

BED SPACE NEED = 44

(ADP = 38 + 15% at slightly higher LOS of 125)

This scenario estimates bed space needs if the only youth detained in the adult system are those charged with the types of offenses that are most likely to result in a conviction and sentence to adult prison. In the 2009–10 BCDC data, the youth eventually convicted and sentenced to prison had been charged with some of the most serious offenses, such as murder, attempted murder, assault, and robbery with a deadly weapon. Scenario 2 would create space in adult detention for each youth charged with those types of crimes, which, in this time period, represented 34% of the new admissions to the Juvenile Unit. (Note that, in fact, most of the

34% were not convicted; those who were convicted and sentenced represented just 7% of detained youth. Also, youth who were returned to DJS in the same period included each of those charges, as well as other serious charges such as rape, weapons offenses, and carjacking.)

Like Scenario 1, this scenario represents a method of restricting the adult detention facility to the youth who have the highest likelihood of remaining in the adult system after detention. All other youth who would have been detained in the adult system are either reverse waived to DJS or transferred to a DJS facility while they await an adult trial. Alternatively, all youth under 18 could be first processed in the juvenile system and only those requiring processing in the adult system—34%, if based on the offense criteria used in Scenario 2—would be waived “up” to the adult court.

An actuarial screening or risk assessment to determine a youth’s likelihood of being tried and convicted in adult court would be particularly important in implementing Scenario 2. It would need to factor in not just offense type (used here as a proxy) but prior offending history, prior convictions/commitments, and other factors deemed relevant by statistical analysis or a review of court-processing procedures. Many youth with these same offenses were transferred to DJS or were released; using offending and commitment history in a screening tool will fine-tune the classification. There are also many court-related factors that influence likelihood of prosecution that can be considered, including issues surrounding evidence, quality of defense, circumstances of the crime, defendant’s personal history, pain and suffering of victim, etc.³²

Table 5 reflects the changes to Forecast A (Table 1) if the changes proposed in Scenario 2 are implemented. There are fewer admissions to the adult system since

³²Note: Unlike Scenario 1, this calculation does not include those youth who reach 18 before trial. It is not known how many of these youth are ultimately convicted and to what sentence, nor can it be assumed that their cases merited time in adult detention. Some portion of those who reach 18 before trial likely do serve time in adult prison, so in that regard this may be an underestimate. On the other hand, most of those youth with these offenses do not serve prison time. To some extent, these two factors balance each other. Therefore, the finding is likely a reasonable estimate of bed space needs for this scenario.

Table 5. Scenario 2

	New Admissions	LOS	ADP
2009	82	140	31
2010	112	148	45
2015	97	144	38
2020	97	144	38
2025	97	144	38
2030	97	144	38
2035	97	144	38
2040	97	144	38
HIGH ADP		38	
15%		6	
TOTAL		44	

more youth are processed by DJS, but a somewhat higher LOS since more serious cases would remain in DPS. The LOS does not rise drastically, because basing the scenario entirely on offense type means many youth would still be eligible for transfer to DJS after their offense histories and other factors are considered. The results are a maximum ADP of 38 and a bed space need of 44 after accounting for peak and classification.

Scenarios 3 and 4

The next two scenarios attempt to reduce custody for pretrial, post-conviction pre-placement, and special populations (probation violators, failures to appear, warrants) primarily through court processing reforms that would reduce time spent in detention.

Scenario 3: Reduce length of stay to no more than 30 days for those youth likely to be moved to juvenile court.

BED SPACE NEED = 82

(ADP = 71 + 15% at lower LOS of 83)

As reported above, 38% of youth detained in the adult system were eventually transferred to DJS after an average LOS of 118 days. If there were a mandatory 30-day hearing, with policies, practices, and resources in place to ensure an effective hearing without further delay, the average LOS for those 38% would be reduced to approximately 30. In this scenario, the rest of the detained youth would not be affected.

A key element in this plan would be risk assessment and standardized decision making for detention decisions. This research-based tool would be used to quickly identify the group most likely to be sent to DJS. Additionally, various measures could be taken in the court to hasten a thorough transfer hearing, such as accelerated court calendaring, specialized dockets, expedited discovery reporting, expedited assignment of public defender, and others.

Table 6. Scenario 3

	New Admissions	LOS	ADP
2009	324	80	71.4
2010	298	83	68.1
2015	311	82	70
2020	311	82	70
2025	311	82	70
2030	311	82	70
2035	311	82	70
2040	311	82	70
HIGH ADP		70	
15%		11	
TOTAL		81	

Table 6 reflects the changes to Forecast A (Table 1) if the changes proposed in Scenario 3 are implemented. The number of new admissions does not change, but there is a lower overall LOS. The lower LOS is caused by a portion of detained youth—those likely to move to DJS—having a shorter LOS. LOS remains the same for the rest of the detained youth. The results are a maximum ADP of 71 and a bed space need of 82 after accounting for peak and classification.

Scenario 4: Reduce length of stay to two days for youth who are released on bail.

BED SPACE NEED = 99

(ADP = 86 + 15% at LOS of 123)

This scenario would work similarly to Scenario 3 except it would be applied to bail releases, who in 2009–10 had an LOS of 19 days. This scenario would reduce this to two days through the use of court reforms similar to those listed in Scenario 3.

Table 7. Scenario 4

	New Admissions	LOS	ADP
2009	324	97	86.1
2010	298	104	84.9
2015	311	101	86
2020	311	101	86
2025	311	101	86
2030	311	101	86
2035	311	101	86
2040	311	101	86
HIGH ADP		86	
15%		13	
TOTAL		99	

Table 7 reflects the changes to Forecast A (Table 1) if the changes proposed in Scenario 4 are implemented. The number of new admissions does not change, but

there is a slightly lower overall LOS. The lower LOS is caused by a portion of detained youth—those likely to be released on bail—having a shorter LOS. LOS remains the same for the rest of the detained youth. The results are a maximum ADP of 86 and a bed space need of 99 after accounting for peak and classification.

This scenario is included in order to illustrate that even small changes in admissions or, in this case, LOS, can impact bed space needs. Not all youth eventually released on bail will be able to be processed that quickly, but many already are. Placing a target of a two-day turnaround for bail releases reduces bed space needs by 18.

Scenario 5: Create bed space availability in DJS—decreasing admissions and reducing length of stay for youth awaiting placement—by increasing use of detention alternatives and increasing availability of placement slots.³³

Until recently DJS was predicting less-than-capacity use of its secure custody facilities,³⁴ but now several of them are hovering around capacity, including those most used for Baltimore City youth.³⁵ The length of stay awaiting placement in DJS facilities has risen even as new admissions have dropped, so that in 2010 nearly half of youth in detention were post-adjudication awaiting placement. Most of this problem seems to be caused by reduced available slots (rather than increased demand), including the closure of treatment centers and shelters.³⁶

To avoid detention of youth charged with low-level offenses (e.g., less serious property, drug, or public order

³³ Could target existing juvenile facilities serving Baltimore youth (Baltimore City Juvenile Justice Center and Thomas J.S. Waxter Center).

³⁴ Maryland DJS. (2010, July 9). *DJS comprehensive strategic plan update*. Baltimore: Author. Available at <http://www.djs.state.md.us/pdf/djs-comprehensive-strategic-plan-update.pdf>. (2009, March). *Facilities master plan*. Available at <http://www.djs.maryland.gov/pdf/facilities-master-plan-03-19-09.pdf>. (2010, January). *Managing for results*. Available at <http://www.djs.maryland.gov/pdf/djsfy2010mfr.pdf>.

³⁵ Juvenile Justice Monitoring Unit. (2011, January). *2010 annual report*. Baltimore: Maryland Office of the Attorney General.

³⁶ Ibidem.

offenses) but who need to be supervised prior to their court dates, DJS can increase the availability and use of alternatives such as community supervision, house arrest, electronic monitoring, or day and evening reporting centers.

To reduce length of stay of adjudicated youth awaiting placement, DJS can increase placement spots and reduce the time it takes to find an appropriate spot for youth through the use of expeditors, better communications between corrections and providers, assessing existing alternatives, and improving their ability to successfully fulfill their role.

This report does not offer any specific calculations of changes to detention populations through the implementation of this scenario. Rather, we discuss the numerous ways DJS has already begun to address its use of detention, and options for extending this work to produce greater impact. Community-based alternatives to both detention and out-of-home placement are particularly appropriate for youth since there connections to home, community, school, and other local relationships so important to their development.

Rationale

Alternatives to detention for youth awaiting trial provide cost-effective ways to closely supervise youth while they are in the community, ensuring that they meet the requirements of the court and avoid new offending behavior. Alternatives provide higher levels of surveillance and supervision than simply releasing youth on their own recognizance. They also provide incentives for good behavior and quick repercussions for mistakes. They are a “win-win” option for reducing detention facility populations and increasing positive outcomes for system-involved youth. Regarding costs of increasing placement spots, detention is a more costly alternative than residential treatment centers.³⁷

Feasibility

Maryland DJS has at various times and in various settings instituted changes that help to reduce unnecessary detention, such as the MCASPI risk assessment for assisting caseworkers in deciding which youth require custody and which do not; use of alternatives to detention for DJS youth, including the PACT program and evening, day, and weekend reporting centers with associated services; holding regular detention review meetings that focus on removing from detention low-level offenders and adjudicated youth awaiting placement; and better communication with service providers to reduce LOS of youth awaiting placement. In Baltimore over the past decade, the Annie E. Casey Foundation and other local stakeholders have worked with DJS on various projects that reduced stays awaiting placement through improved case planning. If DJS expands its promising policies, programs, and techniques and promotes their regular application in all of its facilities, it can reduce its current use of detention, thereby creating space for those youth arrested for adult offenses to be held in DJS facilities.

In addition, jurisdictions across the U.S. have developed various programs and methods that DJS might adapt for use, from sweeping efforts to regulate youths’ entrance into the system (e.g., community assessment centers) to specific tools for improving particular aspects of the judicial process (e.g., administrative sanctions grids). Quality and age-, gender-, and culture-appropriate in-custody programming and service continuity after release reduce recidivism and increase positive outcomes—factors that also lower future detention bed space needs. The Life Learning Academy in San Francisco allows high risk system-involved offenders to attend school during the day and, for some, to attend a night reporting center or return to overnight custody. Florida’s JAGS serve girls in detention and after release, providing girl-focused programming and continuity of services into the community.

Numerous jurisdictions across the country have successfully changed policy and practice to reduce bed space needs and simultaneously improve the efficiency, fairness, and quality of processing youth

³⁷ See Juvenile Justice Monitoring Unit. (2010, August). *Overcrowding in DJS detention facilities*, 29. Baltimore: Maryland Office of the Attorney General.

in the system. For example, Hanover County, Pennsylvania, has a pretrial services program that gives community supervision, sometimes with electronic monitoring, along with a wide variety of services. The Virginia Department of Criminal Justice Services has implemented a similar program statewide for offenders who otherwise would have been detained until trial.

The Juvenile Justice Monitoring Unit has recommended other methods for reducing the unnecessary use of detention, including greater use of high quality, small treatment programs; fully staffing existing facilities; improving hiring standards and reducing overtime (and overwork) of caseworkers; and providing judges with alternatives to “consequence” detention.³⁸

Conclusion

Demographic and system data show that the City of Baltimore’s use of detention for youth awaiting trial in the adult system is not likely to increase in the coming years. The youth population in Baltimore, reported crime, and arrests are all down. The number of commitments is the lowest in a decade. Policies regarding arrest and detention are not likely to substantially change the number of youth in the system. The forecast for a bed space need of 117 youth is less than the forecast for the youth facility in 2007. If the types of changes illustrated in the scenarios are pursued, this number can be reduced further. If the planned size of a new facility is sharply reduced, it will have to be decided if there are alternatives to building a smaller, relatively expensive DPS facility. There are many options, some already in use in Baltimore and Maryland, for assuring public safety and an appropriate response to criminal and delinquent behavior while also considering the unique developmental needs of young people.

The scenarios presented represent a few of many options available to the State, should it pursue reforms that would reduce the use of adult detention for youth

³⁸ The Monitoring Unit recommends that every effort be made to ensure that youth who can be served in the community are not placed in detention and that youth are placed quickly after adjudication. See Juvenile Justice Monitoring Unit. (2010, August). *Overcrowding in DJS detention facilities*, 7. Baltimore: Maryland Office of the Attorney General.

and create space in the juvenile system for transfers. Those presented include changes to policy and practice regarding which youth are eligible for the juvenile justice system, early identification and expediting of likely transfer and release cases, and reduced length of stay for likely releases. Other options include but are not limited to reducing discretionary (as opposed to automatic) waivers; increased use of alternatives to pretrial detention; reform of policies regarding violations of probation, failures to appear, and warrants; statutory limits on number or length of postponements; and mandatory transfer hearings within a certain time period. Ideally, multiple approaches will be pursued. Further study of the various options and their potential impact on detention in Baltimore will require improved collection of system data including cross-agency linkages and clear variable definitions.

National Council on Crime and Delinquency

1970 Broadway, Suite 500
Oakland, California 94612
(510) 208-3500

www.nccd-crc.org

100
Centennial

Continuing the Struggle for Justice

NCCD

Appendix A

Monthly ADP of BCDC Juvenile Unit (2004–2010), Total and by Gender

Table A1. BCDC Juvenile Unit Monthly ADP

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Avg. Monthly
2004	106	103	102	103	99	113	121	111	120	140	136	128	115
2005	115	114	102	103	99	113	119	109	109	119	118	101	110
2006	107	106	97	93	88	86	137	110	113	121	129	137	110
2007	137	144	131	125	128	137	256	219	222	240	247	238	137
2008	133	137	128	122	126	137	131	128	130	148	129	128	130
2009	130	128	122	122	116	112	113	106	101	107	101	90	112
2010	90	88	87	92	90	91	92	95	99	99	96	86	92

Maryland DPS Division of Pretrial Detention and Services data (2011).

Table A2. Monthly ADP, Males

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Avg. Monthly
2004	101	96	99	99	94	108	111	103	113	126	127	119	108
2005	108	104	99	99	94	108	112	100	99	111	109	92	103
2006	100	97	86	85	81	79	131	105	108	118	126	131	104
2007	128	136	124	123	123	132	132	136	138	135	127	127	130
2008	125	130	125	117	117	126	120	117	120	116	118	116	121
2009	118	116	110	112	107	105	108	99	94	100	94	83	104
2010	83	83	82	87	86	87	87	89	90	90	87	79	86

Table A3. Monthly ADP, Females

Year	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sept.	Oct.	Nov.	Dec.	Avg. Monthly
2004	5	7	3	4	5	5	10	8	7	14	9	9	7
2005	7	10	3	4	5	5	7	9	10	8	9	9	7
2006	7	9	11	8	7	7	6	5	5	3	3	6	6
2007	9	8	7	2	5	5	6	9	10	9	7	7	7
2008	8	7	3	5	9	11	11	11	10	12	11	12	9
2009	12	12	12	10	9	7	5	7	7	7	7	7	9
2010	7	5	5	5	4	4	5	6	9	9	9	7	6

Appendix B

Baltimore City Commitment Rate Increase, 2007–08

In 2006, in Baltimore, the number of youth arrested and detained in the adult system increased, especially for certain offenses like gun- and gang-related crimes, robbery, carjacking, and for violations of probation and parole. The original DPS forecast for the youth detention facility was performed during this period. Trends in reported crime, arrests, and commitments returned to their previous downward trend in 2008. In addition to a rise in certain kinds of offenses, the rise in commitments was likely related to the changes in law, policy, and practice regarding arrests and sentencing listed below.

- The Governor’s Office of Crime Control and Prevention made efforts to improve police intelligence data sharing and investigative techniques.
- The Department of Public Safety and Correctional Services (DPS) partnered with the District of Columbia to share arrest data.
- The Division of Parole and Probation (DPP) implemented numerous strategies to complement the statewide policing efforts, such as the Baltimore City Violence Prevention Unit (VPU) and others. The Warrant Apprehension Unit received approval to fill 15 new positions.
- Local, state, and federal authorities joined forces to implement Baltimore EXILE to combat gun violence, and enforce “hard time for gun crime.”³⁹
- The U.S. Department of Justice awarded over \$2 million to augment different crime-fighting efforts, including EXILE, Operation Safe Streets (OSS), the

Gun Trace Task Force, and the hiring of new data analysts.⁴⁰

- As a result of increased gang activity and violence, the Baltimore Police Department initiated gang task forces and other initiatives to address the growth in both adult male and juvenile populations.¹ The Maryland Gang Prosecution Act was signed into law and became the first anti-gang bill in the state.⁴¹

³⁹ (2006, February 15). *Baltimore EXILE: A comprehensive strategy to reduce gun violence*. Available at <http://www.justice.gov/usao/md/Exile/files/Baltimore%20EXILE%20strategy%20final.2006.02.15.pdf>

⁴⁰ Government Technology. (2007, October 11). *Baltimore City awarded over \$2 million in federal crime fighting grants*. Available at <http://www.govtech.com/e-government/Baltimore--City-Awarded-Over-2.html>. Folsom, CA: Author.

⁴¹ (2007, May 17). *Gang bill sponsored by Delegate James to be signed by governor*. Available at <http://www.marydulanyjames.com/AnnouncementRetrieve.aspx?ID=39843>.