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February 25, 2021

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: HB 169 – Juvenile Law – Informal Adjustment – **(Support)**

The Office of the Attorney General urges a favorable report on HB 169, Delegate Valentino-Smith's bill authorizing a juvenile court to refer consent matters to the Department of Juvenile Services (DJS) for informal adjustments if the time for an adjudicatory hearing has been waived and the petition is not the result of an unsuccessful adjustment. The bill further requires the court to dismiss a petition if the child successfully completes the informal adjustment.

The Department of Juvenile Services defines diversion as “a program or practice where the primary goal is to reduce the occurrence of juvenile crime by diverting a youth from the traditional juvenile justice system and providing an alternative to formal processing.”¹ Diversion reduces recidivism by keeping low-risk youth away from the stigma of the juvenile justice system;² preventing association with delinquent peers; holding youth accountable for their actions; providing proportionate responses to delinquent behavior; providing youth with opportunities to connect with services in the community; reducing court caseloads, detentions, and out-of-home placements; reducing justice system costs and preserving resources for youth who pose a greater public safety risk or have greater needs for services; and improved relations between youth and the community.³

In FY2019, DJS reported that 60% of cases referred were either diverted or resolved without a formal petition. However, there is considerable room for expansion of diversion, as

¹ *Md. Dep't of Juv. Serv., Data Resource Guide Fiscal Year 2018* viii (Dec. 2018), https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf.

² *Models for Change Juv. Diversion Workgroup, Juvenile Diversion Guidebook* 11 (Mar. 1, 2011), http://www.modelsforchange.net/publications/301/Juvenile_Diversion_Guidebook.pdf.

³ See generally Jill Farrell et al., *Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee*, (submitted Aug. 16, 2018), <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>.

less than half of petitioned cases were for a “person-to-person” or violent offense.⁴ Further, DJS reported disturbing racial disparities in the use of diversion. Statewide, youth of color were nearly twice as likely to have their cases referred to juvenile court intake, 50% more likely to have their cases petitioned, and 30% *less* likely to be referred to diversion.⁵

For all of the foregoing reasons, we urge a favorable report on HB 169.

cc: Members of the Judiciary Committee

⁴ *Md. Dep’t of Juv. Serv.*, *supra* note 1, at 23.

⁵ *Id.*, at 233.