

# Ending Incarceration for Low-Level Offenders



Maryland’s current approach to youth incarceration is costly, ineffective, and seriously harms the young people it purports to serve. The dangers of youth incarceration are well-documented: not only does incarceration not promote the rehabilitation, it places youths’ safety at risk, causes psychological harm, interrupts education, physically and emotionally separates youth from their families, negatively impacts future employment outcomes, and *increases* recidivism.<sup>1</sup>

**Maryland spends more than 48 other states, per child, to incarcerate youth in secure correctional facilities.**<sup>2</sup> That’s because Maryland incarcerates low level, low risk young people at an alarmingly high rate<sup>3</sup> and then provides them minimal programming, based on superficial group interventions that do not work.<sup>4</sup> In Maryland, **2/3 of children sent to youth prisons (“out of home placements”) are there for non-felony offense.**<sup>5</sup> **One in three children are removed from their homes for technical violations of probation.**<sup>6</sup> Thus, young people return worse off than they departed, putting those kids – and our communities – at risk. Research shows that sending kids with low risk of re-offense often come out youth prisons worse than if they’d been simply left alone.<sup>7</sup>

There are significant racial and ethnic disparity problems when it comes to who is sent to juvenile jails and youth prisons. Black youth make up 35% of the population of 10-17 year olds in Maryland,<sup>8</sup> but **Black youth account for 77.4% of the population in juvenile jails.**<sup>9</sup>

The Attorney General’s Juvenile Justice Monitoring Unit has documented for years DJS’ juvenile facilities challenges, including: deteriorating facilities, understaffing, lack of staff training, lack of quality mental health services, continued use of outdated physical and mechanical restraints, continued use of solitary confinement, lack of programming for youth (including poor education continuity), and lack of family engagement efforts.<sup>10</sup>

HB1187/SB853 addresses these challenges by **banning the use of juvenile jail and youth prison for kids whose most serious alleged offense is a misdemeanor or a technical violation of probation.** This change will end the harms of juvenile incarceration for low-level offenders and allow DJS to better leverage its resources to provide small, high-quality programming for those young people who face the most serious charges and are at the highest risk of re-offense.

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<sup>1</sup> The research on the harms of juvenile detention is extensive and demonstrates that detention increases recidivism and hurts public safety, detention affects dropping out and educational attainment, detention may exacerbate or cause mental illness and trauma, detention exposes youth to increased abuse, and interferes with what is required for healthy adolescent development. Anna Aizer and Joseph J. Doyle, Jr., [Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges](#), National Bureau of Economic Research, NBER Working Paper No. 19102 (2013), at pp. 3-6, 9, 25, [h](#); Justice Policy Institute, Barry Holman and Jason Ziedenberg, [The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities](#) (2006), p. 8; Richard A. Mendel, [No Place for Kids: The Case for Reducing Juvenile Incarceration](#) (2011), The Annie E. Casey Foundation, p. 12, National Academies of Science, [Reforming Juvenile Justice: A Developmental Approach](#) (2013), ; Richard A. Mendel, [Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update](#), The Annie E. Casey Foundation (2015), pp. 6-29,; Thomas J. Dishion and Jessica M. Tipsord, [Peer Contagion in Child and Adolescent Social and Emotional Development](#), 62 Annual Review of Psychology 189 (2011),. Karen Abram, et al., [Suicidal Thoughts and Behaviors Among Detained Youth](#), OJJDP Juvenile Justice Bulletin (July 2014), pp. 1-8,; Sue Burrell, [Trauma and the Environment of Care in Juvenile Institutions](#), National Child Traumatic Stress Network (2013), pp. 2-5,; Edward Cohen and Jane Pfeifer, [Costs of Incarcerating Youth with Mental Illness, for the Chief Probation Officers of California and California Mental Health Directors](#) Association (2007).

<sup>2</sup> With more than 336 authorized staff at six aging, remote facilities, all serving a daily average youth population of just 118 youth, **DJS's annual cost per youth at DJS run committed programs now exceeds \$325,000 per year – more than all but one state in the union.** DJS 2018 Data Resource Guide & Justice Policy Institute Sticker Shock [http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker\\_shock\\_final\\_v2.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf)

<sup>3</sup> *Id.*

<sup>4</sup> Maryland Attorney General's Juvenile Justice Monitoring Unit, First Quarter 2020 Report, [https://www.marylandattorneygeneral.gov/JJM%20Documents/20\\_Quarter1.pdf](https://www.marylandattorneygeneral.gov/JJM%20Documents/20_Quarter1.pdf).

<sup>5</sup> Maryland Department of Juvenile Services, [Doors to Commitment](#) (2015.)

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> OJJDP, Easy Access to Juvenile Populations, <https://www.ojjdp.gov/ojstatbb/ezapop/>.

<sup>9</sup> *Id.*

<sup>10</sup> *Supra*, note 4.