HB0169
LET THE EXPERTS DECIDE

Background
Currently, when a young person has committed an offense, the intake officer has the discretion to determine if a young person is a good candidate for a community-based solution instead of detention. If the young person meets the requirements, the officer sends the case to the Department of Juvenile Services (DJS) where the young person and the family determine a case plan. If the young person meets the conditions of this case plan, DJS does not forward the case to the State’s Attorney’s office, and the young person does not have any kind of juvenile record. This practice should be expanded to the Court to allow a young person’s case to be diverted to a community-based program before getting involved with the juvenile justice system which disproportionately affects Black and Latinx youth more than their White peers.

Solution
Formalize the process of allowing judges, prosecutors, and defense attorneys to have more flexibility in recommending sentencing to include community diversion programs. This process, known as informal adjustment, allows for the fair and appropriate treatment of all youth. The benefits of formal adjustment are that it:

- Allows young people to remain with their families, in their communities, and enrolled in school wherever possible, which has positive benefits for the youth and thus, positive benefits for public safety
- Diverts more youth from the formal processes of the juvenile justice system to ensure that young people meet terms and conditions set forth by Department of Juvenile Services without suffering the collateral consequences of a formal juvenile record

Impact
The nearly 452,000 youth in Maryland who are 12+ years of age but have not yet reached their 18th birthday will have a better chance of receiving informal adjustments, which prevent youth from having criminal records, yet allow them to participate in diversionary programs meant to support youth in their communities.

Collaborating Partners
Maryland Youth Justice Coalition (MYJC)