

MEMORANDUM

September 17, 2019

TO: Public Safety Committee
Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst

SUBJECT: Behavioral and Mental Health Services in the Juvenile Justice System

PURPOSE: Briefings and Discussion

Expected for this session:

The Honorable Robert A. Greenberg, Administrative Judge, Circuit Court
The Honorable Karla N. Smith, Associate Judge Circuit Court/Juvenile Court
Frank Duncan, Assistant Regional Director, MD Department of Juvenile Services
Elijah Wheeler, Deputy Executive Director, Collaboration Council for Children,
Youth & Families
Dr. Raymond Crowel, Director, Department of Health and Human Services
Regina Morales, DHHS Child and Adolescent Outpatient Behavioral Health Services
Luis Cardona, Manager, DHHS Positive Youth Development Programs
Mary Siegfried, Office of the Public Defender, Juvenile Division
Carlotta Woodward, State's Attorney Office, Juvenile Division
Ruschelle Reuben, Associate Superintendent, Office of Student and Family Support and
Engagement, MCPS
Kevin Lowndes, Associate Superintendent, Office of Special Education, MCPS
Tracy Foster, Executive Director, Office of the Chief Academic Officer, MCPS
Carol Jones Pickney, EveryMind

Background to Discussion

Last spring, the Joint Committee held a worksession on the Mental Health Court to discuss its ongoing implementation, successes, and challenges. Attending the session were the Honorable Judge Patricia Mitchell and the Honorable Judge Marina Sabett of the District Court

which led to an in-depth fruitful discussion. At that time, Joint Committee members asked about the types of supports available to youth in the juvenile justice system and whether there is a structure in place to address underlying issues that may be the source of poor or delinquent behavior. Judges Mitchell and Sabett noted that the Juvenile Court is in the Circuit, not District, Court and that the juvenile and adult systems are very different as cases may proceed to Juvenile Court but may also be handled informally through the Department of Juvenile Services (DJS). The Joint Committee asked for a future session to start a discussion of the supports that are available to youth in the juvenile system.

Since the session last spring, Council staff has heard the following as some of the concerns of those working in the juvenile system:

- The disproportionate number of Black youth and youth of color in the juvenile system remains significant both at intake and for those who eventually are seen at the Juvenile Court.
- Youth who have higher socio-economic status come to the Juvenile Court with family and private attorneys. Lower income youth, who tend to be youth of color, are already behind and family members may not be able to come because they are working.
- DJS has assessment tools and program that are alternatives to detention, but most youth are not headed to detention. For example, the reporting center is an alternative to detention and is not appropriate for youth that were never at risk of detention.
- There need to be more diversion options for youth charged with minor offenses that are not eligible for the SASCA and Teen Court track; or for who this track is not needed because substance use is not suspected to be an issue. The programs should be structured to make sure they are not setting youth up to fail, which then sends them to court.
- There needs to be a better set of services for Children in Need of Supervision (CINS) and, at the same time, more options for youth who are truant, non-compliant, or whose families do not know what to do except to turn to DJS. Could components of the Mental Health Court model be used but in a true diversion program? There is a need for more comprehensive assessment and services for youth than the screening currently provided by SASCA. Youth should be screened to determine if the Montgomery County Public School's (MCPS) should assess the need for an IEP for other special education services. Often parents do not know how to advocate for these services.
- Additional cross agency case management needs to be put into action. Currently, the Crossover Youth Practice Model has been established for youth who are both in the DJS and Child Welfare systems. There are youth who should have this same kind of case management but whose families do not need to be in the Child Welfare system.
- Procedures for handling issues like truancy and peace orders can be different in different schools within MCPS and schools seem to have different approaches to criminal behavior.

- Not every diversion response needs to be punitive or costly and they can be held in settings other than government buildings.

These issues are not new, and they are not new to the Council. For example, the Collaboration Council had the Disproportionate Minority Contact Reduction effort for several years and the Office of Legislative Oversight Report 2016-6, *The School-to-Prison Pipeline in Montgomery County*, section on Police, Juvenile Services, and Other Law Enforcement Agencies, also included some of these same observations and comments. In addition, one of the OLO recommendations was, “*Expand juvenile justice diversion for misdemeanor offenders. OLO recommends that the Council task MCPD, the SAO, and DHHS with expanding local diversion opportunities that enhance the participation of low-income and Black youth in diversion programs, particularly expanding the eligible offenses to include simple assault.*”

At this session, the Joint Committee will have an opportunity to:

- Receive comments from the Circuit/Juvenile Court Judges
- Receive an overview on the juvenile services process (see © 3-4)
- Hear from the Collaboration Council about national best practice models for diversion
- Hear from DHHS about the SASCA program, the joint DJS/DHHS Crossover Practice Model, and Behavioral Health Services in the Wellness Centers. While this is not a session focused on detention, DHHS will also provide information on the Youthful Offender program that is available at the Montgomery County Correctional Facility. Council staff has also asked DHHS to consider whether SASCA could be a focal point for expansion of assessment and case management services.
- Receive comments from EveryMind on the CINS Pilot (no longer funded)
- Receive comments from Ms. Woodward of the State’s Attorney’s Office
- Receive comments from Ms. Siegfried of the Office of the Public Defender
- Receive comments from MCPS. Council staff asked MCPS to inform the Joint Committee about the MCPS liaison to the Juvenile Court, and to discuss how MCPS informs families about how to get assessments and services when a child is struggling in school in response to concerns that youth and parents before the Juvenile Court often do not know how to access these assessments. Council staff also notes that MCPS will be providing the educational services at Noyes Juvenile Detention Center. Council staff suggests that the Joint Committee return to this issue once MCPS has been providing services for a while.

DJS Data for Montgomery County

Montgomery County is in the State’s Metro Region which includes Montgomery and Prince George’s Counties. The following data is for Montgomery County only. (Full data sheet at © 1-2.)

Montgomery County – DJS FY18 Data Resource Guide

	FY16	FY17	FY18
Intake Complaints	2179	2435	2324
Pre-Disposition Detention	202	226	205
Post Disposition Detention	82	105	83

Montgomery County – DJS FY18 Data Resource Guide

Complaint Source:	FY16	FY17	FY18
Adult Court Transfers	1.2%	1.4%	0.8%
Citizen	0.8%	0.2%	0.9%
Police (includes SROs)	95.4%	94.7%	94.2%
Technical Violation of Probation	2.5%	3.6%	4.1%

Montgomery County – DJS FY18 Data Resource Guide

Demographics of Intake Complaints	FY16	FY17	FY18
Black	57%	58%	52.5%
White	15.3%	12.9%	15.6%
Hispanic/Other	27.7%	29.1%	31.9%
Male	77.1%	76.4%	76.8%
Female	22.9%	23.6%	23.2%
Age 14 and under	19.2%	24.1%	18.2%
Age 15 through 20	80.8%	75.9%	81.8%

Montgomery County – DJS FY18 Data Resource Guide

Case Forwarding Decision	FY16	FY17	FY18
Resolved/No Jurisdiction	26.3%	23.8%	21.9%
Informaled	18.4%	21.2%	26.6%
Authorized Formal Petition	55.3%	55.0%	51.5%

The report notes that in FY18 “Youth of color are most over-represented in Referral to Juvenile Court (3.33), Secure Detention (3.26), and at Delinquent Findings (1.46).” As seen in the table, between 52% and 58% of all intake complaints were Black youth and between 27% and 32% were Hispanic or Other.

In terms of FY18 intake cases (total 2,324), 12.8% were a crime of violence, 7.5% were a felony, 60% were misdemeanors, 0.7% were an ordinance offense, 18.8% were citations, and 0.2% were Children in Need of Supervision (CINS).

A majority of cases move on to formal petitions in Montgomery County. Of those, 22% to 30% are Dismissed, Closed, or Nolle Pros.

Department of Juvenile Services

The Department of Juvenile Services is a State agency in the Executive branch that is charged with appropriately managing, supervising, and treating youth who are involved in the juvenile justice system. Referrals to the Department of Juvenile Services do not have to come from law enforcement, although in Montgomery County the complaint source for about 95% of cases is the police.

DJS Vision: Successful Youth, Strong Leaders, Safer Communities

DJS Strategic Plan Goals

The DJS Data Resource Guide states the following as the Strategic Plan Goals:

- Improve positive outcomes for justice involved youth
- Only use incarceration when necessary for the public safety.
- Keep committed and detained youth safe while delivering services to meet youth needs.
- Ensure a continuum of care for justice-involved youth that is age appropriate and developmentally-appropriate.
- Build, value, and retain a diverse, competent, and professional workforce.
- Enhance the quality, availability, and use of technology to improve services for staff, youth, and families.

A process chart and explanation of steps in the juvenile system are attached at © 3-4. An excerpt from the Resource Guide on Intake and Community Supervision is attached at © 5-7.

Screening and Assessment Services for Children and Adolescents (SASCA)

The Department of Health and Human Services administers the SASCA program. The county website says that the SASCA program conducts a confidential screening for substance abuse for children up to age 18, who live in Montgomery County. Referrals are made for treatment. Although SASCA does not do a psychiatric evaluation and/or provide a mental health diagnosis, the screening does cover essential mental health areas (for example: questions are asked about suicidal and/or homicidal ideation or attempts; hospitalizations; medications; previous mental health treatment, etc.) There is no fee for the screening service. The screener at SASCA can assist in registering children with drug and education programs and classes. Screening are usually one 60 to 90-minute session. Families are responsible for any costs associated with substance abuse or other treatment programs.

Teen Court

On September 16, the Public Safety Committee received a briefing from the State's Attorney's Office on crime prevention initiatives. The presentation included information on Teen Court, one of the places where some of those completing a SASCA screening may be

referred. Teen Court is for first-time offenders and the charge is dismissed with successful completion. The State's Attorney provided the following information for years 2016-2018:

Total Referrals: 709 cases
Accepted: 619 cases (87%)

Outcomes:

497 cases successful (80%)
122 cases unsuccessful (20%):
 27 incomplete Teen Court disposition (22%)
 12 SASCA non-compliant (10%)
 73 SASCA and Teen Court non-compliant (60%)
 10 reoffend (8%)

Demographics:

279 Male (45%)
340 Female (55%)

Demographics:

African American: 36%
Caucasian: 41%
Hispanic: 20%
Asian: 3%

Child in Need of Supervision (CINS)

A CINS is defined as a youth who is habitually truant, disobedient, ungovernable, or beyond the control of the person who has custody, is in danger of hurting themselves or others, or who commits an offense applicable to youth only. The idea behind having a CINS classification is to allow DJS to work to intervene to avoid having the youth become delinquent and referred to Juvenile Court.

When someone is referred to DJS as a CINS, DJS can file a formal complaint or can handle the complaint within DJS and refer the family to services. If a formal complaint is filed, a hearing will decide what type of supervision is needed. In Montgomery County, less than 1% of intake cases are classified as CINS.

EveryMind served as the contractor for a CINS pilot program in Montgomery County. Under this voluntary program, DJS would provide an assessment and then link the child and family to EveryMind. The CINS FY17 Annual Report is attached at © 8-13. EveryMind accepted referrals from multiple sources, not just DJS and the report indicates that of the 163 cases referred, 60 came from MCPS, another 49 were phone self-referral or walk-in, 11 came from DJS, and 4 from Child Welfare Services. There were 52 youth/families served. The goal was to divert youth from the court.

The Annual Report describes successes and challenges. One comment on challenges says in part:

“Many parents who have called have stated that their youth is out of control, they are fearful for their lives, and they want them out of the home. This is a challenge for the program because parents are resistant to alternative interventions because they state, ‘we’ve done it all’.”

But it also notes that some parents who have youth who were arrested for minor charges were confused about what to do, missed appointments, and that sometimes the needs of the parents exceeded the needs of the youth. The need to help parents with effective parenting skills was an important part of the program.

Attached to this memo:

DJS Montgomery County Data – FY18 Resource Guide	© 1-2
DJS Process Flowchart and description	© 3-4
DJS Introduction to Intake and Community Supervision	© 5-7
EveryMind CINS FY17 Annual Report	© 8-13
Excerpt OLO 2016-6, The School to Prison Pipeline	© 14-34
Chapter VI: Police, Juvenile Services, and Other Law Enforcement Agencies	



Montgomery County

7300 Calhoun Pl. Suite 500, Rockville, MD 20855 (ph) 301- 610-8500; 8905 Fairview Rd. 6th Floor, Silver Spring, MD 20910 (ph) 301- 650-6760

COMPLAINT SOURCE, FY 2016-2018

Complaint Source	FY2016	FY2017	FY2018
Adult Court Transfers	1.2%	1.4%	0.8%
Citizen	0.8%	0.2%	0.9%
Police*	95.4%	94.7%	94.2%
Violation of Probation**	2.5%	3.6%	4.1%
Total Complaints	2,179	2,435	2,324

* Includes referrals from School Police and School Resource Officers

** Includes only technical violations

CASE FORWARDING DECISIONS AND COURT ACTION[†] FOR FORMALIZED CASES, FY 2016-2018

Case Forwarding Decision	FY2016	FY2017	FY2018
Resolved/No Jurisdiction	26.3%	23.8%	21.9%
Informed	18.4%	21.2%	26.6%
Authorized Formal Petition	55.3%	55.0%	51.5%
Total Complaints*	2,179	2,435	2,324

Court Action for Formalized Cases

Petition Withdrawn, Denied by SAO, Non Est	15.6%	20.8%	18.9%
Stet	2.7%	5.0%	2.9%
Jurisdiction Waived to Adult Ct	1.7%	0.9%	0.1%
Dismissed, Closed, Nolle Pros	30.0%	26.1%	22.8%
Pending Disposition**	4.3%	7.4%	15.7%
Services Not Ordered	10.5%	3.3%	3.8%
Probation	23.1%	20.5%	24.3%
Committed to DJS	11.3%	15.8%	11.1%
Committed to Other Agency	0.0%	0.1%	0.0%
Other***	0.8%	0.2%	0.3%
Total Formal Complaints	1,206	1,339	1,196

[†] Reflects the ultimate disposition at court. See note on page 21.

* Includes cases missing decisions

** Includes Continuance without DJS Supervision, Continued Cases, Waiver from Juvenile to Adult-Denied, Writ Pending and Pending at the time of final data collection for the DRG

*** Includes Commitment Rescinded-Aftercare Supervision, Jurisdiction Transferred, Interstate Courtesy, and Other

WORKLOAD INFORMATION, FY 2018

Community	Monthly Avg. Cases
Investigation	40.8
Pre-Court	143.2
Probation	202.2
Aftercare	67.6
Committed-Aftercare	49.8

- *U.S. Census and Maryland Department of Planning Estimation Data:*
 - Between July 2013 and July 2017, the Montgomery County population (ages 11-17) increased 4.7% (from 89,646 to 93,829).
- *Intake Case Forwarding Decisions (FY 2018):*
 - 51.5% of complaints were formalized while 26.6% were informalized.
- *Intake Trends (FY 2016-2018):*
 - Total complaints increased 6.7%.
 - The percent of dispositions that received probation increased from 23.1% to 24.3%.
 - The percent of dispositions that were committed decreased from 11.3% to 11.1%.
- *Time Frames - Averages (FY 2018):*
 - Time from offense to intake referral date was 46.2 days.
 - Time from intake referral date to case forwarding decision was 26.2 days.
 - Time from case forwarding decision to sustained adjudication was 84.5 days.
- *Racial and Ethnic Disparity (FY 2018):*
 - Youth of color are most over-represented in Referral to Juvenile Court/Intake (3.33), Secure Detention (3.26), and at Delinquent Findings (1.46).
 - See Appendix O for a complete presentation of relative rate indices.
- *Offense Category for Intake Cases (FY 2017-2018):*
 - The percentage of Crimes of Violence decreased from 13.0% to 12.8%.
 - The percentage of Felonies decreased from 9.6% to 7.5%.
 - The percentage of Misdemeanors increased from 59.4% to 60.0%.
- *First-Time New Commitments for VOP (FY 2016-2018):*
 - The percentage of first-time commitments for VOP increased from 37.2% (16) to 38.2% (21) between FY 2016 and FY 2018 and decreased from 43.2% (32) to 38.2% (21) between FY 2017 and FY 2018.

INTAKE COMPLAINT DECISION DEMOGRAPHICS, FY 2016-2018

Demographics	FY2016	FY2017	FY2018
Race/Ethnicity			
Black	57.0%	58.0%	52.5%
White	15.3%	12.9%	15.6%
Hispanic/Other	27.7%	29.1%	31.9%
Sex			
Male	77.1%	76.4%	76.8%
Female	22.9%	23.6%	23.2%
Age			
11 and under	1.2%	1.6%	0.8%
12	2.8%	3.3%	2.4%
13	4.8%	7.5%	3.8%
14	10.4%	11.6%	11.2%
15	19.2%	21.2%	18.0%
16	26.6%	23.4%	25.8%
17	30.2%	26.2%	32.0%
18-20	4.8%	5.1%	6.0%
Total Complaints	2,179	2,435	2,324

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OFFENSE TYPE, FY 2018*

Offense Type	Intake Charges ¹	Pre-Disp. Detention Placements ¹	New Probation Cases ²	New Commitment ²
Person-to-Person	31.0%	43.6%	45.5%	42.5%
Assault (Felony)	0.9%	3.3%	0.9%	1.2%
Assault (Misdemeanor)	13.1%	17.1%	22.1%	17.5%
Carjacking	0.1%	0.5%	0.0%	0.0%
Child Abuse	0.0%	0.0%	0.0%	0.0%
Deadly Weapon	2.3%	2.3%	2.3%	1.2%
Handgun Violation	0.2%	0.2%	2.3%	2.5%
Harassment	0.1%	0.0%	0.9%	0.0%
Kidnapping	0.1%	0.5%	0.0%	0.0%
Manslaughter	0.0%	0.0%	0.0%	0.0%
Murder	0.0%	0.0%	0.0%	0.0%
Other Person [†]	6.9%	8.7%	3.3%	6.2%
Robbery	4.9%	12.0%	7.0%	10.0%
Sex Offense (Felony)	1.6%	4.0%	5.6%	2.5%
Sex Offense (Misd.)	0.9%	0.0%	0.9%	1.2%
Property Offenses	35.9%	28.6%	28.6%	33.8%
Arson	0.4%	0.0%	0.5%	1.2%
Auto Theft/Unauth Use	1.6%	1.6%	2.3%	3.8%
Burglary/Break (Felony)	2.6%	5.6%	4.7%	5.0%
Burglary/Break (Misd.)	4.4%	2.1%	1.4%	1.2%
Malicious Destruction	4.1%	2.8%	2.3%	2.5%
Other Property ^{††}	3.9%	2.8%	0.9%	3.8%
Theft (Felony)	3.0%	2.8%	1.9%	1.2%
Theft (Misdemeanor)	15.9%	10.8%	14.6%	15.0%
Drug-Related Offenses	3.3%	2.8%	4.7%	2.5%
Narcotics (CDS-Felony)	1.1%	0.7%	2.8%	1.2%
Narcotics (CDS-Misd.)	2.2%	2.1%	1.9%	1.2%
Citations	13.3%	5.6%	0.9%	1.2%
Alcohol Violation	2.4%	0.9%	0.0%	0.0%
Possession of Marj. <10g	9.7%	4.0%	0.9%	0.0%
Tobacco Violation	0.6%	0.5%	0.0%	0.0%
Traffic Viol. Non-incarc.	0.5%	0.2%	0.0%	1.2%
CINS Offenses^{†††}	0.1%	0.0%	0.0%	0.0%
Ordinance Offenses^{†††}	0.6%	0.5%	0.0%	0.0%
Uncategorized Offenses	15.9%	13.8%	20.2%	20.0%
Cons. to Commit Offense	6.2%	8.0%	14.6%	13.8%
Motor Vehicle/Traffic	5.4%	0.5%	1.4%	0.0%
Interstate Warrant/Hold	0.0%	0.5%	0.0%	0.0%
Unspecified Felony	0.4%	0.7%	0.9%	0.0%
Unspecified Misdemeanor	3.9%	4.2%	3.3%	6.2%
Total Offenses	3,604	426	213	80

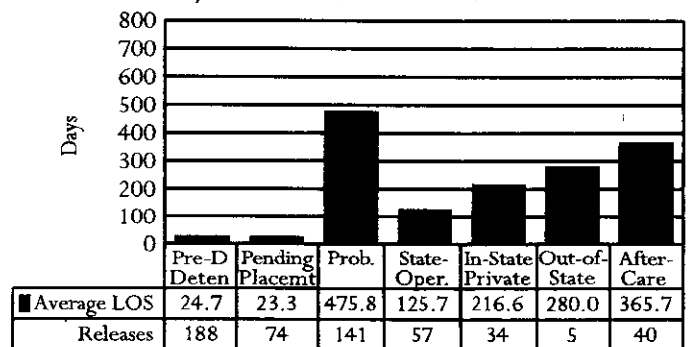
* Intake, Probation, & Committed reflect county of jurisdiction; Detention is county of residence and offense may not be the reason for detention
¹ Alleged offenses; ² Adjudicated offenses; Youth newly assigned to probation/newly committed
[†] Other Person, ^{††} Other Property, and ^{†††} Ordinance Offenses are listed on page 241.
 ** Includes runaway, truant, and ungovernable

OFFENSE CATEGORY, FY 2018

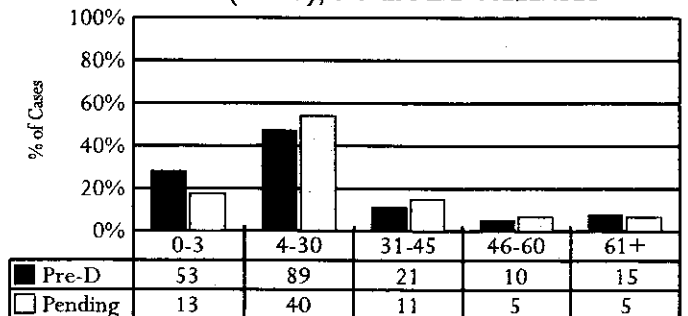
Offense Category	Intake Cases	Pre-Disp. Detention Placements	New Probation Cases	New Commitment
Crime of Violence[*]	12.8%	35.6%	16.3%	25.5%
Felony	7.5%	13.2%	25.9%	20.0%
- Person-to-Person	0.9%	3.9%	5.4%	1.8%
- Property	4.1%	6.3%	5.4%	3.6%
- Drugs	1.6%	2.0%	3.0%	1.8%
- Unspecified	0.9%	1.0%	12.0%	12.7%
Misdemeanor	60.0%	41.5%	56.6%	52.7%
- Person-to-Person	32.8%	26.8%	33.1%	29.1%
- Property	23.0%	13.2%	16.3%	18.2%
- Drugs	1.8%	0.5%	1.2%	1.8%
- Unspecified	2.4%	1.0%	6.0%	3.6%
Ordinance Offenses	0.7%	0.0%	0.0%	0.0%
Citations	18.8%	9.3%	1.2%	1.8%
CINS	0.2%	0.0%	0.0%	0.0%
Interstate Warrant/Hold	0.0%	0.5%	0.0%	0.0%
Total Complaints/Placements/Dispositions	2,324	205	166	55
% of Statewide	11.8%	8.6%	10.5%	11.0%

* See Appendix K for description of Crimes of Violence.
¹ Alleged offenses
² Adjudicated offenses; Youth newly assigned to probation/newly committed

AVERAGE LOS, FY 2018 RELEASES



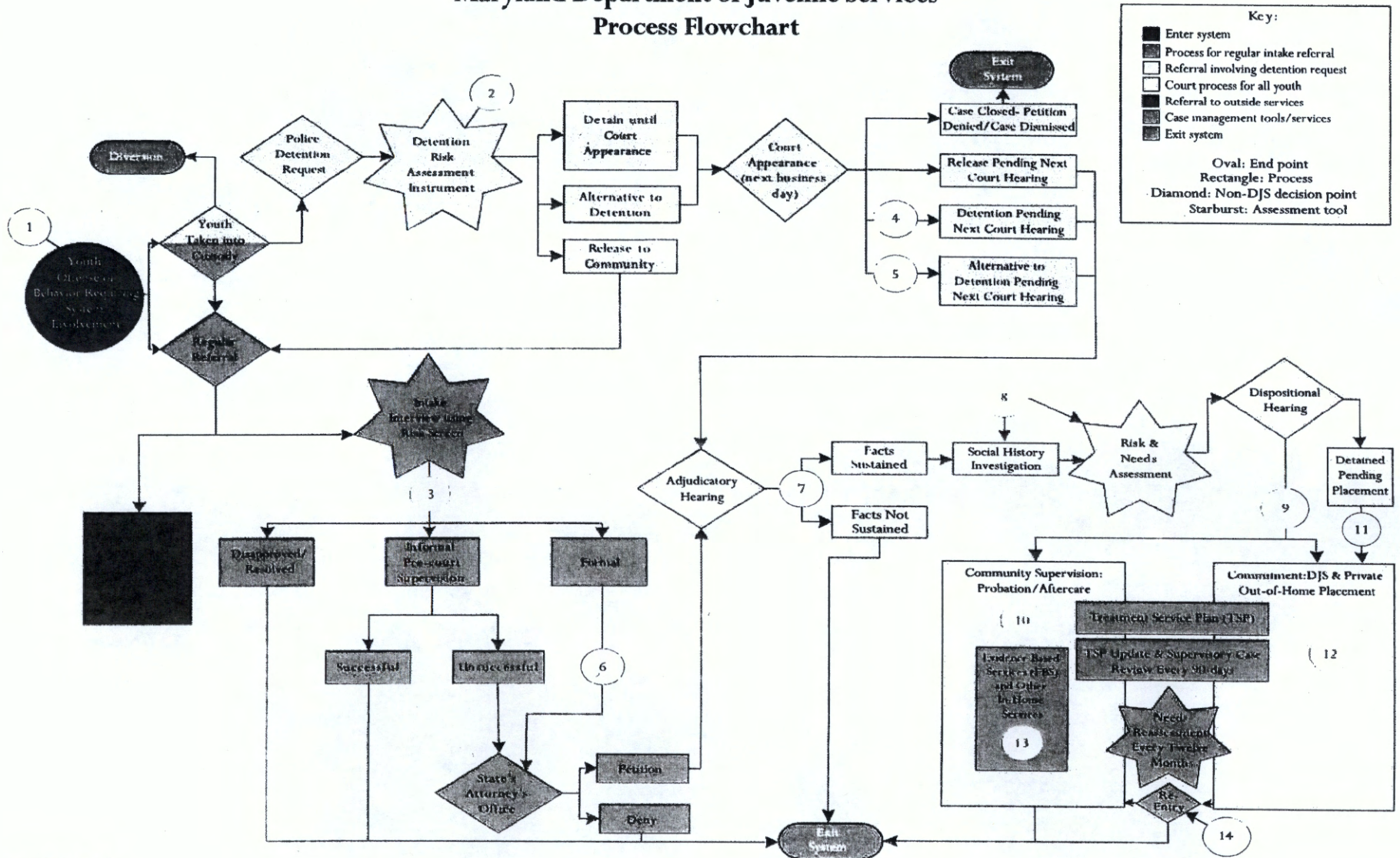
DETENTION LOS (DAYS), FY 2018 RELEASES*



* Selected time intervals are based on statute, code, and policy.

ASSIST is a live database; therefore, updates made subsequent to these data being run will not be included. Percentages may not add to 100% due to rounding. Data may not be comparable to previous Data Resource Guides due to methodology changes. All data represent only youth under juvenile court jurisdiction.

Maryland Department of Juvenile Services Process Flowchart



Revised 11/2018



STEPS IN THE JUVENILE JUSTICE SYSTEM (SEE PROCESS FLOWCHART)

1. Youth can be referred to DJS by law enforcement, schools, citizens, and parents. Some police departments run diversion programs, and only those youth who fail out of the program would be referred to DJS. Youth may also be apprehended by law enforcement agencies (on a writ or warrant) for failing to appear in court or violating the conditions of supervision while in an alternative to detention program, for example.
2. If requested by law enforcement, DJS makes an emergency detention decision to determine if a youth requires secure detention until the next court day. This decision is guided by a Detention Risk Assessment Instrument (DRAI).
3. The intake complaint is assessed by an intake officer, who has statutory authority to determine how the case should be handled. The options are:
 - Disapprove as legally insufficient;
 - Resolve, when it is determined that furthering the case would be disadvantageous to the interests of the youth and to public safety;
 - Informal pre-court supervision, where the family signs a 90-day agreement to certain conditions without court involvement. This is the main DJS court diversion program; or
 - Formally authorize the State's Attorney to petition the juvenile court for a hearing.
4. At the detention hearing, the juvenile court determines if detention is required until the adjudicatory or dispositional hearing. Youth may also be detained directly by the juvenile court in cases where the youth is presented during court hours, either on a new charge, a writ or warrant, or due to a violation or sanction of a supervision order (probation, community detention, drug court, etc.). DJS operates all secure juvenile detention centers.
5. Youth who present a lower risk may also be supervised in programs providing alternatives to secure detention. These programs ensure that the youth is available to attend the adjudicatory hearing. Youth must comply with certain restrictions, which include house arrest, electronic monitoring, or day and/or evening reporting centers. Structured shelter is also used for cases where the youth cannot return home after arrest but otherwise represents a lower risk.
6. DJS formally authorizes the State's Attorney to petition the juvenile court. The State's Attorney then reviews the complaint, and may dismiss it, or file a petition to the juvenile court.
7. At the adjudicatory hearing, the juvenile court determines the outcome of the petitioned charges, which can be sustained or not sustained.
8. While a youth is awaiting disposition and/or supervision or placement, DJS conducts a series of assessments and investigations which will guide the DJS recommendation to the court on how the case should be handled.
9. For cases where the charges are sustained, a dispositional hearing is held to determine if the youth requires supervision by DJS under a probation order, or will be committed to DJS' care which usually indicates an out-of-home placement.
10. For youth whose disposition is probation, DJS case managers provide supervision and services while the youth resides at home. Supervision intensity varies depending on the risk level of youth. Standard community supervision levels include low, moderate, high, and intensive supervision.
11. Youth who are committed to the Department for out-of-home placement may continue to wait in detention "pending placement" for an appropriate placement to become available.
12. Youth who are committed to an out-of-home placement may be placed in a broad variety of programs (state-run or private, secure or non-secure) depending on the risk level and treatment needs of the youth.
13. DJS has committed diversion programs for youth who might otherwise be placed out-of-home. These in-home programs provide services and treatment to the youth and family, including Functional Family Therapy (FFT), Multisystemic Therapy (MST), and Family Centered Treatment (FCT).
14. Youth returning home from a committed placement are supervised on aftercare by DJS case managers who, along with regional re-entry specialists, ensure that youth are connected in the community with required services including education, employment, and health services.



Introduction to Intake and Community Supervision

The DJS Community Services Division provides a continuum of services to youth across multiple stages of the juvenile justice system. Juvenile justice processing begins at the point of intake. At this stage, DJS intake officers receive complaints from persons or agencies, private citizens, schools, victims or law enforcement agencies – and assess whether the juvenile court has jurisdiction and whether judicial action is warranted. Community Services staff supervise DJS-involved youth who have been placed on Informal (or Pre-Court) Supervision, Community Detention and Electronic Monitoring (CD/EM), Probation, and Aftercare Supervision. Case supervision and management tasks will be described in more detail below.

Juvenile Intake

DJS intake officers review all delinquent and Child in Need of Supervision (CINS) complaints, citations, referrals for service, and peace order requests. Intake officers are directed to make a determination within 25 days as to whether the juvenile court has jurisdiction, and whether judicial action is in the best interest of the public or the child. DJS intake officers are authorized to either: (a) disapprove a complaint as legally insufficient; (b) resolve the matter at intake; (c) propose an informal adjustment period (also called pre-court supervision); or (d) authorize the filing of a petition by the State's Attorney's Office. DJS is required to forward all felony and handgun violation complaints to the State's Attorney's Office for review.

The intake decision-making process may involve an interview with the youth, parent and/or guardian, and where applicable, the victim(s). The intake decision is also guided by the Maryland Comprehensive Assessment and Service Planning (MCASP) Intake Risk Screen (see Appendix M). The MCASP Intake Risk Screen is completed at intake for all alleged offenses except citations, CINS offenses (e.g., runaway and truant complaints), and traffic offenses. MCASP Intake Risk Screen items are used to create a delinquency history score and a social history score. The instrument generates a recommended intake decision based on the intersection of these two scores and the nature of the most serious alleged offense (whether it is a felony or misdemeanor).

In addition to assessing the merit of complaints received at intake and making the case forwarding decision, DJS intake officers are responsible for determining whether juveniles who have been taken into custody require secure detention or may be released to a parent, guardian, or other responsible adult and, if so, under what conditions. Some youth are released to a caregiver without any additional restrictions or conditions. Other youth are released to a caregiver and required to participate in an alternative to detention (ATD) program such as CD/EM pending a court hearing on the next court date. Lastly, some youth are detained or placed in shelter care pending a court hearing on the next court date.

Intake officers are directed by statute (Md. Code, Courts and Judicial Proceedings, section 3-8A-15) to authorize detention if detention is deemed necessary to protect the youth or others, or if the youth

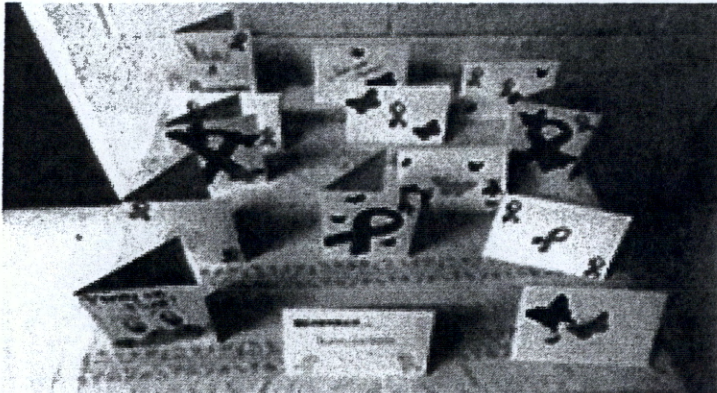
is deemed likely to leave the jurisdiction of the court. Shelter care may be utilized for youth requiring care, but not in a secure setting. Additionally, shelter care can be utilized if a parent, guardian, or custodian is not available to provide supervision and care until the child returns to court.

The decision to authorize detention is guided by a decision-making tool called the Detention Risk Assessment Instrument (DRAI). The DRAI is designed to provide an objective assessment of the probability that a youth will reoffend or fail to appear for future court dates. The DRAI was validated during FY 2017 and revised effective July 1, 2018 (see Appendix F for the validated instrument).

Intake services are provided by DJS regions during normal working hours (i.e., Mon-Fri., 8 a.m. to 5 p.m.). The Baltimore City Region provides 24/7 intake services and houses a centralized intake unit at the Baltimore City Juvenile Justice Center. The centralized intake unit provides state-wide intake services during non-traditional working hours and/or holidays for all regions across the state.

Community Supervision - Informal Adjustment (or Pre-Court Supervision)

As discussed above, one option for a case received at DJS intake is to handle the case informally without involving the juvenile court through an Informal Adjustment/Pre-Court Supervision period of up to 90 days. Pre-Court Supervision is an agreement executed by the DJS intake officer that stipulates conditions of the supervision period. The agreement requires consent by the youth, parent/guardian, and victim (where applicable). Approval by the State's Attorney's Office is required for a felony offense. Agreements are tailored to the individual circumstances of the case, and may include the payment of restitution, the completion of community service hours, as well as participation in specialized counseling or treatment programs such as substance abuse treatment. In some circumstances, the period of informal supervision may be extended to 180 days to allow for the youth to participate in a substance abuse or mental health treatment program. Note that if a youth fails to meet the conditions of the agreement, the DJS intake officer may elect to forward the case to the State's Attorney's Office for review.



Staff and youth from Thomas J.S. Waxter Children's Center made cards for the Anne Arundel Medical Center's DeCesaris Cancer Institute to support the fighters and survivors of breast cancer.

Community Supervision – Community Detention

DJS provides regional community detention and electronic monitoring services (CD/EM) typically for youth whose cases have been forwarded to the juvenile court at intake and are pending adjudication or disposition. The program operates as the primary state-run ATD. CD/EM allows youth to continue participating in community activities such as school or work, and helps maintain community ties and support systems. Note that CD/EM may also be ordered by the court as a condition of probation or aftercare supervision.

Community Detention supervision includes face-to-face and telephone contacts as well as random unannounced visits at home, school, and work. The level of supervision depends on the assessed supervision needs of each youth and the court-ordered release conditions. Community Detention officers (CDOs) are trained to detect violations of court-ordered release conditions and report any changes in a youth's home or school situation. Youth who violate the conditions of release may be withdrawn from the program and placed in secure detention.

The electronic monitoring component provides an additional layer of supervision. Compliance to the program is monitored electronically using an ankle bracelet placed on the youth by a CDO and a receiver placed in the youth's home. All electronic events related to the youth's schedule and the equipment functionality are received in real time. The Command Center and assigned CDO carefully review the information in order to ensure that supervision violations receive proper intervention and follow-up.

The CD/EM command center is located in Baltimore City. This centrally-operated command center provides 24/7 staffing.

Community Supervision – Probation

Youth who are adjudicated and found delinquent by the juvenile court may be placed on probation under the supervision of a DJS case management specialist (CMS). Probation is the most frequently used

juvenile court disposition. A probation term requires youth to abide by general supervision conditions, as well as any special conditions imposed by the court.

At the start of probation supervision (or in some instances, prior to disposition if ordered by the juvenile court), a Social History Investigation and report is completed by the assigned CMS. This report describes the social adjustment and circumstances of the youth and their family.

In addition, the CMS completes an MCASP Needs Assessment that includes components of the MCASP Intake Risk Screen completed at intake but provides a much broader and more comprehensive assessment of individual need. The MCASP Needs Assessment categorizes youth as having either low, moderate, or high need on each of the following treatment domains (which have been shown to influence risk for re-offending): (a) School; (b) Use of Free Time; (c) Employment; (d) Community Relationships; (e) Family; (f) Alcohol and Drugs; (g) Mental Health; (h) Attitudes and Aggression; and (i) Neighborhood Safety. See Appendix N for a list of MCASP Needs Assessment items.

The CMS uses the Social History Investigation and MCASP Needs Assessment to develop recommendations to the juvenile court and to create a Treatment Service Plan (TSP). A TSP is completed for each youth under court ordered supervision and includes the recommended supervision level for the youth, specific goals for the youth and family to meet, and a statement of services to be provided to the youth and family. In developing the TSP, input from youth, parents and/or guardians, and service providers (as appropriate) are also solicited.

Community Supervision – Aftercare and Re-entry

Aftercare supervision is similar to probation supervision in that the CMS performs many of the same supervisory tasks and relies on the same tools for decision-making (e.g., the MCASP Needs Assessment). Aftercare services are provided for youth who have been committed to the custody of DJS for placement outside the home, or for the receipt of in-home services in some jurisdictions. A CMS is assigned to the case upon commitment. Planning for aftercare is initiated before the youth is placed in a residential program.

Aftercare case management is comprehensive, beginning with assessments of the youth's progress while in residential care, to the identification and monitoring of services needed upon release. Building on the services provided in the residential placement, the CMS is also responsible for managing the re-entry process which ensures that youth and family are linked to services in the community, monitors the youth's adjustment, and ensures compliance with any court directives. Additionally, a variety of programs is available to



assist youth returning to the community; including independent living programs, transitional educational services, and employment programs (e.g., job readiness training, career exploration, and vocational training). As a step-down to community supervision, some youth are also monitored with GPS supervision.

Interstate Compact (IC) Unit

The IC unit provides for the cooperative supervision of probation and aftercare youth moving from state to state and the return of runaways, absconders, and escapees. As of 2014, a new compact was enacted forming the Interstate Commission for Juveniles and all 50 states are currently members. The Commission governs each member state as to the provision of proper supervision or return of juveniles, delinquents, and status offenders on probation or aftercare who have absconded, escaped, or run away and in so doing endangered their own safety or the safety of others. It is the responsibility of each member state to provide

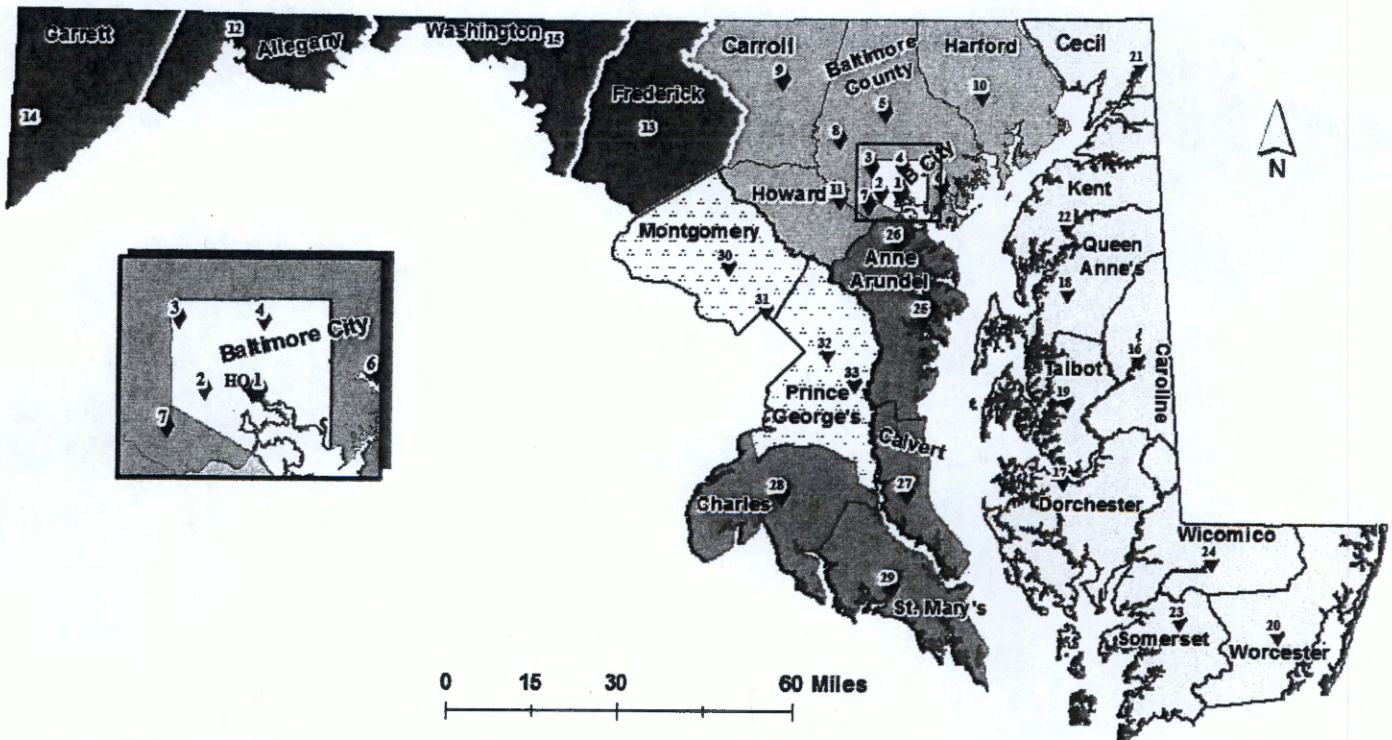
supervision and services to ICJ cases using the same standards that pre for its own juveniles placed on probation or aftercare supervision.

Note to Readers:

Starting in the 2017 DRG, the table "Court Action for Female Cases" is organized as follows:

- 1. Like actions are grouped together. For example: "Petition Withdrawn, Denied by SAO, and Non Est" all represent cases that did not proceed to court, and "Dismissed, Closed, Nolle Prosequi" cases went to court, but did not make it to an adjudicatory decision.
2. In cases with more than one result (e.g. Continued the Dismissed), the ultimate action is now shown for all cases, (as of the time of data extraction.) Previously, the first action was shown for most cases, except for continued/STET.

DJS Offices by County and Region



Legend for DJS Offices by County and Region. Region I: Baltimore City (HQ - MD State DJS, 1 - Central, 2 - Southern, 3 - Plaza, 4 - MYRC). Region II: Central (5 - Hunt Valley, 6 - Dundalk/Essex, 7 - Arbutus, 8 - Garrison, 9 - Westminster, 10 - Bel Air, 11 - Ellicott City). Region III: Western (12 - Allegany, 13 - Frederick, 14 - Oakland, 15 - Hagerstown). Region IV: Eastern (16 - Denton, 17 - Cambridge, 18 - Centreville, 19 - Easton, 20 - Snow Hill, 21 - Elkton, 22 - Chestertown, 23 - Princess Anne, 24 - Salisbury). Region V: Southern (25 - Annapolis, 26 - Glen Burnie, 27 - Prince Frederick, 28 - La Plata, 29 - Leonardtown). Region VI: Metro (30 - Rockville, 31 - Silver Spring, 32 - Largo, 33 - Upper Marlboro).



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Program highlights and accomplishments

The CINS Program continues to be a utilized referral source for connecting youth and families to services in Montgomery County. There were two interns dedicated to the CINS program in the fall, spring and summer. Both were bilingual in Spanish which assisted with providing case management and administrative support for the CINS Program.

An intern was able to facilitate a psychoeducational group during the spring semester. The group focused on setting goals, conflict resolution, and improving communication with parents and peers. Youth were able to retain the information, examine some of their own choices, and come up with strategies that would help them become more successful.

Program Outcome Results

* Mid-Year Actual data reflects July 1, 2016 - December 31, 2016

** Annual Actual data reflects all FY data (July 1, 2016 - June 30, 2017)

Performance measure: How Much We Do	FY 17 Annual Target	FY 17 Mid-year Actual*	FY 17 Annual Actual**
Number of youth/families referred	65	68	163
Community based organization	n/a	12	31
Law enforcement	n/a	5	6
MCPS - Counselors, PPWs, Teachers, etc.	n/a	23	60
Montgomery County Information Line (311)	n/a	0	0
Phone self-referral	n/a	10	25
Walk in	n/a	10	24
State's Attorney's Office	n/a	1	2
SRO located at a MCPS	n/a	0	0
Diversion	n/a	0	0
Watkins Mill Cluster Project	n/a	0	0
Kennedy Cluster Project	n/a	0	0
Department of Juvenile Justice (DJS)	n/a	6	11
Child Welfare Services (CWS)	n/a	1	4





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Performance measure: How Much We Do	FY 17 Target	FY 17 Mid-year Actual*	FY 17 Annual Actual**
Number of youth/families served total	45	26	52
Case consultation (gave referral information and/or scheduled intakes)	n/a	108	214
Intakes completed	n/a	26	52
Percentage of youth/family involvement and completion of each of the program activities	80%		
Assessment		100%	100%
Service planning		77%	80%
Referral		50%	75%
Case services		100%	65%
# of confirmed links to at least one planned service		More than 100% Raw Data 36	80% Raw Data 65

Performance measure: How Well We Do It	FY 17 Target	FY 17 Mid-year Actual*	FY 17 Annual Actual**
% of youth and their families surveyed who indicate satisfaction with the program and positive impacts on their family	85%	100%	100%
% of referral sources surveyed that indicate satisfaction with program and youth/family program	85%	See challenges below	See challenges below

Satisfaction surveys:

CINS staff continued to encourage feedback from youth, parents, and referral sources throughout the year to help with planning and enhancing our services. Most feedback received was through self-disclosure or emails with specific provider responses. CINS staff solicited satisfaction surveys via mail, email, and when possible during termination sessions. On several occasions the TCM sent a self-addressed stamped envelope along with termination letters however these surveys were not return.

Provider's response:

"Very satisfied with the overall program and professional communication with the program staff."

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"It would be so helpful if the person making the referral knew if a parent was not responding to your intake offer. I have had several parents that I think are all connected only to find out they did not respond to you."

Note: This response was received in January 2017 and was helpful. Since then CINS Staff, with the help of the interns or volunteers, have improved in this area. EveryMind also has a Status of Referral Form that the TCM has used to provide referring individuals on-going updates.

Other provider email or verbal responses:

"Thank you for responding in such a timely manner."

"We are glad the program is here."

"Your services are helpful and the youth seem to respond."

"I wish you could continue to see youth after 90 days."

"Is there any way you can mandate youth to come?"

"Can you meet them somewhere other than the DJS office?"

The program received 6 surveys from clients. The responses indicated that they strongly agreed or agreed that their experience with the program was positive. They also agreed or strongly agreed that as a result of their participation they were able to meet their goals or improved the areas they needed help in. Samples of additional client survey feedback are provided below:

What did you like most about our services?

"They help me stay productive and out of trouble."

"Have more groups"

"They help you with everything."

Improvements:

"Call to do check ins."

"By doing the same thing"

Additional comments:

"We are happy with Miss Carol."

"She's cool"

"Thank you, "I am so appreciative for that connection." "She is doing much better"

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"Dear Ms. P, Thank you very much for all your help. Thank you for believing in me. I'm so glad to have you in my life. You are a great women. I loved taking to you." Thanks again"

Successes

- 1) The CINS program exceeded the number of referrals and intakes for this fiscal year. This reflects the need for prevention and intervention programs and services for youth in Montgomery County. The CINS program remained diligent in providing comprehensive services for those programs that found it difficult to connect with youth and families and wanted additional services.
- 2) CINS staff continued to provide support through active listening, assessing the needs of parents as well as youth, and providing resources to those who contact the program. Resource information was provided even for those that didn't result in an intake.
- 3) The TCM networked and built positive relationships with service providers who are very familiar with the program. The TCM received 4 referrals from families who had youth that were previously clients in the program and wished to refer other siblings for similar supports. One of the youth met her goals and was able to articulate how the program helped her and supported her in making better decisions.
- 4) The CINS program has been able to successfully provide case management services to Spanish speaking clients. The CINS bilingual intern and volunteer provided translation for CINS participants and case management support to four youth. The program received many referrals and providers were excited to hear that the CINS program was able to provide translation to those who needed this assistance. The TCM has interviewed and accepted a bilingual intern for fall 2017. Thus bilingual services will continue to be provided into the upcoming fiscal year.
- 5) This year saw more positive and enhanced engagement with DJS staff and more cohesive coordination and coordination of tracking with youth referred to the CINS program. The TCM attempted to contact DJS staff when youth have charges and the parents need intervention services before they are scheduled for court or placed on probation. These efforts helped connect families and youth to needed resources and supports proactively to minimize the youth's continued involvement with DJS.
- 6) The CINS program had a dedicated office for the intern and volunteer to use which allowed the intern to meet confidentially with case management clients. This additional office space allowed expansion of CINS services while the intern was on site.

Challenges

- 1) The program continued to receive calls transferred by the DJS receptionist and walk-ins from parents who wanted a "Scared Straight" program or "Boot Camp." Many parents who have called have stated that their youth is out of control, they are fearful for their lives, and they want them out of the home. This is a challenge for the program because parents are resistant to alternative interventions because they state that "we've done it all."

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- 2) CINS staff also received calls from parents who have youth arrested for minor charges or charges that parents are not sure of what they should do. There was sometimes a lapse in the time of up to 3 weeks or more before they receive a letter from DJS. Parents were confused and youth were resistant to keeping their CINS intake appointment in fear of the repercussions of coming to DJS. Parents often reported missing DJS appointments because their youth were not in the home or considered a runaway.
- 3) Missed appointments for new intakes continued to be a challenge. Missed intakes often created additional work in follow up efforts and delayed CINS staff from moving forward to open with other families. The voluntary nature of the CINS program presented a challenge when youth refused to engage and many parents have difficulty getting their youth to maintain appointments despite acknowledging a need for services.
- 4) CINS program staff noticed that some parents' needs exceed the needs of the youth referred. CINS program staff would establish rapport and work with youth to accept needed services, but then the parents wouldn't follow through in accessing services. This impacted youth who could not access outside resources without parental assistance. In these situations CINS staff attempted to work with the parents to recognize the need and benefit of resources provided however CINS staff often encountered challenging parents who were either disengaged due to burn out or struggling with their own challenges. CINS staff provided information and resources to parents when possible however these parents remained difficult to engage.
- 5) The TCM was informed in the spring that the CINS program will be losing the intern office space in late summer or early fall to accommodate new hires in DJS. This will make it difficult in the fall to have space available for the fall intern to meet with youth and families. Additional coordination between the intern and TCM will be needed to ensure that both have confidential use of the one available office as needed.
- 6) Program staff have noted the continued increase in youth with substance abuse challenges that have been screened and referred for treatment but relapse or don't follow through. While the program is not a substance abuse provider, this is a definite deterrent when youth and the TCM develop case management goals. The disruptive nature of substance use or abuse on overall functioning creates significant hurdles to achievement of case management goals.

Case Vignettes

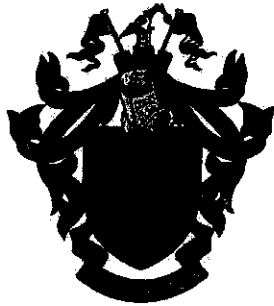
Client is a 17 year old African American male that resides with his mother who has some physical challenges. He was referred by Screening/Assessment Services for Children/Adolescents (SASCA). He was caught possessing marijuana in school but had minor behavioral issues at school. CINS was able to financially assist mom with the treatment ordered by the SASCA therapist and provided case management services in one on one sessions. CINS was able to provide him with a membership to the Gaithersburg Student Union that allowed him to use the studio and interact with other youth. He also was a very active participant in the Ready, Set, Goal psychoeducational group. He completed all assignments and was able to

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share what he learned and always provided valuable insight to the group. He has learned to set goals and work towards the steps to complete them.

A Latino male 14 years of age was referred to CINS by his school counselor who described him as being disruptive in class, late arriving at school, and was in need of additional support. His dad suffers from depression and the client was concerned about his dad. He admitted that he had difficulty controlling his anger and spends time making/editing YouTube videos about different games. He reported that he is good at it and it helps him manage his anger. However he was interested in boxing. Mom and dad were reluctant to enrolling him in a class for fear it might make him more aggressive. The TCM referred the client to Donte's Boxing Gym. His mother accompanied him on the first visit and the dad took him to a session. Not only did the client enjoy boxing but it enabled him to bond with his dad. Mom also reported that she has not received any reports from the school that he has been consistently late or skipping class since enrolling in the class. The TCM contacted Donte to see how well the youth was doing in class and Donte said he was doing extremely well.

Client is a 16 year old African American female living with her grandmother who is her guardian. Client visits her mother frequently and wants to live with her mother but mom is not financially prepared to retain custody. Client has been bullied, has experienced several deaths in her family, truant from school, has some medical issues, and is defiant and non-compliant at home and in the community. Her grandmother struggles with supporting her and dealing with the myriad of issues. TCM collaborated with several agencies to get wrap around services including a Family Navigator, SASCA for a substance abuse screening and treatment, in home therapy, recreational activities under the Boys and Girls Club, and Camp Erin. The youth also received winter garments. The client is receiving IIS and the grandmother continues to meet with the Family Navigator for support. The client is resistant to services but the TCM collaborated with various agencies and provided grandmother with the tools she needs to access support when she needs it.



The School-to-Prison Pipeline in Montgomery County

Elaine Bonner-Tompkins
Leslie Rubin
Kristen Latham

Chapter VI: Police, Juvenile Services, and Other Law Enforcement Agencies

Students' interactions with law enforcement and the criminal justice system are a critical part of the School-to-Prison Pipeline. As noted in Chapter II, student contact with the juvenile justice system, even in the absence of a conviction, increases students' risk for later involvement in the adult criminal justice system. Moreover, students with a history of out-of-school suspensions are also at greater risk for juvenile justice and adult criminal justice involvement.

This chapter describes the policies and programs of seven agencies and one non-profit that deliver law enforcement, juvenile justice and criminal justice services:

- A. Montgomery County Police Department** that delivers law enforcement and mediation services to youth in the community and in schools
- B. Montgomery County Department of Health and Human Services** that provides prevention, intervention and juvenile justice diversion services for youth
- C. Maryland Department of Juvenile Services** that manages the juvenile justice system in Montgomery County and across the state
- D. Montgomery County Department of Corrections and Rehabilitation** that provides detention and re-entry services for youth charged as adults
- E. State's Attorney's Office** that prosecutes youth charged with juvenile delinquency and also manages Teen Court, the County's preeminent juvenile justice diversion program
- F. Maryland Office of the Public Defender** that defends indigent youth charged with juvenile delinquency and advocates for children supervised by DJS
- G. The Juvenile Division of the Montgomery County Circuit Court** that oversees juvenile delinquency hearings and determines DJS placements for adjudicated youth, and
- H. The Collaboration Council for Children, Youth, and Families** that provides services and programs for juvenile-justice involved youth and other high-risk children.

For each entity this chapter describes the core functions and services offered relative to the School-to-Prison Pipeline and feedback shared by agency staff on what works well and opportunities for improvement. Section I of this chapter also compares local policies to best practices for stemming the Prison Pipeline identified by the School Discipline Consensus Group. It was beyond the scope of this report, however, to determine whether local programs and policies were implemented with fidelity. In sum, this chapter describes the alignment between local practices and best practices without evaluating whether local practices successfully achieve their desired goals for youth or the community.

OLO's review and analysis of cross-agency information analyzed in this chapter finds that many of the policies and practices of juvenile justice and law enforcement agencies in the County align with recommended practices for stemming the School-to-Prison Pipeline. These include:

- The Police Department's selection and training process for School Resource Officers and its Memorandum of Understanding with MCPS and other agencies that articulates key roles for school and law enforcement staff in schools.
- The Department of Juvenile Services' use of risk assessments to determine the resolution of juvenile charges, the use of alternatives to detention, and the delivery of services to children in need of supervision (CINS) outside of the judicial process.

- Collaboration among County agencies and partners to support programs that divert many first-time juvenile offenders out of the juvenile justice system and reduce the disproportionate representation of youth of color in the juvenile justice system.
- An effective working relationship between DJS, the juvenile courts, and the school system that enables the quick re-enrollment of DJS-involved youth back into community schools.

OLO's review of cross-agency information, however, identified some significant gaps between local practices and best practices that may contribute to the Prison Pipeline in the County. These include:

- A lack of regular engagement with parents and other community stakeholders to review how well the School Resource Officer Program functions.
- A lack of clarity on what constitutes a school disciplinary offense that can be addressed by principals versus a criminal offense that should be addressed by law enforcement.
- A lack of data on how school-based offenses are addressed by the juvenile justice system.
- Barriers for low-income youth to access mental health and substance abuse treatment services.
- Barriers for low-income youth, English language learners, and youth of color to participate and successfully complete diversion programs for first-time juvenile offenders.

Of note, a common concern among agency stakeholders interviewed by OLO was the need for greater coordination and data sharing among agencies and organizations to better serve youth at-risk and in the Prison Pipeline. This common belief is consistent with best practices identified in the School Discipline Consensus Report, which recommends effective information sharing between school-based staff and external partners to meet the needs of students. A comprehensive examination of how County agencies and stakeholders share information on at-risk and juvenile justice-involved youth, however, was beyond the scope of this OLO report.

While OLO examined data sharing issues between MCPS and MCPD relative to the School Resource Officer Program, other data sharing agreements among cross-agency partnerships, such as the Kennedy and Watkins Mill Cluster Projects, were not reviewed. To understand whether local agencies and partners effectively share information and coordinate services in ways that improve youth outcomes and mitigate the Pipeline, OLO recommends that future examinations of the Prison Pipeline in Montgomery County consider three questions relative to agency information sharing:¹⁰⁸

- Does information sharing within and among schools and external partners comply with mandates while (a) reducing the stigmatization or labeling of students, (b) advancing the best interests of students and school safety; and (c) ensuring use is only for appropriate purposes?
- Have agencies and external partners developed written principles of information sharing that all parties agree to uphold and identified any obstacles to exchanges?
- Have agencies provided all parties engaged in student-level information sharing with clear direction of the applicable requirements in federal and state privacy laws and local regulations and guidance on how to ensure compliance?

¹⁰⁸ These questions are adapted from the School Discipline Consensus Report's policy statements and recommendations for information sharing.

A. Montgomery County Police Department

The Montgomery County Police Department manages the School Resource Officer (SRO) program that places a police officer in each of MCPS’ 25 comprehensive high schools. This section describes key features of the SRO program and how the partnership between the police and public schools in Montgomery County aligns with best practices for stemming the School-to-Prison Pipeline. This section also describes the overlap between school disciplinary offenses and criminal offenses, as well as the level of charges that police officers can file against juveniles (e.g., citations and physical arrests).

1. School Resource Officer Program Features

Montgomery County Police Department’s Patrol Services Division oversees the School Resource Program, including data collection, management of day-to-day issues, staffing and training for SROs, and coordination with MCPS’ Department of School Safety and Security (SROs are considered subject matter experts in law enforcement while school security are the “eyes and ears of the school”). The chart below summarizes the core functions and key programs delivered by the SRO Program.

Chart 6.1: Key Features and Feedback from the MCPD SRO Program

Agency	Core Functions	Key Programs/Services for Schools	Feedback on Local Efforts to Mitigate the Prison Pipeline
School Resource Office Program, MCPD	Enhance the safety and security of the learning environment for students, staff, and the school community in MCPS high schools	<ul style="list-style-type: none"> - Community policing - Mediations and interventions - Law enforcement - Assist with emergency preparedness and crisis management - Liaison between police and schools 	<p><u>Strengths:</u> Principals like having SROs; effective relationships among agencies to address root causes (e.g., the Kennedy Cluster) of criminal activity.</p> <p><u>Challenges:</u> Disengaged parents; insufficient resources to address poverty</p>

In interviews with OLO staff, MCPD leadership described strong communication between principals and their SROs, who often share a common philosophy. In describing the key functions of the SRO program, MCPD leadership also described a recent change in operations and outcomes associated with the SRO program – scaling up from 19 to 25 officers in FY15:

- *SRO Training* - Two years ago, MCPD created “SRO School” to train candidates and staff. SRO School training occurs each August for a full week. All new and veteran staff participate and the training focuses on deescalating practices, critical incidents, and adolescent development in the school environment. SROs also have an additional training every other month.
- *Decline in School Arrests* - In 2014-15, there were 17 arrests made on high school campuses per month, on average, compared to 20 arrests per month the prior school year.¹⁰⁹ MCPD leadership suggests that the decline in high school arrest rates may reflect the increase in SRO staffing. Prior to the SRO program, arrests at schools were made by patrol officers who often did not have a relationship with the student being arrested or contextual information about the school and its students.

¹⁰⁹ As noted in Chapter V, however, MCPD could not provide OLO with 2014-15 data on by school on arrests.

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2. SRO Memorandum of Understanding

This past June, MCPD updated its Memorandum of Understanding (MOU) for the SRO Program with MCPS, the State’s Attorney’s Office, the Montgomery County Sheriff’s Office, and the Gaithersburg, Rockville, and Takoma Park Police Departments. Chart 6.2 summarizes key provisions from the current SRO MOU. Of note, changes from the previous MOU signed in 2013 include:

- Improving the alignment between the MOU and MCPS’ Code of Conduct adopted during the 2014-15 school year,
- Enhancing the timely sharing of information among agencies,
- Delineating the duties of MCPS staff and SROs in schools,
- Describing the difference between school security and criminal offenses, and
- Reviewing the current MOU annually among the signatory agencies.

Chart 6.2: Summary of School Resource Officer Memorandum of Understanding

Key Sections	SRO MOU states that ...
Mission	<ul style="list-style-type: none"> • Most incidences of misconduct are best addressed in the classroom or in school. • Parties will work together to promote safe and inclusive learning environments and will exercise discretion in responding to school events.
SRO Duties	<ul style="list-style-type: none"> • SROs will <u>not</u> be used to enforce MCPS policies, rules, or regulations. • SROs will respond to service calls, assist with emergency preparedness, and have full authority as sworn police officers.
School Security Duties	<ul style="list-style-type: none"> • Security staff will patrol and investigate incidents on school property, prepare reports for administrators, and provide surveillance data and information.
School Administrators Duties	<ul style="list-style-type: none"> • Principals are responsible for the administration of safety & security in schools. • The principal or his/her designee is the “primary source of administration of disciplinary consequences and interventions.”
SRO Selection	<ul style="list-style-type: none"> • Law enforcement agencies are responsible for recruiting SROs. • Selection panels will include a principal and the MCPS director of security.
SRO Training	<ul style="list-style-type: none"> • New SRO’s will complete 40 hours of training in specific subject matter.
Biannual Training	<ul style="list-style-type: none"> • SROs, MCPS administrators, and security staff will participate in joint training. • SROs will be familiar with the MCPS Code of Conduct.
Annual Meeting	<ul style="list-style-type: none"> • Annually, MCPD, MCPS leadership, and community stakeholders will meet to “discuss current matters of mutual interest,” including SRO implementation.
School-Based Meeting	<ul style="list-style-type: none"> • “It is highly recommended that SROs be invited to school administrative and security meetings within their assigned schools” and that they attend meetings.
Monthly Data Reviews	<ul style="list-style-type: none"> • MCPS’ Office of School Safety and Security will meet with MCPD “to review data on SRO arrests and other interventions during the prior month.”
Reporting Events on School Property	<ul style="list-style-type: none"> • Critical incidents shall be reported to the police as soon as possible. • Police will take the lead in investigating deaths, rapes, destructive devices, hate crimes, gangs, firearms, and manufacture or distribution of CDS. • The Police may also take the lead in investigating physical attacks, robbery or attempted robbery, possession of CDS and deadly weapons in schools.

Chart 6.2: Summary of School Resource Officer Memorandum of Understanding, Continued

Key Sections	SRO MOU states that ...
Releasing Student Information	<ul style="list-style-type: none"> • “Information obtained by school staff shall be shared with a law enforcement officer or SAO as long as the information is not derived from school records.” • Information from school records can be shared if there is consent or in response to a subpoena or imminent danger.
Investigation of Critical Events	<ul style="list-style-type: none"> • For critical incidents where the Police take the lead, MCPS will limit its administrative investigation until after the Police have completed theirs. • If requested, the Police will share their investigative information with MCPS. • The principal/designee shall be present during interviews conducted by Police on campus and can interview students themselves after law enforcement. • School administrators will attempt to contact students’ parents to notify them that their child is being questioned by the Police on campus.
Arrests and Other Law Enforcement Activities	<ul style="list-style-type: none"> • When feasible, SROs will collaborate with the school principal or his/her designee before determining a law enforcement action to “assess the totality of the circumstances” and “address the matter in a manner that is in the best interest of the student and the welfare of the school community.”
SAO Notices	<ul style="list-style-type: none"> • MCPS will contact the SAO to report students arrested for critical offenses.
MCPS Notices	<ul style="list-style-type: none"> • Police will contact MCPS to notify them “of any serious incident involving MCPS schools, faculty, students, and staff” that will impact MCPS operations.
Collaboration and Review of Program	<ul style="list-style-type: none"> • The signatory agencies – MCPD, MCPS, and SAO – agree to share data via regular reports and to meet annually “in order to determine if any inadequacies exist” and “to revise the MOU as may be appropriate.”
Desired Outcomes	<ul style="list-style-type: none"> • “Enhanced safe and secure learning environments.” • “Effective emergency preparedness plan and response in the event of an emergency.” • “Increased efficiency of communication” among agencies in an emergency.” • “Enhanced relationships and communications among the involved law enforcement agencies, MCPS, administrators, staff, students, parents, and community stakeholders.”

3. Alignment with Best Practices

To understand best practices in school-police partnerships for eliminating the School-to-Prison Pipeline, OLO reviewed and summarized the policy recommendations offered by the Council of State Government’s Justice Center’s School Discipline Consensus Report.¹¹⁰ OLO also compared these best practices to local practices in Montgomery County. As demonstrated in the next chart, MCPD’s policies and practices to support school partnerships generally align with best practices, particularly the policy goals of schools not calling SROs to respond to minor misbehavior among students, selecting and training SROs that are well suited to their roles in schools, and developing and utilizing written agreements.

The only gap between best practices and local school-police partnership practices noted is whether the Police engage in a collaborative process with the school community and other stakeholders, including parents and community members, to determine the best school-police partnership for the County and to annually review the SRO program. Nevertheless, the current MOU suggests that parents and community stakeholders will be included in future annual reviews of the SRO program to “discuss current matters of mutual interest,” including SRO implementation. Thus, the current SRO MOU sets the stage for fostering greater parental and community based involvement in the regular review of SRO operations.

¹¹⁰ https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf.

Chart 6.3: Alignment between Best Practices and Police Practices – School-Police Partnerships

Policy Goals	Best Practices	Local Practices	Alignment with Best Practices
School districts engage in a collaborative process with law enforcement, the school community, and other stakeholders to consider the most appropriate school-policy partnership.	Review school-police partnership models being used in other districts and examine options to engage with law enforcement.	Educational Facilities Officer program began in 2002 with a federal grant.	Unsure.
	Involve a diverse group of stakeholders and review multiple data sources to evaluate the need for officers on a school campus.	The SRO MOU calls for an annual meeting inclusive of police, educators, and community stakeholders.	Partial. Unclear whether parents or stakeholders are engaged in annual review.
Schools do not call on officers to respond to students' minor misbehavior and officers use their discretion to minimize arrests for these offenses when possible.	Ensure that policies clearly define officers' roles and when to engage in non-emergencies.	SRO MOU makes clear that SROs do not address school discipline.	Yes.
	Train educators and police about when to directly involve officers in student misconduct.	Police train SROs; bi-annual training of SROs & MCPS administrators.	Yes.
	Collect and analyze school arrest and referral data to determine if school and police are adhering to policies.	Police collect and monitor school arrest and intervention data monthly.	Yes.
With schools, police develop recruitment and selection processes to ensure that SROs are suited for their position and receive training, support, and supervision.	Recruit and select officers committed to public safety and reducing youths' risks for justice involvement.	Law enforcement agencies recruit SROs with a desire to work in schools.	Yes.
	Ensure that police provide appropriate training for officers on school policies and working with youth in schools.	SROs required to complete 40 hours of training within first three months of being hired.	Yes.
	Tailor school officers' supervision and evaluation to their defined roles.	MCPD provides targeted supervision for its SROs	Yes
Written agreements formalize the school-police partnership that are periodically reviewed and refined based on data and feedback from a diverse group of stakeholders.	Understand the legal issues that school-based officers encounter.	Police train SRO's on legal issues and MOU.	Yes.
	Ensure that information-sharing principles advance school safety goals without increasing stigmatization or violating privacy mandates.	The MOU specifies information sharing goals and expectation that SROs will promote the best interests of students and the school.	Yes.
	Outline in writing officers' roles and authority as defined for determining the parameters of the school-police partnership.	The SRO MOU outlines officers' authority in schools.	Yes.

4. Overlap in School Disciplinary and Criminal Offenses

Although the MOU specifies that SROs are not assigned to schools to address routine discipline issues, it is important to note the overlap between infractions to the Code of Conduct and the criminal code for juveniles that can push students into the Prison Pipeline. Chart 6.4 compares the overlap between school discipline and juvenile justice offenses in Montgomery County.

Chart 6.4 shows that each school disciplinary offense listed below correlates with a juvenile delinquency charge that can be enforced by the Police. This overlap between school offenses and criminal offenses demonstrates the potential for escalating school infractions into criminal offenses that push children into the Prison Pipeline. For example, disturbing the peace/disrupting the learning environment, fighting, trespassing, and alcohol and tobacco violations are each school disciplinary offenses that could lead to juvenile charges as well. SROs as police officers retain their full discretion to determine whether they will refer violations of school policy to school administrators or will press criminal charges. This discretion creates an opportunity for escalating school disciplinary offenses into criminal ones.

Chart 6.4: Overlap between MCPS Code of Conduct and Juvenile Charges

Categories	School Disciplinary Offenses (State Code)	Juvenile Offenses
Ordinance & Status Offenses	<ul style="list-style-type: none"> Disrupting the learning environment (704) Alcohol influence, possession, or distribution in school (201) Tobacco/e-cigarette use or possession (204) 	<ul style="list-style-type: none"> Disturbing the peace/school activities Alcohol beverage violation Tobacco violation
Property Offenses	<ul style="list-style-type: none"> Arson/fire (503) Theft (803) Bomb threat or false alarm (502) Trespassing (804) Destruction of property (806) 	<ul style="list-style-type: none"> Arson, 1st degree or 2nd degree or malicious burning Theft, felony or misdemeanor Bomb threat or false alarm Trespassing Malicious destruction
Person-to-Person Offenses	<ul style="list-style-type: none"> Fighting/attack (401, 402, 405) Serious bodily injury (408) Sexual attack (601) Harassment (703) Sexual harassment (602) 	<ul style="list-style-type: none"> Assault/battery, 1st degree or 2nd degree Rape/sex offense, 1st or 2nd degree or 3rd degree Harassment
Drug Offenses	<ul style="list-style-type: none"> Distribution, possession or under the influence of drugs (203) Distribution, possession, or under the influence of inhalants (202) 	<ul style="list-style-type: none"> Importing, distribution, or possession of drugs Distribution or use of inhalants
Weapons Offenses	<ul style="list-style-type: none"> Possessing a firearm at school (301) Knives and other weapons on campus (303) Possessing an incendiary device that can cause harm to people or property (503) 	<ul style="list-style-type: none"> Handgun violation Deadly weapon on public school property Destructive devices



Given the overlap between school disciplinary and criminal offenses, the School Discipline Consensus Report recommends the development of guidelines to distinguish offenses referable to law enforcement from those that can be handled appropriately through the school disciplinary processes and other systems of care. Moreover, the Consensus Report also advocates that students who are referred to the juvenile justice system for minor school-based offenses be diverted whenever possible to community-based programs and services that focus on student accountability and strategies to change problem behaviors.

MCPD officers have discretion both to decide whether to press charges for offenses that can go through either the school disciplinary process or the criminal justice process and to determine the level of charges for a juvenile crime. Potential responses include:

- Interventions/mediations where law enforcement talks to impacted parties to mediate disputes;
- Referral to DHHS' Juvenile Justice Services for misdemeanor offenses among first-time offenders (e.g., Screening and Assessment Services for Adolescents and Children (SASCA));
- Citations that require parents and juveniles to attend a judicial screening (preliminary inquiry) where youth and parents are advised of their right to counsel;
- Paper arrests referring juveniles to DJS to determine appropriate charges, which are reviewed by MCPD' Family Crimes Division to determine if the juvenile will be recommended for diversion (e.g., SASCA, Teen Court) or enter the DJS system; and
- Physical arrests, which are immediately referred to DJS (with possible referral to SAO and juvenile court).

MCPD representatives report that they do not require that SROs automatically arrest young offenders in most cases; instead, encouraging paper arrests. Of note, MCPD keeps track of all juvenile arrest records, not only those that enter DJS. As such, MCPD tracks arrests for juveniles whose cases were diverted as well as those who were resolved by DJS at intake.

B. Department of Health and Human Services

The Montgomery County Department of Health and Human Services (DHHS) often serves as the first step in the juvenile justice process for minors charged with a misdemeanor offense who are first-time offenders. As noted above, the Police can refer these minors to DHHS for a behavioral health and drug screening as an alternative to referring them to the Maryland Department of Juvenile Services (DJS). DHHS' Clinical Assessment and Transition Services team also assesses incoming inmates to Corrections, including youth charged as adults, for risk of self-harm and behavioral health issues.

This subsection describes DHHS' juvenile justice diversion program and other functions of DHHS aimed at stemming the School-to-Prison Pipeline in Montgomery County.

DHHS Juvenile Justice Services. When a minor is charged with a misdemeanor offense, the case typically is sent to the Family Crimes Division of the MCDP to determine eligibility for the Montgomery County Diversion Program – a multi-agency program encompassing MCPD, DHHS, and the State's Attorney's Office.

To be eligible for diversion, it must be typically the youth's first contact with Police for a misdemeanor offense that is covered under the Diversion Program.¹¹¹ The youth must also admit involvement in the offense. Successful completion of the program can lead to the case closing at the MCPD level without the case being referred to DJS.

DHHS' Screening and Assessment Services for Children and Adolescents (SASCA) is DHHS' touchpoint with the Diversion Program. SASCA contacts every youth who agrees to participate in diversion, requiring an appointment with a SASCA licensed clinical social workers to conduct a detailed assessment and drug screening for the youth. Any recommendations for substance abuse and/or mental health treatment must be completed in order to successfully complete diversion and any costs associated with recommendations are the responsibility of the juvenile offender's family. SASCA also provides clinical case management services for youth referred by the police for diversion.

A criticism of DHHS' Juvenile Justice Services Program shared by one key stakeholder is that all youth diverted by the Police are subject to SASCA screening regardless of their suspected offense. While a referral to SASCA makes sense for youth charged with substance abuse or alcohol violations, this stakeholder viewed this requirement burdensome for youth who do not have a substance abuse problem or who do not have the family resources to follow up with SASCA and the requirements of diversion. For these youth, a referral to DJS may be preferable to the County's Diversion Program because their case may be resolved at DJS intake. Yet, having a case referred to DJS increases a minor's risk of being charged and detained by DJS in the future.

Other DHHS Functions. DHHS also delivers preventative and early intervention services aimed at stemming the School-to-Prison Pipeline. The prevention programs are designed to meet the comprehensive needs of at-risk children and families that promote engagement and positive outcomes while intervention programs are designed to meet the needs of higher-risk youth. The chart below summarizes the key features of DHHS' programs relative to the Prison Pipeline and feedback from DHHS staff on what works and opportunities for improvement.

Chart 6.5: Summary of Key Features and Feedback from DHHS Staff

Agency	Core Functions	Key Programs/Services	Feedback on Local Efforts to Mitigate the Prison Pipeline
Behavioral Health and Children, Youth, and Family Services, DHHS	Directs, manages, administers, funds, and delivers supports to youth and their families to address their somatic and behavioral health needs	<p><i>Prevention:</i></p> <ul style="list-style-type: none"> - School Health Centers - Linkages to Learning - Wellness Centers - Cluster Projects - Positive Youth Development Initiative <p><i>Early Intervention:</i></p> <ul style="list-style-type: none"> - Street Outreach Network - 24-Hour Crisis Center - SASCA - Juvenile Justice Services 	<p><u>Strengths:</u> Partnerships with MCPS; the Youth Opportunity Centers and Street Outreach Network; the Crisis Center; and collaboration with MCPS after a specific events</p> <p><u>Challenges:</u> Need more mental health professionals who visit schools at least weekly and to expand the social emotional learning model to more schools.</p>

¹¹¹ Offenses typically handled by the Juvenile Diversion Program: 1) Possession of Alcohol, 2) Furnishing Alcohol to Minors (hosting of a party included), 3) Possession of a Controlled Dangerous Substance (Marijuana and/or paraphernalia), 4) Theft under \$1,000, 5) Destruction of Property, 6) Possession of a Weapon, 7) False Statement to a Peace Officer, 8) Possession of a False Identification, 9) Disorderly Conduct, 10) Trespass, and 11) Disturbing School Activities

Of note, DHHS principally works with MCPS to deliver its prevention programming in local schools. It operates School Health Centers in each school and Linkages to Learning, Wellness Center, and Cluster Project sites at select schools. DHHS also works in partnership with the Department of Recreation to support the County's Positive Youth Development Initiative aimed at preventing gang involvement and criminal activity among youth. DHHS' offers early intervention programs for higher-risk youth, such as the Street Outreach Network, directly to youth rather than in partnership with other agencies. DHHS, however, often relies on referrals from other agencies to identify youth in need of services, such as MCPS referrals of students to SASCA and the Crisis Center.

Commission on Juvenile Justice. DHHS also provides staff support to the County's Commission on Juvenile Justice (CJJ). The thirty-six member CJJ is tasked with several functions that include reviewing and addressing how Montgomery County assesses needs and delivers treatment to its juvenile justice population. The Commission studies, reports, monitors, and advocates for improving the delivery of services to youth involved in the juvenile justice system. A key component of their mission is to inform and advise the Juvenile Court, County Council, County Executive, and State legislators, and to promote understanding and knowledge in the community regarding juvenile needs and the effectiveness of programs. The CJJ meets ten times per year.

C. Maryland Department of Juvenile Services

Maryland's Department of Juvenile Services (DJS) manages the juvenile justice system in Maryland, including Montgomery County. Montgomery County is located in DJS' Metropolitan Region, along with Prince George's County, with DJS offices in Rockville, Silver Spring, Largo, and Upper Marlboro. Serving as a one-stop-shop for children in the juvenile justice system, DJS' Rockville offices are located in the same building as MCPD's Family Crimes Division and DHHS' SASCA program.

This section describes DJS' key features, steps in the juvenile justice system, and the alignment between DJS practices and best practices for juvenile justice systems that stem the School-to-Prison Pipeline. This section also shares the perspective of stakeholders, including youth who have been involved with DJS, regarding what works and outstanding opportunities for ending the local School-to-Prison Pipeline.

1. DJS Program Features

DJS processes the intake of youth into the juvenile justice system, determines which cases are referred to the State's Attorney's Office, conducts needs assessments to determine youth treatments, conducts risk assessments to determine the need for detention, provides supervision or commitments for youth convicted of juvenile offenses, and provides after care services for youth released from DJS facilities.

The chart on the next page summarizes DJS' core functions and key services. It also summarizes feedback received by DJS staff on the strength of local approaches for stemming the School-to-Prison Pipeline and opportunities for improvement.

Chart 6.6: Key Features and Feedback from DJS Staff

Office and Agency	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Maryland Department of Juvenile Services	Manage, supervise, and treat youth involved in Maryland's juvenile justice system.	<ul style="list-style-type: none"> - Intake of referred youth - Needs assessments - Diversion services - Detention - Probation - Commitment - After-care services - Coordination with youth, families, and child-serving agencies (e.g., courts and schools) 	<p><u>Strengths:</u> Effective working relationships with other agencies; co-location of services with MCPD and DHHS; transition of youth into MCPS; Evening Reporting Center as an alternative to detention.</p> <p><u>Challenges:</u> Probation without time limits, loss of the Choices program, case manager turnover, insufficient number of bilingual/Spanish-speaking staff.</p>

While DJS links juvenile clients to services, its main functions include youth supervision and case management. DJS case managers do not provide intense supervision; however, DJS is in the process of making intensive services and supervision available to Montgomery County youth by reinstating the Maryland Choices Program that provides wraparound services to children with intensive needs.¹¹²

As noted in the Data Chapter, although the number of DJS intakes have diminished in recent years and in turn reduced staff caseloads, DJS experiences a high level of case manager turnover in Montgomery County, with workers leaving for lower cost jurisdictions or for more lucrative positions. As a result, improving case managers' expertise and understanding of services available to youth and families in the County remains a challenge.

2. DJS Process

The section below summarize the steps in DJS' process that can shape the experience of youth in the system.¹¹³

Intake

- DJS receives referrals/intake complaints from police, schools, and parents.¹¹⁴
- Detention: DJS makes an emergency detention decision to determine if a youth requires detention until the next court day. A judge sitting as a juvenile judge in the Montgomery County Circuit Court then determines if detention is required until the youth has an adjudicatory or dispositional hearing. In Montgomery County, youth can be placed at the Noyes Children's Center, assigned to home electronic monitoring, or be placed at the Evening Reporting Center between the hours of 4pm – 9pm for supervision.

¹¹² Funding for this program has been recently restored for Prince George's County.

¹¹³ Youth charged as adults or charged with traffic violations bypass DJS' intake process and go directly to the SAO.

¹¹⁴ Before referring cases to DJS, MCPD screens police reports for first-time offenders and misdemeanor juvenile charges to determine if a child is eligible for a diversion program via Teen Court or SASCA. Cases recommended for Teen Court are referred to the SAO, which administers the program.

- Investigation: DJS investigates cases by meeting with a youth facing charges and the youth's family. DJS requests information from MCPD and requests a victim impact statement if a victim is involved. DJS seeks approval from the police and any victim(s) if it recommends informal probation or a warning.
- During an investigative appointment, DJS conducts several assessments to guide the supports and level of supervision as they await adjudication, disposition, or placement. DJS can also determine if a case warrants referral to a CINS pilot program, a diversion program for youth in need of supervision.
- DJS must assess intake complaints within 25 days and can make one of three decisions. DJS can:
 - Resolve/close the case with a warning if it determines that furthering a case would be disadvantageous to the interests of the youth and to public safety.
 - Order informal probation/pre-court adjustment where the family signs a 90-day agreement with conditions, but without court involvement; or
 - Refer the case to the SAO to determine if a petition to institute delinquency proceedings should be filed;
- The SAO may also file a petition to the court to institute delinquency proceedings.

Adjudication

- The SAO files a petition alleging delinquency in most cases that DJS refers to the SAO. After reviewing a complaint, the SAO, with input from any victim(s), can also dismiss a case.
- The juvenile court determines whether the youth is involved in the alleged offense at an adjudicatory hearing. If the court finds that the youth is not involved, then the case is dismissed and future DJS involvement ends. If the court finds that the youth was involved in the alleged offense, it holds a dispositional hearing to determine whether to commit a youth to DJS' care in an out-of-home placement or if a youth requires DJS supervision under a probation order.
- A variety of programs exist for youth referred for out-of-home placement (e.g., state-run or private, secure or non-secure) depending on a youth's risk-level and treatment needs. Youth often wait in detention "pending placement" as they wait for placements to become available.
- DJS case managers supervise youth returning from a committed placement and also assist youth with school re-entry and employment. In Montgomery County, an MCPS liaison to DJS serves on the interagency transition team that places youth back in the community and reenrolls them in MCPS. MCPS, however, does not have access to information about why a student was involved with DJS.

Informal Probation

- DJS case managers provide varying levels of supervision and services based on a youth's risk level for youth under informal probation who reside at home. Services and treatment for youth under DJS probation (and their families) may include Functional Family Therapy, Multi-systemic Therapy, and Multidimensional Treatment Foster Care - Adolescent.

Feedback on Process from the Montgomery County, Maryland Office of the Public Defender.

Representatives from the Office of the Public Defender described challenges for offenders and their families with DJS' processes due to language barriers and time constraints, recommending that DJS employ more Spanish speaking staff to support the intake process. These representatives explained that DJS letters requesting a meeting with a youth and family are written exclusively in English and sometimes only arrive days before a hearing, potentially causing parents confusion.

The Public Defender's Office also explained that DJS automatically forwards charges to the SAO if a parent does not attend a scheduled meeting, posing a challenge for working parents who lack the means to take off time from work.

3. DJS Educational Services

The Maryland State Department of Education provides educational services to youth in all juvenile facilities, including the Noyes facility in Montgomery County. MSDE took over this function from DJS, wanting to improve the academic rigor of the services in these facilities.

A review of how MSDE delivers educational services in DJS facilities was beyond the scope of this project. The School Discipline Consensus Report, however, recommends that youth in confinement should have access to high-quality educational programming that is aligned with state standards and tailored to students' academic and special needs while promoting graduation and preparation for post-secondary opportunities. The report also recommends that schools in juvenile facilities should be:

- Properly staffed, accredited, and integrated into the state's education system.
- Held accountable for the quality of programming and the progress of youth served, recognizing that these youth typically are more transient and have greater academic and behavioral needs.

D. Department of Correction and Rehabilitation

Most juveniles in Montgomery County who are detained are housed at the DJS-operated Noyes Center. Youth accused of the most serious crimes and charged as adults, however, can be placed at the Montgomery County Correctional Facility (MCCF). Five juveniles between the ages of 14 and 17 were detained there when OLO staff visited the MCCF in May of 2015 and 108 were aged 21 or under. In voluntary compliance with the federal Prison Rape Elimination Act, these youth slept in a separate unit but joined the Youth Offender Unit for young men ages 21 and under during the day.

The Youth Offender Unit is one of two Choices for Change programs at MCCF. Choices for Change works to help offenders recognize and understand the personal and environmental factors that contributed to their behavior and incarceration (e.g., anger, emotional regulation) to help motivate personal change in their lives. Two housing pods at MCCF provide Choices for Change: one for female offenders and the second for male offenders aged 21 or younger.

MCCF also partners several agencies to provide services to incarcerated youth with the goal of reducing their odds of returning to the criminal justice system following release. Partners include DHHS, Montgomery Works, the Office of the Public Defender, the Literacy Council, Libraries, MCPS, Montgomery College, Identity, and the Montgomery County Conflict Resolution Center.

MCCF is able to offer services/programming to both pre-trial detainee and sentenced offenders. MCCF provides an orientation to new inmates to make them aware of all of the services available at MCCF, including GED classes, high school services, ESOL instruction, and some occupational training courses. MCCF has a capacity for 1,028 residents and over the past year, the population of residents has ranged between 497 and 501 residents.

E. State’s Attorney’s Office

The State’s Attorney’s Office of Montgomery County plays two critical roles in the juvenile justice system in the County – as prosecutor and as a provider of diversion opportunities. Like DJS, the SAO acts as a gatekeeper by deciding which youth enter diversion programs versus the juvenile justice system. These two core functions are described in detail below.

Juvenile Court Division. The SAO’s Juvenile Court Division files charges against youth, prepares cases, manages proceedings, and works with other agencies on juvenile justice issues. Prosecutors in the SAO circulate through the Juvenile Court Division as well as other SAO divisions, which can impact the institutional knowledge of the prosecutors in the division.

In Maryland, anyone under the age of 18 is considered a juvenile. While the Circuit Court’s Juvenile Court have a rehabilitative focus compared to adult courts, the SAO can ask the Court to transfer children between the ages of 14 and 17 to adult court for the most serious felonies.

Prevention and Diversion Programs. The SAO also administers prevention and diversion programs aimed at stemming the pipeline of youth into the criminal justice system that are described in the chart below. The most notable of these is the Teen Court Program for first time juvenile offenders.

Chart 6.7: Key Features and Feedback from SAO Staff on Diversion and Prevention Programs

SAO Divisions	Core Functions	Key Program Features	Feedback on Local Efforts
Teen Court	Diversion program for 1 st time offenders of misdemeanors (shoplifting, alcohol possession)	<ul style="list-style-type: none"> - Charged youth must admit involvement - Jury of teen peers - Avoid DJS record if complete disposition within 60 days (SASCA, community service) 	<p><u>Strengths:</u> Multi-agency programs operating in the County such as the Truancy Review Board and the Cluster Projects</p> <p><u>Challenges:</u> Need for more funding to expand Cluster-like projects that address the root causes of juvenile delinquency (e.g., truancy)</p>
Truancy Court	Mentoring program for middle school students with poor school attendance	<ul style="list-style-type: none"> - Ten week program in ten middle schools - Mentors work with students and their families to improve school attendance 	
Truancy Review Board	SAO serves on Truancy Review Board with MCPS, DHHS, DJS, and other agencies	<ul style="list-style-type: none"> - Develops and implements attendance plan for habitually truant students - Prosecutes parents who do not comply with the attendance plan 	
Cluster Projects	SAO participates in Cluster Projects with MCPS, DHHS, and other agencies	<ul style="list-style-type: none"> - Operates in Kennedy and Watkins Mills Clusters - Agency representatives “huddle up” to coordinate services for high risk students 	

First organized in 1996, Montgomery County’s Teen Court program was the first such program in Maryland.¹¹⁵ Youth admitted to the programs typically are first time offenders between the ages of 12 and 17. Of note, youth must admit involvement in the alleged offense in order to participate in this diversion program.

¹¹⁵ See http://www.globalyouthjustice.org/uploads/New_Teen_Court_Evaluation.pdf



Unlike other jurisdictions whose Teen Court caseloads often include assaults and property offenses, in Montgomery County, most Teen Court cases involve controlled substances, theft, or alcohol/tobacco violations. Teen Court hearings take place twice a month, year-round in the Montgomery County Circuit Court Judicial Center. The judge is an adult volunteer, while jurors are youth volunteers who issue sentences after deliberation. If Teen Court participants do not complete their sentence requirements within 60 days, their charges will be sent to DJS for intake.

Generally, SAO staff have a favorable impression of their diversion of youth out of the juvenile justice system via Teen Court and other juvenile delinquency prevention efforts. Other stakeholders, however, question whether an agency charged with prosecuting youth can neutrally determine which youth to divert – asking whether the SAO focuses on the best interests of the child as opposed to the strength of the prosecutor's case.

Stakeholders also question the transparency of the process for identifying the youth referred to Teen Court, the requirement that youth admit involvement in the alleged offense before participating in Teen Court, and whether the consequences of Teen Court are biased toward affluent low-risk teens with family resources versus low- to medium-risk youth whose families have fewer resources to meet disposition requirements. Information from a 2013 evaluation of three Maryland Teen Court programs by the State Justice Institute, including Montgomery County's program, highlights some of these issues:

- In Montgomery County, youth with prior DJS contact typically are excluded from Teen Court. Only 7% of cases between 2009 and 2011 involved youth with prior contact. In Baltimore, youth with prior DJS contact accounted for 18% of all participants.
- Where Black youth are over-represented among DJS referrals, they are under-represented among Teen Court referrals. Specifically, where Black youth made up 49% of DJS intake complaints in 2011, they made up only 24% of juveniles referred to Montgomery County Teen Court between 2009 and 2011.¹¹⁶ At the same time, where White youth made up 23% of DJS intake complaints in 2011, they comprised 45% of Teen Court referrals between 2009 and 2011.
- Community service requirements are high for Teen Court participants, generally ranging from 15 to 44 hours.¹¹⁷ Moreover, Teen Court can require restitution and completion of substance abuse or shoplifting prevention programs that have a cost and that are more burdensome for low-income youth and parents to meet compared to more affluent families.

Overall, the State Justice Institute found that the three Maryland Teen Court programs reviewed generated favorable outcomes among diverted youth. These programs appeared to lower recidivism rates and later DJS involvement. Yet, the State Justice Institute's evaluation also found that Black youth completed the Montgomery County program at lower rates than their White peers (73% v. 95% between 2009 and 2011).

F. Office of the Public Defender

Juvenile Court Attorneys in the Montgomery County Public Defender's Office represent youth charged in juvenile court or charged as adults. The Public Defender estimates that about 75 percent of all juvenile cases in Montgomery County are handled by their office or by attorneys paid by their office, processing approximately 1,500 petitions over the past year.

¹¹⁶ See http://www.djs.maryland.gov/drg/Full_DRG_With_Pullouts_2013.pdf

¹¹⁷ Ibid.

The attorneys also work to transfer cases against children from adult court to juvenile court in part because of the consequences associated with the adult system (i.e., searchable criminal records, possible denial of financial aid for higher education). At the same time, the attorneys expressed concerns that despite the rehabilitative focus in the juvenile justice system, the adult justice system in Montgomery County often provides greater services, such as educational opportunities and substance abuse treatment, compared to DJS.

The Public Defender has a “juvenile protection unit” that investigates and works to improve juvenile placements, developed a partnership with the Maryland Chapter of the NAACP to file a complaint with the U.S. Departments of Education and Justice requesting an investigation of the poor provision of educational services for youth in DJS facilities,¹¹⁸ and has a “collateral review unit” that works to overturn sentences of youth charged and convicted in adult court. The Public Defender also works with juveniles to have their records expunged.

Representatives from the Public Defender raised several concerns regarding Montgomery County’s juvenile justice system. They contend that the current juvenile justice diversion programs in Montgomery County are not organized to meet the needs of low-income youth. For example, they have observed that attending a DJS intake meeting can be an insurmountable challenge for many families, particularly English language learners and that the financial costs and time commitments associated with Teen Court (\$75 fee and community service) and SASCA limit the ability of low-income youth in Montgomery County to participate in these programs.

The Public Defender team also contends that both youth charged as adults and youth sentences are inconsistent, with similar crimes charged in the different systems. They and other stakeholders (such as staff from the Collaboration Council) described significant drawbacks to charging juveniles as adults, including youth receiving more severe sentences in the adult system – which lacks the rehabilitative focus of the youth system; a greater stigma associated with an adult conviction; and the creation of adult criminal records that are harder to seal than juvenile records.

Finally, in interviews with OLO staff, Public Defender staff offered three recommendations to help stem the School-to-Prison Pipeline in Montgomery County: (1) increase the number of DJS Spanish-speaking staff and translate the DJS intake letters sent to parents; (2) increase the timeliness of the DJS intake letters that are sent to parents; and (3) provide resources to allow the Public Defender to hire more social workers to help advocate on behalf of youth involved in the juvenile and adult criminal justice systems.

G. Juvenile Court

The Juvenile Division of the Montgomery County Circuit Court oversees delinquency petitions and other court decisions involving children. All juvenile delinquency hearings occur in juvenile court, State law establishes maximum timeframes for adjudication of juvenile cases, and all juvenile court files and proceedings are confidential (juveniles and/or their attorneys have access to court files). Chart 6.8 on the next page summarizes the types of hearings conducted by the Juvenile Court and shares the perspectives of juvenile judges on what works well for stemming the School-to-Prison Pipeline and opportunities for improvement.

¹¹⁸ Denisa Superville, “In Many States, Prospects are Grim for Incarcerated Youth,” *Education Week*, (Dec. 9, 2015).

Chart 6.8: Key Features and Feedback from the Office of the Courts

Office and Agency	Core Functions and Services	Key Programs/Services for Students	Feedback on Local Efforts to Mitigate the Prison Pipeline
Juvenile Division of the Family Services Divisions, Montgomery County Circuit Court	Conduct court proceedings and hearings determining placement, adjudication, and detention of children in juvenile justice system.	<ul style="list-style-type: none"> - Detention hearings - Preliminary inquiry - Pretrial hearings - Adjudicatory hearings - Disposition/sentencing hearings - Review/release hearings - Restitution hearings - Permanency planning hearings 	<p>Strengths: Petitions to juvenile court usually occur only after youth offenders have exhausted diversion and alternatives to detention.</p> <p>Challenges: Relationship between the courts and MCPS, availability of home-based services for overwhelmed families, access to remedial education for students that is not stigmatizing, DJS services for youth aged 18-20.</p>

Like State’s Attorneys, Circuit Court judges rotate through the Juvenile Division before rotating to another division in the Court. Judges make juvenile court decisions based on the facts of a case and applicable law; there are no jury trials in juvenile court. In addition to the judges, the other participants in a juvenile delinquency case include:

- The state’s attorney provides evidence to support the allegations in the petition;
- DJS staff who work with children and their families when youth are charged with acts of delinquency, under probation, or placed in a DJS facility;
- The youth’s attorney, who is often a public defender and represents the interests of the child during delinquency proceedings; and
- The youth charged with an alleged delinquent act.

Interviews with juvenile judges in the Circuit Court identified a number of concerns with respect to the School-to-Prison Pipeline in Montgomery County, including the following:

- Children involved in the child welfare system are disproportionately involved in the juvenile justice system. The judges report that they observe increased youth aggression and distrust of adults resulting from youth being moved from home to home.
- Children involved in the child welfare system typically lack structure and routine at home and often lack food. As a consequence for acting out in school, these children often are excluded from school or moved between schools, increasing their instability.
- Where students historically have fought in school with no criminal system involvement, MCPS exhibits little tolerance for disciplinary offenses, resulting in students facing criminal charges.
- By the time most students appear in court, their families have often been engaged in a cycle of dysfunction. Court-based interventions often are ineffective – the perception among the judges is that these youth and their families needed interventions far earlier than they receive them.
- Youth who appear in court often have a history of charges that have been diverted before via community service and other alternatives to detention.
- The effectiveness of DHHS’ services for child welfare- or juvenile justice-involved youth concerns the judges.

Finally, the juvenile judges also recognize that often a young person will receive more services from the Montgomery County Correctional Facility serving adults than from DJS. In fact, they have found that at times, defendants will lobby for youth to earn adult charges that can be expunged if the offender complies with terms of sentencing so that young offenders can receive MCCF services.

H. The Collaboration Council

State law requires each Maryland county to have a Local Management Board (LMB) to ensure the effective coordination and implementation of local service delivery systems for children, youth, and their families. The Montgomery County Collaboration Council for Children, Youth, and Families serves as the LMB in Montgomery County, contracting with vendors to deliver essential public services.

The Collaboration Council works in partnership with DJS, DHHS, and other local agencies to deliver a number of programs that impact the School-to-Prison Pipeline in Montgomery County. These programs impacting youth in or at-risk of entering the Prison Pipeline are summarized on the next page. This section also summarizes staff perspectives on what works and opportunities for stemming the Prison Pipeline in the County.

The Collaboration Council facilitates a Disproportionate Minority Contact (DMC) Reduction Initiative Committee, which is one of two independent and neutral groups in the County working on juvenile justice issues (along with the Commission on Juvenile Justice). To support the Committee's work and the County's efforts to reduce the disproportionate representation of youth of color throughout the juvenile justice process, the Collaboration Council employs a DMC Reduction Coordinator who also serves as their Director for Social Justice. Under the DMC Coordinator's leadership, Committee members examine race and other challenges in the local juvenile justice system and learn about best practices for stemming the Prison Pipeline. Stakeholders represented on the Committee include MCPD, MCPS, DJS, DHHS, SAO, and local service providers like the Mental Health Association and Lead for Life.

As a result of the DMC Committee's efforts, local opportunities coordinated by the Collaboration Council have increased to reduce recidivism and divert youth from DJS. These include: providing psychiatric services for youth at the Noyes Children Center, creating the Evening Reporting Center as an alternate to detention for youth charged with offenses that typically lead to detention or house arrest; and piloting the Children in Need of Supervision Project in MCPS schools to deliver services to high-risk teens without having to refer them to DJS in order to meet their service needs.

Still, additional work to reduce the disproportionate representation of Black and Latino youth in the juvenile justice system persists within Montgomery County. As noted in Chart 6.9 on the next page, opportunities for improvement identified in OLO interviews with Collaboration Council staff include:

- **Greater use of clinicians and screening tools** to refer youth to local diversion and treatment programs. A concern is that young people who could benefit from these programs are not being referred because staff screening youth for placements in available programs are not clinicians.
- **Expanded access to community-based mental health and substance abuse services** for low-income youth to avoid unnecessary referrals to DJS for youth to receive these services.
- **Meaningful access to diversion programs for low-income youth** that does not create a financial hardship for families. Disparities based on family income can preclude low-income youth from participating in or completing DJS' diversion programs due to costs associated with complying with SASCA or Teen Court requirements for substance abuse treatment, restitution, and/or community service.

Chart 6.9: Summary of Key Features and Feedback from the Collaboration Council

Initiatives	Programs and Key Features	Feedback on Local Efforts
Equal Justice for All Youth	<ul style="list-style-type: none"> • Disproportionate Minority Contact Reduction Committee focuses on changing policies and practices that adversely impact youth of color in the juvenile justice system. • Evening Reporting Center provides an alternative to detention for youth in an after school program that focuses on education, school connectivity, and treatment. DJS funds this program delivered by Lead for Life. • Children in Need of Supervision provides services to high-risk youth as an alternative to DJS involvement. The CINS coordinator is housed at DJS; and the Mental Health Association is the service provider. • Psychiatric Services at Noyes to treat the mental health needs of detained youth. DJS funds this program. 	<p><u>Strengths:</u> Candid conversations and effective working relationships among agencies represented on the DMC Committee; recent increase in diversion opportunities.</p> <p><u>Challenges:</u> Need for clinicians to screen youth to participate in local diversion programs; need to increase access to community-based mental health and substance abuse services for teens at-risk; and need to remove barriers to diversion program participation for low-income youth.</p>
Services for Children and Youth with Intensive Needs	<ul style="list-style-type: none"> • Pathway to Services directs parents to services for their children with emotional and/or behavioral needs. Bilingual staff identify services and link parents to a family navigator. • Local Care Team is an interagency team that consider s whether referred youth will receive wrap around or other services. The YMCA is the service provider. • Wraparound Services provides a Care Coordinator for families identified by the LCT as being in need of a Plan of Care that provides intensive services within the community. 	
Youth Development Programs	<ul style="list-style-type: none"> • Conservation Corps provides educational and workforce programs for high-risk youth. It is funded by DHHS and staffed by the Maryland Multicultural Youth Center. • Youth Service Bureaus are community-based entities that provide delinquency, suicide, drug and alcohol abuse prevention programming for youth. 	

I. Alignment with Best Practices

To understand best practices in juvenile justice and judicial systems for mitigating the School-to-Prison Pipeline, OLO reviewed and summarized the policy recommendations offered by the Council of State Government’s Justice Center’s School Discipline Consensus Report.¹¹⁹ OLO also compared these best practices to local practices in Montgomery County. These are summarized in Chart 6.10.

As noted in Chart 6.10, juvenile justice and court practices in Montgomery County generally align with best practices for mitigating the School-to-Prison Pipeline. Generally, students who are charged with first-time offenses or with minor school-based offenses are diverted to programs that do not require judicial supervision, such as Teen Court or the CINS Pilot Program. Moreover, DJS uses risk assessments to identify children eligible for alternatives to detention prior to adjudication and MCPS employs a court liaison who facilitates the transition of DJS-involved youth back into community schools.

¹¹⁹ https://csgjusticecenter.org/wp-content/uploads/2014/06/The_School_Discipline_Consensus_Report.pdf .

Chart 6.10: Alignment between Best Practices and Local Practices – Courts and Juvenile Justice

Policy Goals	Best Practices	Local Practices	Alignment with Best Practices
Monitor and minimize referrals of students to juvenile court for minor offenses.	Track school-based cases that come to juvenile court, determine the offenses that lead to charges, and examine how cases are handled.	DJS tracks how cases are handled and the most common offenses. Yet, neither DJS nor the juvenile court tracks school-based cases by offense type.	No, because school-based cases are not tracked by the court or DJS.
	Use data to identify schools with high rates of court referrals for minor offenses and develop plans of action to help reduce these referrals.	With new SRO tracking data, the police can identify the schools with the highest arrest rates. But no plan of action has been developed.	No. The police and courts, however, have the discretion to implement this best practice.
	Develop guidelines and policies to minimize referrals to juvenile court for minor offenses.	DJS and the police have guidelines in place to minimize referrals to SAO for minor offenses.	Yes.
Students who are arrested and/or charged with a minor school-based offense are diverted, whenever appropriate, from further involvement with the juvenile justice system.	Use information maintained by schools, when appropriate, to guide court diversion and disposition decisions so that they are responsive to youths' and victims' needs.	There are data firewalls for DJS-involved students – agencies do not share student data. Some data on school attendance, however, feeds into DJS risk assessments.	Partial. DJS uses school attendance data to determine placements. Not sure if SAO's Teen Court uses school data.
	Use risk/needs assessment tools, when appropriate, to inform decision making through the court process.	DJS uses risk assessments to determine referrals to courts and placements but Teen Court does not.	Partial. DJS uses risk assessments, but not SAO's Teen Court.
	Identify and expand treatment and service options that meet youths' needs without relying on judicial supervision.	DJS began Children in Need of Supervision (CINS) Pilot to provide supports to needy youth outside of the courts.	Yes.
Juvenile justice, district, and school leaders ensure that youth released from correctional facilities are reenrolled in community school settings with transition planning that facilitates academic success and reengagement.	Designate a transition coordinator to collaborate with schools, courts and probation to facilitate appropriate placements, swift reenrollment, the provision of necessary support services, and compliance with a youth's terms of supervision.	MCPS employs a court liaison who facilitates that transition of DJS-involved youth back into MCPS schools. The court liaison also assists students placed in local shelter programs with enrollment in MCPS and the provision of necessary services.	Yes. A variety of stakeholders remarked that MCPS swiftly re-enrolls DJS-involved youth back into their home schools and provides transition supports.
	Ensure that students resume school as soon as possible after release from a juvenile facility.	The court liaison ensures that students reenroll in MCPS as soon as they are released from DJS centers.	Yes.

Yet, the overall scope of whether minor school-based offenses lead to juvenile justice involvement remains unknown because neither DJS nor the juvenile courts currently track the school-based cases that come to juvenile court. The SRO new data collection system for arrests and charges enables the police to collect and report on arrest data by school and by offense. But there are no current reporting processes in practice that link juvenile arrest data by school to later involvement in the juvenile justice system.