

DATE: June 15, 2006

TO: Criminal Justice Coordinating Commission

FROM: Linda McMillan

SUBJECT: **Disproportionate Minority Contact (DMC) and Juvenile Detention Alternative Initiative (JDAI)**

### **Request and Recommendations**

The CJCC is being asked to serve as the Steering/Policy/Stakeholder's Committee for the county's DMC and JDAI initiatives. The CJCC Steering Committee discussed the following proposal at their May 25 meeting and supports the request if the State is willing to provide the Collaboration Council with sufficient resources to staff these efforts.

The current DMC Work Group also discussed this proposal at their May 30 meeting and agreed that the CJCC should serve as the Steering and Policy Committee. The DMC workgroup understood that this would require some reconfiguration of the current workgroup.

The Commission on Juvenile Justice has had an overview discussion of the proposal and was supportive with the understanding that the Juvenile Justice Commission will have a representative on the work group.

### **Background/Proposal**

The Collaboration Council for Children, Youth, and Families (Montgomery County's Local Management Board) has been designated by the Governor's Office of Crime Control and Prevention as the lead local organization to receive funding for JDAI and for the past several years has been asked to be the lead on addressing the DMC issue. The Collaboration Council has convened a DMC workgroup of county and state agency staff and citizen members. While research and data collection has been undertaken, there has not been significant progress in addressing either issue. The Collaboration Council has asked the chair of the CJCC if the full CJCC will serve as the Steering/Policy/Stakeholders Committee for these efforts.

Work completed by the Collaboration Council using FY04 data concludes that for African-American youth the:

- Rate of contact with police is 3 times higher than for white youth,

- Cases referred to DJS are almost 5 times higher than for white youth,
- Cases petitioned are nearly 6 times higher than for white youth,
- Cases resulting in residential placement are nearly 8 times higher than for white youth,
- Cases admitted to secure detention facilities are almost 11 times higher than for white youth.

This data alone does not prove that there is unfair treatment in the system based on racial/minority status. Discussions with staff and citizen focus groups show that there are differing perceptions and opinions as to whether all children are treated fairly and objectively by the system.

Staff from the Court and DHHS are completing a case file review of all detention hearings conducted in 2005 to collect data on the demographics of the children who were the subject of hearings, the lead charges, and other information related to release or reasons for continued detention.

### **Suggested Work Program for CJCC**

If the Commission decides to serve as the Steering/Policy/Stakeholders Committee, changes should be undertaken to better focus this effort and to set timelines for the completion of work.

The CJCC does not have dedicated staff to handle these tasks, it is recommended that the CJCC not commit to serve in this capacity unless the State commits funding for a staff person to support this effort (the State has indicated to the Collaboration Council that this is possible).

The current DMC workgroup should be reconfigured and made a committee of the CJCC. Members should include:

#### **Staff level representatives from:**

Department of Juvenile Services  
 Montgomery County Police  
 State's Attorney's Office  
 Circuit Court  
 Public Defender's Office  
 Department of Health and Human Services (Children, Youth, and Families and mental health)  
 Montgomery County Public Schools  
 Local Coordinating Council  
 County Executive  
 County Council

**A representative (preferably citizen) from:**

The CJCC

The Commission on Juvenile Justice

The Commission on Children, Youth, and Families

The Collaboration Council

**Citizens and advocacy groups (such as JJ Fair)**

There should be a **provider advisory group** that can serve as a resource to the committee and CJCC but whose members are not standing members of the committee in order to avoid potential conflicts if alternatives are developed. This could include organizations such as the Mental Health Association, Identity Inc., YMCA, and Guide.

This workgroup, as a committee of the CJCC, would be asked to work on priorities set by the CJCC and to bring information and recommendations to the quarterly meetings. This is a different role that the current DMC Committee has as they are a stand-alone group that sets their own agenda.

If the CJCC agrees to take on this role and the State agrees to provide staff resources, the CJCC would set a workplan for the JDAI/DMC Committee. A suggested workplan is:

1. Continue the study related to the use of detention.
2. Work through issues at each of the decision points starting with the use of and protocols for the Police Diversion program.

The following are suggested first steps for this effort.

June CJCC Meeting

- Provide CJCC with an updated overview of the DMC and JDAI issues.
- Provide the CJCC with an update (or overview results if available) of case file review.
- Provide a proposal on the request for the CJCC to serve as the Steering/Policy/Stakeholders Group
- Determine if the CJCC is willing to take on this role.

September CJCC Meeting

- Have new DMC/JDAI Committee in place.

- Have additional staff in place.
- Have completed report on Detention Case File Review. If there are recommendations that have budgetary implications for the State or County this is a good time for the CJCC to discuss them and forward any recommendations to the Governor, Secretary, County Executive, and Council.
- Provide update on work related to Police Diversion Study.

#### December/January CJCC Meeting

- Completed report on Police Diversion program.
- Overview discussion of next step which would likely be DJS intake/case screening and informal adjustment.

There are many other issues that would not be addressed by the DMC/JDAI Committee but are of importance to the CJCC. It is important to make sure an appropriate Committee or Commission has included these in their workplan.

**Conditions at Noyes** - There is a Noyes Advisory Group that can report on this, in addition the Commission on Juvenile Justice is very concerned about this issue. The Commission on Juvenile Justice may be looking specifically at legislation to improve training requirements.

**Pending Placement** – This issue is not addressed in the case file review. There is ongoing concern about the time children spend in detention awaiting placement in a treatment program and the mental health and education services they receive in this pending placement time. This is also of concern to the Commission on Juvenile Justice.

#### **Out-of-State Placements**

**Conditions at Maryland treatment facilities.**

**Mental Health Services** available to children in the juvenile justice system.

**Staffing and turnover at DJS** both in our local office and in detention and residential facilities. Issues related to locality pay are a part of this issue.