

Criminal Law

Juvenile Crime

In recent years, the State has made significant changes to juvenile justice laws and the practices of the Department of Juvenile Services. However, recently published reports highlight persistent issues facing the department's and the State's response to juvenile crime. It is likely that the General Assembly will consider legislation to further address juvenile crime during the 2026 legislative session, including legislation that would increase the State's compliance with the federal Juvenile Justice and Delinquency Prevention Act.

Recent Developments in Juvenile Law

Juvenile crime in the State has received extensive media coverage in recent years, prompting interest and debate on the overall efficacy of the juvenile justice system and resulting in significant legislative action. Chapters 41 and 42 of 2022 implemented many recommendations of the Juvenile Justice Reform Council, which was established in 2019 to research best practices for the treatment of juveniles who are subject to the criminal and juvenile justice systems and make recommendations to limit or otherwise mitigate contributing risk factors. Among other provisions, the Acts limited the juvenile court's jurisdiction, established limitations on the use of detention and probation, and expanded the circumstances under which juveniles may be handled by an informal process within the Department of Juvenile Services (DJS) without an opportunity for further review by a State's Attorney. Following a July 2023 mass shooting in South Baltimore and continued concerns regarding juvenile crime, the General Assembly revisited the 2022 changes and eventually passed Chapter 735 of 2024, which, among other changes, partially restored the juvenile court's jurisdiction over younger children and expanded the review of complaints by State's Attorneys. However, prosecutors and other stakeholders continue to voice concerns regarding juvenile crime and juvenile justice. While some stakeholders have called for a complete repeal of the 2022 statutory changes, others have suggested the removal of DJS from the detention decision-making process in felony cases, increased accountability and reporting requirements for DJS, and expanded programming and services within the department.

Scrutiny of Department of Juvenile Services Operations

Evaluation by the Office of Program Evaluation and Government Accountability

In December 2024, the Office of Program Evaluation and Government Accountability published an evaluation of DJS, which focused on the department's case management practices and provision of community-based services to juveniles under its supervision. In its September 2025 response to the report, DJS (1) indicated that it revised its practice for resolving cases at intake when youth or their families failed to appear; (2) noted that its staff engage in

additional outreach efforts and forward cases to the local State's Attorney's Office for review if an intake conference cannot be held within 15 days; and (3) expanded the capability of its case management program to track the use of community-based programs. The department also stated that it was able to expand the availability of specified evidence-based services to youth in Baltimore City and announced that it is engaging in a federally funded gap analysis of services for youth and their families.

Legislative Audit

A May 2025, a fiscal compliance audit of DJS from April 2020 through December 2023 by the Office of Legislative Audits (OLA) contained nine findings, two of which were repeat findings from the preceding audit relating to DJS's payment of vendors and the department's procedures and controls over its materials and supplies. Among the new findings was that DJS did not ensure that criminal background checks were properly completed for contractors providing youth care services, resulting in at least one individual with a previous conviction improperly working directly with children. OLA also found that the department's annual overtime expenditures have been increasing, resulting in DJS exceeding its overtime budget in fiscal 2022 and 2023. Overtime usage is not just a budgetary issue; it can also be an issue related to safety within facilities.

Juvenile Justice Monitoring Unit Report

In May, June, and July 2025, concerns about youth and staff safety, particularly at the Green Ridge Youth Center (GYRC) and the Western Maryland Children's Center (WMCC), were reported by news organizations. These facilities were also impacted by flooding in western Maryland with youth from GYRC having to be evacuated and temporarily transferred to WMCC. Youth and staff safety within DJS facilities, including GRYC, was a major area of concern discussed by the Juvenile Justice Monitoring Unit (JJMU) in its third and fourth quarter report that was published in July 2025. The July report contained findings and recommendations on many aspects of the provision of services to youth within DJS facilities including, but not limited to, a sexual abuse allegation at GRYC, drugs and contraband, safety and security, facility sanitation, dietary and food services, and the use of improper restraints. The report also commented on JJMU's difficulties in accessing certain information from DJS.

Changes to Department Leadership and Policies

Amid increasing scrutiny of the department, DJS Secretary Vincent Schiraldi resigned on June 9, 2025, and was replaced by Acting Secretary Betsy Fox Tolentino later that week. Shortly after starting in her role, Acting Secretary Tolentino announced that effective July 3, 2025, DJS would detain youth on GPS or electronic ankle monitoring until the next court day if charged with a serious crime upon law enforcement request. Previously, it was optional for DJS to comply with these law enforcement requests.

Following the release of JJMU’s report, the deputy secretary of residential services, the executive director of residential services, and the director of behavioral health left DJS. In her response to the JJMU report, Acting Secretary Tolentino wrote that she had ordered “a comprehensive staffing review to increase frontline coverage in residential programs and improve [the] staff-to-youth ratio.” DJS also responded to JJMU’s report by hiring a new director of the Office of the Inspector General and performing a review of overtime usage and practices.

Automatic Charging of Youths as Adults and Compliance with the Federal Juvenile Justice and Delinquency Prevention Act

Under State law, older juveniles charged with certain more serious offenses must be charged as adults. Despite this requirement, approximately 85% of such cases are either transferred back to the juvenile court, dismissed, or otherwise resolved without a conviction in adult court.

Chapters 41 and 42 established the Commission on Juvenile Reform and Emerging and Best Practices. Chapter 735 made further changes to the membership and duties of the commission and required the commission to submit a report of its findings and recommendations on October 1 of each year, beginning October 1, 2025. While the commission had not published its report as of late October, it may recommend reducing the number of enumerated offenses requiring juveniles to be charged as adults. Proponents of this reduction in automatic charging are likely to cite increased compliance with the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) as well as the fact that Maryland is the State with the longest list of offenses requiring automatic charging in the country as reasons for Maryland to change its statute.

The JJDPA contains four core requirements. As of 2018, one of these requirements is the removal of youth from adult detention facilities with limited exceptions. The JJDPA also requires youth in adult facilities to be separated from the adult population by “sight and sound.” If a state is noncompliant with the Act’s core requirements, the federal government reduces the state’s JJDPA grant funding by 20% per noncompliant requirement, and the State must reallocate 50% of its remaining award to compliance efforts.

Maryland has been significantly out of compliance with the JJDPA, and the State reported 1,600 violations in federal fiscal 2024, which is more than any other state in the nation. Except in Baltimore City, juveniles charged as adults are immediately placed in adult facilities after arrest and processing. County jails and detention centers are not equipped to separate youth from the adult population by sight and sound. According to the Governor’s Office of Crime Prevention and Policy (GOCPP), which administers the JJDPA formula grant, Maryland was compliant with the JJDPA prior to the 2018 changes, and State law regarding juveniles charged as adults does not reflect the 2018 changes to the JJDPA. GOCPP notes that most violations of the “sight and sound” separation requirement occur as a result of youth placed in local adult jails and detention centers and recur every 30 days that a youth remains housed in an adult facility. According to GOCPP, the State stands to lose an estimated \$2 million in federal funds over the next three years due to noncompliance with the JJDPA. Reducing the number of youth charged as adults may also produce cost savings for the State. According to materials prepared by GOCPP for the commission,

approximately 68% of the predisposition population in DJS custody are youth awaiting a transfer hearing; youth initially charged as adults spend an average of 125 days in DJS custody waiting on transfer hearings compared to 27 days for youth charged as juveniles. With an average daily cost of \$1,174 per youth in its custody, DJS spends an additional \$115,000 per youth for this additional length of stay. According to the fiscal analysis for a bill introduced during the 2025 session that would have significantly reduced the number of youth automatically charged as adults, DJS expenditures would have decreased by \$17 million in fiscal 2027 due to closure of a facility, including a reduction of associated personnel, operating expenses, and contractual services.

Potential Legislation

Given recent developments and ongoing concerns regarding juvenile crime and the juvenile justice process, it is likely that several bills addressing these issues will be introduced during the 2026 legislative session. Potential topics for these bills include changes to automatic charging of juveniles as adults, changes to State laws that will facilitate the State's compliance with the JJDP, changes to DJS policies, and increased accountability and reporting requirements for DJS.