

REPORT OF THE PRINCE GEORGE'S
COUNTY JUVENILE COURT AND
SCHOOL SAFETY WORKGROUP

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Chapter 677, 2013 Laws of Maryland (HB 1338)

MSAR 9633

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Introduction

Chapter 677, 2013 Laws of Maryland (HB 1338) established the Prince George's County Juvenile Court and School Safety Workgroup. The Department of Juvenile Services (DJS) provided staff for the initiative and convened the workgroup comprised of representatives from various State and Prince Georges County agencies and other stakeholders¹ to examine youth diversion from the juvenile court system for certain school-based offenses and utilization of existing school and community-based resources in Prince George's County. The workgroup held six public meetings between June and November 2013.

The workgroup convened in June 2013 and began its work with an overview of the legislative purpose and review of its tasks.

The Workgroup was tasked² with:

- Review and analysis of school arrest and referral data collected by the Department of Juvenile Services (DJS) and the Prince George's County School System (PGCPS) and identification of the most common offenses for which youth were arrested and referred to the juvenile court;
- Recommending interagency policies to reduce school-based arrests and referrals to DJS and the juvenile court for certain misdemeanor offenses with the goal of diverting youth instead to school- and community-based programs and decreasing overrepresentation of African American youth in the juvenile justice system;
- Recommending strategies to utilize more fully current resources and expand school- and community-based support services for youth who exhibit behavior problems in school;

¹ See Appendix 2 for a list of workgroup members and participants.

² Ch. 677, 2013 Laws of Maryland (HB 1338). See Appendix 1.

INTRODUCTION

- Recommending criteria-based decision making process for referring students exhibiting certain identified behaviors to such support services instead of to DJS and the juvenile court;
- Recommending criteria for diversion programs developed for youth who have been charged with less serious delinquent acts and who the juvenile court believes would benefit from community alternatives in lieu of probation or commitment to DJS;
- Holding at least two public meetings to seek testimony from the public and juvenile advocacy groups; and
- Developing a Collaborative Action Plan to reduce school-based arrests and referrals to DJS and the juvenile court.

I. BACKGROUND

I. Background

The “School-To-Prison Pipeline” refers to policies and practices that criminalize student misbehavior in schools, often leading to referral to juvenile and criminal justice systems and disruption of student education.³ Research has revealed that African American youth and youth with disabilities are disproportionately affected by these policies and practices.⁴ Nationwide “zero-tolerance” disciplinary practices in schools frequently feature automatic punishment regardless of individual student circumstances, including history of misbehavior in school.⁵ Consequently, in many cases the line between disciplinary misconduct and criminal offenses blurs and the task of student discipline and maintenance of order shifts from teachers and school administrators to police.⁶

The Prince George’s County Juvenile Court and School Safety Workgroup initiative, championed by Advocates for Children and Youth (ACY) and the Prince George’s County Delegation of the Maryland General Assembly, is intended to be part of a broader scheme of juvenile detention reform in Maryland, modeled after similar initiatives in Clayton County, Georgia, Birmingham, Alabama, and recently in Baltimore, Maryland in 2011. The workgroup gathered and examined data indicating common student misbehavior in schools leading to arrest⁷ and referral to DJS in Prince George’s County, which serves as the gatekeeping entity to the juvenile court for alleged offenses.⁸ The group conducted an in-depth examination of current community resources and the existing youth diversion mechanism in the county and proposed a collaborative plan to alter current arrest practices in Prince George’s County Schools, providing for increased diversion utilization and a reduction in referrals to DJS and the juvenile court.

³ <http://www.aclu.org/racial-justice/school-prison-pipeline>

⁴ <http://www.aclu.org/racial-justice/what-school-prison-pipeline>

⁵ *Id.*

⁶ *Id.*

⁷ When youth under age 18 are accused of offenses subject to juvenile court jurisdiction, they are considered to be taken into police custody, not arrested. For brevity and simplicity throughout the report, variants of the term “arrest” will be used.

⁸ For a flowchart of Maryland’s juvenile justice system see Appendix 3.

II. SCHOOL ARREST DATA

II. School Arrest Data

Generally, Maryland regulations require school officials to report all alleged delinquent acts to law enforcement, but defer to school administration in handling conduct traditionally treated as a disciplinary matter.⁹ However, there is no uniform data collection requirement.¹⁰

The workgroup reviewed behavioral incident and arrest data available from the Prince George's County Schools Security Services Office and available DJS data.¹¹ The School Security Services Office is staffed by a director, an assistant director, 3 field supervisors, 22 first-line supervisors, 43 investigator/counselors, and 129 security assistants. School Security personnel are employed by Prince George's County Schools and have authority to arrest youth and refer complaints alleging delinquent behavior to DJS. The Prince George's County Police Department (PGPD) additionally assigns School Resource Officers (SRO's) to each high school.

According to School Security Services incident data, during the 2012-13 school year, 1,584 criminal incidents were recorded on school property and School Security investigators made 989 arrests and referrals to DJS intake.¹² Of those 989 youth arrests,

⁹ COMAR 13A.08.01.15. Law enforcement must report certain serious "reportable" offenses to school personnel. *See* Education Article, § 7-303. School response requirements are outlined in COMAR 13A.08.01.17.

¹⁰ Recognizing the need for school arrest data, the Maryland State Department of Education (MSDE) proposed a data collection requirement in its 2012 report on school discipline techniques and academic success. *See* Report of The Maryland State Board of Education, *School Discipline and Academic Success: Related Parts of Maryland's Education Reform*, July 2012. *See* section III, *infra*.

¹¹ *See* Appendix 4.

¹² *See id.* This data is limited to the School Security office and does not reflect Prince George's Police Department arrest data, including School Resource Officers assigned to schools. However, arrests by Prince George's County Police do result from the underlying behavioral incidents captured in this data. PGPD expects to begin tracking school-based arrests this year. School Security Services anticipates that PGPD arrest data will be integrated with School Security Services data during the current school year.

II. SCHOOL ARREST DATA

DJS referred 186 to the Neighborhood Youth Panel (NYP)¹³ and Community Public Awareness Council (C-PAC) diversionary programs¹⁴ and 100 to the State's Attorney for filing of a formal petition in juvenile court.¹⁵

During the 2012-13 school year School Security Services captured a total of 1,392 recorded student behavioral incidents at Prince George's County Schools that were subject to arrest. The top 5 incidents and accompanying referrals to DJS are outlined below.

DJS was able to identify referral data, case forwarding decisions, and youth demographics for certain school-related offenses in Prince George's County.¹⁶

INCIDENT TYPE	INCIDENTS	ARRESTS (REFERRALS TO DJS)
Possession/Use/Distribution of Drugs	271 (19.5%)	88
Theft	256 (18.4%)	141
Possession/Use of Weapons (other than firearms)	161 (11.6%)	66
Physical Attack on Student	101 (7.3%)	86
Physical Attack on Teacher/Staff	100 (7.2%)	68

¹³ NYPs are diversion programs overseen by DJS which give eligible first-time misdemeanor offenders the opportunity to appear before a panel of community volunteers and accept informal consequences and avoid referral to DJS upon successful completion. DJS intake forwards all first-time misdemeanor offenses and PGCPs staff forwards truancy complaints to NYPs.

¹⁴ School Security Services and Prince George's County Police do not currently refer youth directly to diversion programs. Instead, arrests result in a referral to DJS and diversion referrals are made by DJS at intake. See Section III below.

¹⁵ See section IV *infra* for a brief review of outcome measures tracked by the Department of Family Services.

¹⁶ See Appendix 4.

III. INTERAGENCY POLICIES AND DIVERSION MECHANISM

III. Interagency Policies and Diversion Mechanism

STATEWIDE REFORM EFFORTS

A review of statewide school discipline reform provides contextual background to the Juvenile Court and School Safety Workgroup.

The Maryland State Department of Education (MSDE) is in the process of revising the guidelines for a State Code of Conduct pursuant to the Education Article, § 7-306.¹⁷ According to MSDE, the revision is part of a statewide effort to reform school discipline policies and practices to foster and teach appropriate behavior, create a positive school climate, and keep students in school. The revision would guide Maryland school districts in their development of school codes of conduct.¹⁸ MSDE suspension data consistently reflect disproportionate suspension of African American youth.¹⁹

Following an examination of school discipline techniques and academic success in Maryland, MSDE proposed an amendment to COMAR Title 13A in 2012 which would have effectively transformed school disciplinary environments from those driven by regulations that “provide for counseling and standards for appropriate disciplinary measures, and [that] may permit suspension and expulsion[.]”²⁰ to those “that reflect a rehabilitative discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; are designed to keep students in school so that they may graduate college and career ready; prohibit disciplinary policies that trigger automatic discipline without the use of discretion; [and] explain why and how long-term suspensions or expulsions are last resort options.”²¹ The proposal would have

¹⁷

http://www.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/student_discipline.html

¹⁸ *Id.*

¹⁹ *See e.g.,*

<http://www.marylandpublicschools.org/MSDE/divisions/planningresultstest/2011+-+2012+Student+Publications.htm>

²⁰ COMAR 13A.08.01.11A

²¹ Report of The Maryland State Board of Education, *School Discipline and Academic Success: Related Parts of Maryland's Education Reform*, July 2012.

III. INTERAGENCY POLICIES AND DIVERSION MECHANISM

significantly narrowed school officials' suspension and expulsion discretion and would streamline student return and re-connection to school following any suspension or expulsion imposed.

MSDE recognized the disproportionate minority impact of the implementation of current school discipline policies statewide and proposed requirements focused on the disproportionate impact of disciplinary policies on minority and special education students.

Following the July report, the proposed amendments were published for public comment in November 2012. The State Board of Education, after agreeing to adopt certain amendments to the regulations, voted to withdraw, subject to republication, the proposed amendments to the school discipline regulations. Additionally, the State Board appointed a School Discipline Regulation Workgroup to provide recommendations for amendments to specific sections of the original proposal.²² The Workgroup published a report in the summer of 2013.²³

Additionally, the MSDE Best Practices in School Discipline Workgroup is tasked with identifying school discipline best practices and school staff professional development needs to implement them. According to MSDE, a report of that Workgroup is due in January 2014.²⁴

DJS is also working with Prince George's County Schools to expand intervention efforts for youth under age 13 who are introduced to the juvenile justice system. The Under-13 (U-13) Initiative was developed as a result of collaboration between DJS and the StateStat team and became operational in Baltimore City on May 1, 2013. The U-13 Initiative seeks to bring together state and local agencies that have a vested interest in the well-being of Prince George's County youth. A main component of the Initiative is the referral of eligible youth to collaborative teams to offer multidisciplinary services to each youth and

²²

http://www.marylandpublicschools.org/MSDE/divisions/studentschoolsvcs/student_services_alt/sdrw.html

²³ [http://www.marylandpublicschools.org/NR/rdonlyres/7F4CBEA8-1DD9-40CA-BEA4-E846119452B1/36468/SDRW_Report_MD_StateBoard_061413 .pdf](http://www.marylandpublicschools.org/NR/rdonlyres/7F4CBEA8-1DD9-40CA-BEA4-E846119452B1/36468/SDRW_Report_MD_StateBoard_061413.pdf)

²⁴ See footnote 22, *supra*.

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his or her family to avoid further involvement in the juvenile justice system. The projected roll-out of the U-13 Initiative in Prince George's County is expected in 2014.

PRINCE GEORGE'S COUNTY INTERAGENCY COLLABORATIVE EFFORTS

The School Security Services office, in conjunction with Prince George's County Police (PGPD) and Schools (PGCPS), has embarked on initiatives to enhance interagency collaboration, reduce arrests where possible, and utilize available pre-DJS resources where appropriate. To date, 141 of School Security Services staff members have been trained in conflict resolution techniques. The office is currently in the process of supplementing the presence of Prince George's County Police School Resource Officers (SRO's) by developing its own uniformed school police department to enhance deterrence. The officers will be trained in intervention-based programs including DARE,²⁵ GREAT,²⁶ and student conflict resolution.

The Transition 8/9 initiative, a diversionary pilot program at selected County high schools (Central, Charles H. Flowers, Duval, Dr. Henry Wise, and Largo High Schools), has prompted a 7% reduction in recorded criminal incidents on school property from those recorded during 2012 school year. All of the selected schools for the pilot realized a decrease in recorded behavioral incidents up to 50%. Additionally, the 2012-13 school year saw no large scale police responses while such responses were common during the 2011-12 school year due in part to large fights. This initiative utilizes the office's partnership with NYPs and the C-PAC program and requires parental involvement. The program reports an 87% successful completion rate.

School Security Services collaborates with County police and school administrators to develop consistent school-level administrative responses to student behavior and provide safe school environments. PGPD administers the SRO program which strives to broaden the function of policing in the context of the school system. SROs receive youth development and cultural competency training components to support this goal.

The workgroup agreed that law enforcement targeting of non-chargeable "soft" offenses (i.e., cell phone use/possession, disrespect, etc.) increases the likelihood of introducing

²⁵ Drug Abuse Resistance Education.

²⁶ Gang Resistance Education and Training.

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youth to the juvenile justice system. These offenses are therefore particularly deserving of non-law enforcement behavioral interventions and responses. These behaviors constitute violations of the PGCPs Student Rights and Responsibilities Handbook²⁷, but are not prohibited by the Maryland Criminal Code. The group was tasked with extending such behavioral interventions to minor misdemeanor offenses that ordinarily would subject youth to arrest and referral to DJS, which may result in forwarding of the complaint to the State's Attorney for resolution in juvenile court.

The workgroup further considered the issue of school bullying, which has generated detailed guidance to the County's Board of Education and recently prompted successful legislation criminalizing certain acts. This emerging dynamic is complex and deserving of further workgroup consideration in the context of the proposed Collaborative Action Plan.

The newly revised Student Rights and Responsibilities Handbook outlines disciplinary responses based upon identified school and school bus-based behavior categories as well as disciplinary interventions and strategies. Responses to student behavior are outlined by student grade level, response level based on the violation, and response points of contact.²⁸ Points of contact available for such responses include the Health Department, School Security, Safe and Drug Free Schools, the Police Department, the Department of Social Services, and the Department of Student Engagement and School Support. Responses include suspension and expulsion in certain circumstances.

The workgroup considered the role of the Handbook in assisting in law enforcement response to student misbehavior in school. Historically, there has been much subjectivity involved in implementing the strategies therein outlined, resulting in inconsistency and disparate treatment of students County-wide. The workgroup was convened as a result of a compelling need for objective implementation of criteria for consistent decision-making at the pre-arrest level at all of the County's schools.

²⁷ The Prince George's County Code of Student Conduct (Administrative Procedure 10101, 2009) has been updated. The Student Rights and Responsibility Handbook was issued in September 2013. See Appendix 5.

²⁸ See sections 6-8.

III. INTERAGENCY POLICIES AND DIVERSION MECHANISM

The School Security Services Office reports that during the current school year, the common and preferred practice for first-time violators is for the student to discuss the situation with the principal and to handle the behavior administratively. To date this year, School Security Services reports that the arrest rate has fallen as a result in part due to the utilization of this strategy. In addition to the Handbook's established behavioral response criteria, Administrative Procedure 10201, Disruptive Acts Requiring Security Measures (July 1, 2013), also sets forth objective response criteria for an expansive variety of arrestable behavioral incidents, many of which involve summoning law enforcement or School Security personnel.²⁹

An identified problem with respect to consistency in handling student misbehavior is the arrest component, the authority for which lies in a separate set of law and principles. The Handbook and administrative procedures, contrary to typical law enforcement duties and practices, is an action plan for school administrators devised solely through an educational-administrative lens. Therefore, a gap exists between administrative and law enforcement responses to student behavior and how the police respond to the behaviors. School personnel often require assistance from law enforcement, which in turn introduces law enforcement discretion to make an arrest. PGPD reports that students unquestionably respond to law enforcement presence (or the lack thereof), and deterrence is a key by-product of law enforcement presence in the schools. An essential element to consistency in responses lies in the decision to call in law enforcement assistance and the varying effects resulting from this decision.

INTERAGENCY DIVERSION MECHANISM

The group discussed the current method of linking youth to diversion resources against the backdrop of the graduated response diversion mechanisms established in similar action plans addressing the school-to-prison pipeline. Currently, arrest and referral to DJS³⁰ is the primary mechanism to access certain existing diversion services in Prince George's County. The existing diversion process, therefore, is inherently an interagency

²⁹ See Appendix 5.

³⁰ All youth arrests, except those excluded from juvenile court jurisdiction (youth under 18 charged as adults and certain traffic offenses), are referred to DJS for intake services. For a flowchart of DJS's role in the juvenile justice process, see Appendix 3.

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mechanism. In addition to law enforcement, “any person or agency having knowledge of facts which may cause a person to be subject to the jurisdiction of the court” may make complaints alleging delinquency to DJS.³¹ DJS serves as the diversion “hub,” which operates post-arrest (or school or citizen complaint) at the intake level, and is the main authority on diversion and intake forwarding decisions. Where appropriate, DJS intake in Prince George’s County mainly utilizes the NYP and C-PAC programs (which receive the majority of diversion referrals from DJS), Teen Court, and Community Conferencing diversion programs. Prince George’s County Schools staff also make referrals to the NYP for truancy-related matters. Youth who unsuccessfully adjust to the diversion resource to which they are referred are subject to further action at the intake level including a further diversion referral, informal pre-court supervision, or formalization of the complaint usually resulting in a delinquency petition being filed in the Juvenile Division of the Circuit Court.

As previously noted, School Security Services personnel is engaged with school administrations to develop a consistent administrative (pre-arrest) approach to handling youth behavior, recognizing the need to reduce arrests and referrals to DJS for certain offenses. However, the workgroup members agreed that arrest decisions ultimately rest with police.

In current practice, misdemeanor drug and weapons offenses occurring in Prince George’s County schools involving students subject to the jurisdiction of the juvenile court uniformly result in referral to DJS notwithstanding any available pre-arrest administrative remedy.³² This practice effectively precludes administrative handling at the school level for these offenses, thereby enabling suspension or expulsion and introduction into the juvenile justice system. This does not necessarily negate these

³¹ Md. Code Ann., Cts. & Jud. Proc., § 3-8A-10(b) (1). Certain serious offenses are automatically sent to the State’s Attorney for review pursuant to state law.

³² By way of example, the Student Rights and Responsibilities Handbook provides for an alternative to suspension/expulsion upon a first offense for use or possession of alcohol or drugs. The student will be granted an opportunity to opt for the alternative to expulsion by way of a referral to community agencies that can provide a mandatory four counseling sessions, which upon successful completion stays the school administrator’s request for expulsion. See pp. 35-36 of the Handbook.

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youths' diversion eligibility once the complaint is received by DJS. First-time misdemeanor referrals to DJS are normally diverted or handled at the intake level. However, these complaints may ultimately be forwarded to the State's Attorney for petition in juvenile court for a variety of reasons. For example, this may occur when a youth has failed to respond to prior intake appointments or when restitution may be owed to a victim. Engaging parents and offering diversion opportunities closer to the time of arrest may potentially have an effect on the number of referrals to juvenile court.

The workgroup discussed the multiple peripheral issues involved in a modification of the current diversion mechanism, including citizens' ability (i.e., parents and victims) to file delinquency complaints with DJS. As mentioned, the current diversion mechanism relies primarily on referral to DJS. Any corresponding victim or citizen complaint arising out of the same incident can be matched to the arresting or complaining authority referral to DJS intake. Should the diversion mechanism change (i.e., if no arrest is made and no complaint is referred to DJS), the workgroup agreed that victims and other concerned citizens must have the option to override any pre-arrest diversion mechanism established, which would result in a referral to DJS. This mechanism was included in the draft Collaborative Action Plan. The workgroup also considered the importance of parents and victims being informed of this right should they not agree with any pre-arrest diversion decision.

The Prince George's County Police Department (PGPD) reported that it is not operationally structured for direct diversion. By way of the J1 juvenile arrest report, PGPD utilizes discretion to either conduct a full-custody arrest (which involves transportation to the police station for processing) or release youth offenders to the school with a citation (releasing the youth immediately after arrest or citation to the school or a parent/guardian with a date to appear at DJS for intake). PGPD has observed that youth who were arrested and released to the school after being served with a citation are in many cases not deterred by their encounter with police and remain truant and/or reoffend notwithstanding a pending intake hearing with DJS. The Department has seen in practice that an increase in full-custody arrests serves an important immediate deterrent effect and conveys a message to youth which ultimately prevents this phenomenon as well as large-scale school disturbances, while still allowing youth access to diversion programs where appropriate through DJS. Without these arrests, the

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effect would likely be diminished unless equivalent immediate consequences were provided. PGPD also includes Child in Need of Supervision (CINS) allegations³³ in its complaints as a matter of practice, which expands diversion service opportunities at the intake stage at DJS. PGPD's primary concern in altering the current practice is the potential for diminished deterrence and youth accountability by eliminating the underlying arrest which is the current impetus for the diversion referral.

Additionally, the workgroup considered a practical problem for law enforcement in making pre-arrest diversion. Discontinuing a mechanism of documenting police-youth contact can make it difficult for law enforcement to move forward with the complaint to DJS upon a youth's diversion failure. Where a statute of limitations may not bar a subsequent complaint following diversion failure, officers may not be able to sufficiently recall the facts, circumstances, and witnesses involved after substantial time has passed following the incident in order to file a complaint at that time.³⁴ While the arrest is an essential component of capturing students' attention, filing the complaint (the charging document) with DJS is what presently triggers the diversion. However, arrest can occur when necessary while the filing of a complaint with DJS can be deferred contingent upon diversion success or failure. This compromise is reflected in the draft Collaborative Action Plan. The workgroup members outlined a framework to respond to student misbehavior while preserving law enforcement's ability to make and retain records of police-youth contact.

Given the need for immediate responses to student infractions, the members agreed to the feasibility of entrusting school-level staff with the responsibility of implementing response criteria based on the Student Rights and Responsibilities Handbook and the Collaborative Action Plan being developed. Responding staff may include the SRO, School Security Services, a school staff member and others as needed to implement the diversion response within 24 hours of arrest, but prior to the filing of a formal complaint with DJS.

³³ A Child In Need of Supervision (CINS) is a youth who commits an offense that, if committed by an adult, would not be a crime (e.g. truancy, runaway, or "ungovernable").

³⁴ DJS calculated that in Prince George's County during FY 2012, the average time from offense to intake referral date was 50.4 days.

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The workgroup discussed the need for a central “repository” to track eligible youth based upon prior behavioral incidents and/or arrests and to monitor diversion outcomes and make appropriate responses as needed.³⁵ DJS currently fulfills this role given the agency’s responsibility to administer intake services to alleged delinquent youth. The proposed Collaborative Action Plan provides for an amended diversion mechanism which reduces formal referral to DJS for certain identified offenses while expanding utilization of diversion services.

THE COLLABORATIVE ACTION PLAN

The workgroup was tasked with recommending criteria-based decision making process for referring students exhibiting certain identified behaviors to such support services instead of to DJS and the juvenile court.

The workgroup members developed a draft Collaborative Action Plan³⁶ modeled after similar national initiatives. The proposed Plan establishes objective criteria to amend current school-based arrest practices and provide consistent responses to student behaviors in conjunction with the newly issued Student Rights and Responsibilities Handbook and existing school-discipline related administrative procedures. The Plan additionally sets forth recommended program criteria and criteria for tracking diversion referral outcomes.

Development and implementation of the plan is intended to achieve the following goals:

- Further the County’s progress in maintaining positive school climates and safe schools.
- Further the County’s commitment to providing effective intervention and services to youth by reducing the number of school-based arrests and referrals to DJS for certain misdemeanors with the goal of decreasing the overrepresentation of youth of color in the juvenile justice system.

³⁵ The Baltimore County JOINS program, a successful law-enforcement operated juvenile diversion program, also relies on DJS intake in their diversion mechanism.

³⁶ See Appendix 6 for the draft version of the Plan at the time this report was submitted.

III. INTERAGENCY POLICIES AND DIVERSION MECHANISM

- Further the County's long-term economic and workforce development goal of well-educated and well-prepared workforce of County residents.
- Involving parents, legal guardians, custodians, and other members of youths' support networks in the process of diverting youth to school and community-based programs.
- More fully utilize current resources and expand community and school-based support services for youth who exhibit inappropriate behavior in school.
- Create a criteria-based decision-making process for referring students to appropriate programs and services instead of to the juvenile justice system.

III. INTERAGENCY POLICIES AND DIVERSION MECHANISM

Recommendations:

- Youth can and should be held accountable for school-based misbehavior without resorting to arrest and referral to DJS. There are often more efficient and constructive consequences available to address many behavioral problems at school.
- Students should be given consequences for misbehavior and be taught appropriate conduct.
- Parents and guardians of diverted youth should be notified of the diversion and should be required to provide express recognition that they have received the notice. Parent involvement is paramount in successful early intervention.
- The workgroup partners, with input from the Disproportionate Minority Contact (DMC) initiative, should continue the development and refinement of a collaborative school-based, pre-arrest diversion mechanism to reduce reliance on arrest and referral to DJS and the accompanying disparate introduction into the juvenile justice system. Any finalized interagency agreement should seek to improve consistency in administrative handling of student misbehavior in schools County-wide.
- School and law enforcement personnel should collaborate with the Department of Family Services in implementing and monitoring diversion utilization.
- School administration should, in conjunction with School Security Services and Prince George's County Police and the Department of Family Services, establish and implement a method of documenting and tracking pre-arrest diversion decisions and outcomes for each youth, while retaining the ability to hold youth accountable by referral to DJS for lack of cooperation.

IV. ARREST REDUCTION BY DIVERSION TO EXISTING SCHOOL AND COMMUNITY-BASED RESOURCES

IV. Arrest Reduction by Diversion to Existing School and Community-Based Resources

The workgroup members reviewed and analyzed a framework for potential graduated responses in the context of the existing diversion mechanism and model pre-arrest collaborative agreements. The workgroup discussed a variety of potential responses for first-time offenders that do not require arrest and referral to DJS, outlined below.

- Administrative handling (i.e., internal collaborative school-police protocol).
 - Utilize administrative discretion to handle incidents internally as the preferred method of handling student misbehavior.
 - Currently, according to School Security Services, approximately 40% of incidents are handled by administration without resorting to arrest.
 - School Security Services is currently developing a written protocol to expand this practice to its staff with the goal of uniformity and consistency to eliminate disparity in referrals to DJS.
- Utilization of School and Community Based Resources
 - School-based mediation.
 - Conflict Resolution Center.
 - Community Conferencing.
 - NYP/C-PAC.
 - Teen Court.
 - Truancy Reduction Court.
 - Multi-Systemic Therapy.
 - Youth Services Directory community resources.

IV. ARREST REDUCTION BY DIVERSION TO EXISTING SCHOOL AND COMMUNITY-BASED RESOURCES

- The Youth Strategies and Programs Division maintains a comprehensive directory of community resources for youth. However, many private programs lack oversight by the Department of Family Services or other monitoring entities.

The Department of Family Services presented a sample of promising diversion outcomes. The Department indicates that use of the Teen Court and Multi-Systemic Therapy programs and the County's Youth Service Bureaus have resulted in 97%, 98%, and 99.71% success rates (no further arrests). DFS monitors diversion programs that are recipients of Departmental funding. However, many private programs utilized lack oversight by the Department.

The workgroup members received input from the Department of Corrections' Community Service program. Currently, this resource is primarily utilized for court-adjudicated youth as ordered by the court as a condition of probation. The program also accepts referrals from the C-PAC program as sanctions for youth engaged in the C-PAC diversion program. The Community Service program serves an average of 200 adjudicated youth referred by the juvenile court at any given time and has limited capacity for additional referral sources. Youth under 15 years of age are prohibited from taking part in some of the program activities.

Police and school personnel may refer directly to diversion resources used by DJS or to other available resources as a "true" diversion tool.³⁷ The draft Collaborative Action Plan creates such a mechanism and incorporates an assessment for referral to an appropriate diversion provider and seeks to take advantage of opportunities for diversion outside of the existing mechanism at the school and community level.

³⁷ "True" diversion refers to the practice of utilizing services to avoid arrest and referral to the juvenile justice system entirely as opposed to requiring arrest and referral to DJS as a prerequisite to diversion.

IV. ARREST REDUCTION BY DIVERSION TO EXISTING SCHOOL AND COMMUNITY-BASED RESOURCES

Recommendations:

- Local officials should recognize the need for increased and consistent funding and operation of County-wide diversion programs to create a network of consistent youth diversion opportunities.
- The partners should continue collaborative efforts to further develop and refine the existing diversion process with the goal of reducing reliance on arrest and referral to the juvenile justice system. The process should objectively and consistently qualify diversion-eligible youth with the goal of reducing the current disproportionality in referrals to DJS.
- Workgroup stakeholders should be held accountable for implementing a cooperative strategy to expand pre-DJS diversion practices and successful school and community resource utilization.
- Local officials, stakeholders and community leaders should recognize and react to the opportunity for pre-arrest “true” diversion to reduce reliance on court and juvenile justice system.
- Responses to drug-related offenses at school should involve prompt referral to appropriate treatment providers to provide opportunities to reduce further involvement in the juvenile justice system.

V. OVERREPRESENTATION OF AFRICAN AMERICAN YOUTH IN THE JUVENILE JUSTICE SYSTEM IN PRINCE GEORGE'S COUNTY

V. Overrepresentation of African American youth in the Juvenile Justice System in Prince George's County

Disproportionate Minority Contact (DMC) refers to a rate of contact with the juvenile justice system among youth of certain minority groups that is significantly different than the rate of contact for whites or other minority groups. The Relative Rate Index is an often-used standardized tool for measuring which of the various system contact points (arrest, court referral, etc.) show greater or lesser disproportionality.

The DMC initiative in Prince George's County, spearheaded and funded by the Department of Family Services and the Local Management Board, partners with many of this workgroup's members including police, the Office of the Sheriff, the State's Attorney's Office, DJS, the Circuit Court, and School Security Services.

According to the Department of Family Services, between 2010 and 2012, African American youth have, on average, represented 86% of the youth arrests occurring in Prince George's County while representing 75% of the youth population. During the same period Caucasian youth have represented 20% of the youth population and 13% of the total juvenile arrests. DJS Prince George's County data is consistent and indicates that complaints received at intake for African American youth between fiscal years 2010-2012 have increased from 84.6% of the total complaints received to 86.1%.³⁸

Another indicator of disproportionality in the juvenile justice system is the number of school suspensions and expulsions. During the 2010-2011 school year, MSDE reported that of the 852,211 statewide student enrollments, there were 95,868 out-of-school suspensions and expulsions (11 out of every 100 students).³⁹ Common reasons for out-of-school suspensions and expulsions that year included refusal to obey school policies or regulations, attacks/threats/fighting, and disrespect/insubordination/disruption.⁴⁰

³⁸ DJS Data Resource Guide, FY 2012.

³⁹ <http://www.marylandpublicschools.org/NR/rdonlyres/E60BE35B-388C-4626-80B8-0805765DB024/34813/JudithBrowneDianis.pdf>

⁴⁰ *Id.*

V. OVERREPRESENTATION OF AFRICAN AMERICAN YOUTH IN THE JUVENILE JUSTICE SYSTEM IN PRINCE GEORGE'S COUNTY

For every 1 white student, 3 black students and 2 non-white students were suspended or expelled.⁴¹ During the 2011-12 school year, 84.1% of the 10,724 students suspended and expelled students in Prince George's County were Black or African American.⁴²

The DMC initiative in Prince George's County aims to reduce the disproportionate number of minority youth coming into contact with the juvenile justice system. To date, the initiative has collaborated with School Security Services, law enforcement, the juvenile court, and other community stakeholders. Focus areas in the reduction include decisions made at arrest by law enforcement and school security personnel. Key strategies in proposed strategic planning include school and community based diversion techniques.

Recommendations:

- DMC initiative staff should provide additional support and guidance to the school disciplinary decision makers to effectuate the purposes of the workgroup's proposed Collaborative Action Plan and diversion strategies.
- DMC initiative staff should continue the coordination of this workgroup, with a focus on implementing and reviewing the success of implemented diversion strategies.

⁴¹ *Id.*

⁴²MSDE, *Suspensions, Expulsions, and Health Related Exclusions, Maryland Public Schools 2011- 2012*), at 5.

VI. CRITERIA FOR DIVERSION PROGRAMS

VI. Criteria for Diversion Programs

Youth diversion in Prince George's County can occur at multiple procedural stages. Opportunities for diversion exist prior to and at arrest, via DJS intake, and in the juvenile court prior to adjudication. The primary focus of this workgroup was diversion opportunities prior to and at what would be the point of arrest in County schools.

Programs utilized for diversion need not be "qualified" in a particular manner by a single entity or multiple entities per se. By way of illustration, a parent suspecting drug or alcohol use by his or her child, with or without the assistance of Prince George's County or State government staff, may consult the Prince George's County Youth Services Directory or contact the Department of Family Services Children, Youth, and Families Division for substance abuse and mental health resources near their home and schedule their child for counseling sessions as needed, using the child's insurance or sliding-scale payments where available. School staff or other concerned persons may also make this type of "true" diversion referral. The Directory "has been developed to provide information on community, government and non-government organizations in Prince George's County, Maryland, for use by young people, youth workers, parents and others working with young people . . . [and] to create greater awareness of our County's services, encourage interagency cooperation, and provide greater access to services."⁴³ However, many of these programs are completely voluntary and inherently provide no direct legal consequences for failure to participate absent DJS or court oversight.

Programs utilized for diversion (often post-arrest) may be guided by a combination of state or local grant award conditions and State regulations and statute. For example, in 2011 the Child in Need of Supervision (CINS) pilot program was extended by statute to include Cecil, Montgomery, and Prince George's counties.⁴⁴ The CINS pilot in Prince George's County features a partnership between the Department of Juvenile Services and Prince George's County government.⁴⁵ Children alleged to be in need of supervision may be referred by DJS intake to an assessment service provider designated by the

⁴³ *Youth Services Directory*, at 1.

⁴⁴ 2011 Md. Laws, ch. 382.

⁴⁵ The Department of Family Services serves as staff and the fiscal agent to the Prince George's County Local Management Board (LMB).

VI. CRITERIA FOR DIVERSION PROGRAMS

Department of Family Services. Service providers are required to meet with the referred youth and their parent(s) or guardian(s) to discuss issues including school performance, family and peer interactions and relationships, and physical and emotional health.⁴⁶ The providers are required to conduct an assessment and establish a case plan for each youth.⁴⁷ All services currently provided through the Department of Family Services are evidence-based or otherwise based on promising practices.

Funding for diversion programs can be provided at both the local and State levels. State funding for the Metro Region's CINS expansion (which includes Prince George's and Montgomery counties) was provided in the FY 2014 supplemental budget.

Local funding via the Prince George's County Council's FY 2013 non-Departmental grant awards⁴⁸ was provided to the Take Charge Diversion Program and the Olde Mill Foundation, Inc., for which some of the latter's grant funds were dedicated to programs including its NYP, Youth Court, Meeting of the Minds Mentoring Program, Anti-truancy Pilot Program, Auto Theft & Vandalism Prevention Task force, Juvenile Conflict Resolution Center, and Community Public Awareness Council (C-PAC) Mediation Program. The Governor's Office of Crime Control & Prevention (GOCCP) has provided state grant funding to the C-PAC/Olde Mill Foundation for the Neighborhood Youth Panel project for FY 2014 and requires submission of quarterly programmatic and financial reports.

The Prince George's County Commission for Children, Youth and Families, as a unit of County government, is composed of County, State, and other agencies and is responsible for program planning, implementation and monitoring of youth and family-serving programs. The Department of Family Services - Children, Youth and Families Division seeks to collaboratively build local partnerships to coordinate and fund services in the county, create an effective system of services, supports, and opportunities to improve outcomes, influence the allocation of resources across systems to accomplish desired

⁴⁶ Md. Code Ann., Cts. & Jud. Proc. § 3-8A-10.1 (e).

⁴⁷ *Id.*

⁴⁸

[http://www.princegeorgescountymd.gov/sites/CountyCouncil/Services/Grants/Documents/FY2013 Non Departmental Grant Awards Council Website Summary.pdf](http://www.princegeorgescountymd.gov/sites/CountyCouncil/Services/Grants/Documents/FY2013%20Non%20Departmental%20Grant%20Awards%20Council%20Website%20Summary.pdf)

VI. CRITERIA FOR DIVERSION PROGRAMS

results and target those resources for children with intensive needs, and maintain accountability standards for locally agreed upon results.⁴⁹

The Department of Juvenile Services also collaborates with local governments to encourage the use of diversion programs provided by State-funded youth service bureaus.⁵⁰ County Youth Services Bureaus (YSBs) are required by statute and regulation to provide a variety of services including counseling and alcohol and drug abuse assessment services.⁵¹ First-time misdemeanor and truancy complaints are forwarded to one of two YSBs currently operating in Prince George's County. YSB state funding eligibility is also set forth in regulations developed by DJS.⁵²

Additionally, to be certified as a diversion program by DJS, diversion programs must provide:

- Individual counseling;
- Family and/or group counseling;
- General and referral information services; and
- Crisis intervention.⁵³

Diversion programs should also provide certain additional services within available resources, including tutoring, leisure-time activities, mobilizing community resources, and drug education.⁵⁴

DJS relies in part on its partners, including the Local Management Board, the Governor's Office of Crime Control and Prevention (GOCCP), the Commission for Children, Youth and Families, and the Governor's Office for Children (GOC), to legitimize and monitor certain referral programs.

⁴⁹ Mission Statement of the Children, Youth and Families Division, available at <http://www.princegeorgescountymd.gov/sites/Family/Services/CFIC/Pages/default.aspx>

⁵⁰ Md. Code Ann., Hum. Servs. § 9-216 (b).

⁵¹ Md. Code Ann., Hum. Servs. § 9-233, COMAR 16.17.01.03.

⁵² See COMAR 16.17.01.04.

⁵³ COMAR 16.17.02.05.

⁵⁴ *Id.*

VI. CRITERIA FOR DIVERSION PROGRAMS

RECOMMENDATIONS

- State and local leaders must recognize the need for increased local funding to support consistent diversion opportunities at the local level. Investment in diversion services has significant potential to reduce costly expenditures resulting from missed opportunities to intervene in youth misbehavior early. Enhanced diversion program funding is needed in part to support efforts to collect local recidivism data and program outcomes.
- Diversion programs should be required to provide education, substance abuse and mental health treatment, and supportive services; offer appropriate consequences for delinquent behavior and acknowledge successful completion of the program; be geared toward preventing future incidents and referrals to the juvenile justice system; and involve parents, guardians, and other members of each youth's support network. Diversion services should further incorporate mental health, substance abuse, and other supportive interventions.
- Diversion programs should meet the recommended criteria and maintain data as set forth in the draft Collaborative Action Plan appendices to the extent the criteria and metrics are agreeable to the workgroup members.
- The Department of Family Services should focus its efforts on the inventory of diversion services to be used in conjunction with the Collaborative Action Plan, with a focus on the services' impact on disproportionate minority representation in the juvenile justice system. These diversion resources should be objectively and consistently utilized, eliminate any geographic disparity in diversion resource availability, be available to the entire student population, and vetted through a mechanism based on consistent standards.

Conclusion

The workgroup partners are committed to continued development and utilization of effective diversion techniques for first-time school-based offenders in Prince George's County while maintaining safe school environments.

As of December 2013, workgroup members and agency representatives are reviewing the draft collaborative agreement.⁵⁵ The intent of the workgroup is to continue the development of the agreement, monitor implementation and track outcomes under the guidance of the Department of Family Services.

The partners agree that future legislative guidance for these important tasks may require re-focusing to address the specific needs and processes identified by the workgroup.

⁵⁵ See Appendix 6.

Appendices

APPENDIX 1

Ch. 677, 2013 Laws of Maryland (HB 1338).

MARTIN O'MALLEY, Governor

Ch. 677

Chapter 677

(House Bill 1338)

AN ACT concerning

Prince George's County Juvenile Court and School Safety Workgroup

PG 306-13

FOR the purpose of establishing the Prince George's County Juvenile Court and School Safety Workgroup; providing for the composition, ~~chair~~ co-chairs, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to develop certain policies and protocols, create a certain process, develop criteria for certain programs, and hold certain meetings, ~~and convene certain groups annually~~; requiring the Workgroup to report its findings and recommendations to the Prince George's County Delegation on or before a certain date; ~~requiring the Workgroup to report annually under certain circumstances~~; providing for the termination of this Act; and generally relating to the Prince George's County Juvenile Court and School Safety Workgroup.

~~BY adding to~~

~~Article — Education~~

~~Section 22-401 to be under the new subtitle "Subtitle 4. Prince George's County Juvenile Court and School Safety Workgroup"~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2012 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~the Laws of Maryland read as follows:~~

(a) There is a Prince George's County Juvenile Court and School Safety Workgroup.

(b) The Workgroup consists of the following members:

(1) the Chair of the Prince George's County Delegation to the House of Delegates, or the Chair's designee;

(2) the Chair of the Prince George's County Delegation to the Senate, or the Chair's designee;

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2013 LAWS OF MARYLAND

(3) the Chair of the Prince George's County Council, or the Chair's designee;

(4) a representative from the Prince George's County Police Department, appointed by the Prince George's County Chief of Police;

(5) a representative from Prince George's County Public Schools, appointed by the Superintendent of Prince George's County Public Schools;

(6) a representative from the Prince George's County Office of the Sheriff, appointed by the Sheriff of Prince George's County;

(7) a representative from the Department of Juvenile Services appointed to the Prince George's County region, appointed by the Secretary of Juvenile Services;

(8) a representative from the Office of the Public Defender serving District 5 who works in the Juvenile Protection Division, appointed by the District Public Defender;

(9) a representative from the Office of the State's Attorney for Prince George's County who works in the Juvenile Division, appointed by the Prince George's County State's Attorney;

(10) a member of the Prince George's County School Board, appointed by the chair of the School Board;

(11) a school psychologist working in Prince George's County, appointed by the President of the Maryland School Psychologists' Association;

(12) the Director of Security Services for Prince George's County Public Schools; and

(13) the following members appointed by the Prince George's County Executive:

(i) a representative from the Commission for Children, Youth and Families (Local Management Board); and

(ii) a representative of the Prince George's County Department of Family Services.

(c) The Prince George's County Executive shall designate two co-chairs of the Workgroup.

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(d) The Department of Juvenile Services shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Workgroup shall:

(1) review and analyze school arrest and referral data collected by the Department of Juvenile Services and the Prince George's County school system and based on that data, identify the most common offenses for which students are arrested and referred to juvenile court;

(2) recommend interagency policies to reduce the number of school-based arrests and referrals for certain misdemeanor offenses to the Department of Juvenile Services and the juvenile court by diverting more youth to school- and community-based programs, with the goal to decrease the overrepresentation of African American youth in the juvenile justice system;

(3) recommend strategies to utilize more fully current resources and expand school- and community-based support services for youth who exhibit behavior problems in school;

(4) recommend a criteria-based, decision making process for referring students to school- or community-based programs and services instead of to the juvenile justice system for misdemeanor-type delinquent acts involving offenses identified by the Workgroup;

(5) recommend criteria for diversion programs developed for juveniles who have been charged with less serious delinquent acts and who the juvenile court believe would benefit from community alternatives in lieu of probation or commitment to the Department of Juvenile Services;

(6) hold at least two public meetings before October 1, 2013, during which the Workgroup seeks testimony from the public and juvenile advocacy groups; and

(7) develop a Collaborative Action Plan to reduce the number of school-based arrests and referrals to the juvenile court.

(g) On or before December 15, 2013, the Workgroup shall report its findings, action plan, and recommendations to the Prince George's County Delegation.

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~~Article — Education~~

~~SUBTITLE 4. PRINCE GEORGE'S COUNTY JUVENILE COURT AND SCHOOL SAFETY WORKCROUP.~~

~~22-401.~~

~~(A) THERE IS A PRINCE GEORGE'S COUNTY JUVENILE COURT AND
SCHOOL SAFETY WORKCROUP.~~

~~(B) THE WORKCROUP CONSISTS OF THE FOLLOWING MEMBERS:~~

~~(1) THE CHAIR OF THE PRINCE GEORGE'S COUNTY DELEGATION
TO THE HOUSE OF DELEGATES, OR THE CHAIR'S DESIGNEE;~~

~~(2) THE CHAIR OF THE PRINCE GEORGE'S COUNTY DELEGATION
TO THE SENATE, OR THE CHAIR'S DESIGNEE;~~

~~(3) THE JUVENILE COURT JUDGE OF THE PRINCE GEORGE'S
COUNTY CIRCUIT COURT, JUVENILE DIVISION, APPOINTED BY THE CIRCUIT
ADMINISTRATIVE JUDGE OF THE SEVENTH CIRCUIT;~~

~~(4) THE CHAIR OF THE PRINCE GEORGE'S COUNTY COUNCIL, OR
THE CHAIR'S DESIGNEE;~~

~~(5) A REPRESENTATIVE FROM THE PRINCE GEORGE'S COUNTY
POLICE DEPARTMENT, APPOINTED BY THE PRINCE GEORGE'S COUNTY CHIEF
OF POLICE;~~

~~(6) A REPRESENTATIVE FROM PRINCE GEORGE'S COUNTY
PUBLIC SCHOOLS, APPOINTED BY THE SUPERINTENDENT OF PRINCE
GEORGE'S COUNTY PUBLIC SCHOOLS;~~

~~(7) A REPRESENTATIVE FROM THE PRINCE GEORGE'S COUNTY
OFFICE OF THE SHERIFF, APPOINTED BY THE SHERIFF OF PRINCE GEORGE'S
COUNTY;~~

~~(8) A REPRESENTATIVE FROM THE DEPARTMENT OF JUVENILE
SERVICES APPOINTED TO THE PRINCE GEORGE'S COUNTY REGION, APPOINTED
BY THE SECRETARY OF JUVENILE SERVICES;~~

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~~(9) A REPRESENTATIVE FROM THE OFFICE OF THE PUBLIC DEFENDER SERVING DISTRICT 5 WHO WORKS IN THE JUVENILE PROTECTION DIVISION, APPOINTED BY THE DISTRICT PUBLIC DEFENDER,~~

~~(10) A REPRESENTATIVE FROM THE OFFICE OF THE STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY WHO WORKS IN THE JUVENILE DIVISION, APPOINTED BY THE PRINCE GEORGE'S COUNTY STATE'S ATTORNEY, AND~~

~~(11) THE FOLLOWING MEMBERS APPOINTED BY THE CHAIR OF THE PRINCE GEORGE'S COUNTY DELEGATION TO THE HOUSE OF DELEGATES:~~

~~(i) A REPRESENTATIVE FROM THE COMMISSION FOR CHILDREN, YOUTH AND FAMILIES (LOCAL MANAGEMENT BOARD), AND~~

~~(ii) A MEMBER OF THE PRINCE GEORGE'S COUNTY SCHOOL BOARD,~~

~~(c) THE PRINCE GEORGE'S COUNTY EXECUTIVE SHALL DESIGNATE THE CHAIR OF THE WORKGROUP,~~

~~(d) THE PRINCE GEORGE'S COUNTY EXECUTIVE SHALL PROVIDE STAFF FOR THE WORKGROUP,~~

~~(e) A MEMBER OF THE WORKGROUP,~~

~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE WORKGROUP, BUT~~

~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET,~~

~~(f) THE WORKGROUP SHALL,~~

~~(1) DEVELOP INTERAGENCY POLICIES TO REDUCE THE NUMBER OF SCHOOL BASED ARRESTS AND REFERRALS FOR CERTAIN MISDEMEANOR OFFENSES TO THE DEPARTMENT OF JUVENILE SERVICES AND THE JUVENILE COURT BY DIVERTING MORE YOUTH TO SCHOOL AND COMMUNITY BASED PROGRAMS, WITH THE GOAL TO DECREASE THE OVERREPRESENTATION OF AFRICAN AMERICAN YOUTH IN THE JUVENILE JUSTICE SYSTEM,~~

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~~(2) DEVELOP PROTOCOL TO UTILIZE MORE FULLY CURRENT RESOURCES AND EXPAND SCHOOL AND COMMUNITY BASED SUPPORT SERVICES FOR YOUTH WHO EXHIBIT BEHAVIOR PROBLEMS IN SCHOOL,~~

~~(3) CREATE A CRITERIA BASED, DECISION MAKING PROCESS FOR REFERRING STUDENTS TO SCHOOL OR COMMUNITY BASED PROGRAMS AND SERVICES INSTEAD OF TO THE JUVENILE JUSTICE SYSTEM FOR MISDEMEANOR TYPE DELINQUENT ACTS INVOLVING OFFENSES AGAINST PUBLIC ORDER, INCLUDING FIGHTING, DISRUPTING PUBLIC SCHOOL, DISORDERLY CONDUCT, TRUANCY IN WHICH A STUDENT FAILS TO OBEY AN OFFICER'S COMMAND TO STOP OR NOT LEAVE CAMPUS, AND CRIMINAL TRESPASS NOT INVOLVING DAMAGE TO PROPERTY,~~

~~(4) DEVELOP CRITERIA FOR DIVERSION PROGRAMS, INCLUDING EDUCATIONAL PROGRAMS DEVELOPED FOR JUVENILES WHO HAVE BEEN CHARGED WITH LESS SERIOUS DELINQUENT ACTS AND WHO THE JUVENILE COURT BELIEVES ARE NOT DELINQUENT JUVENILES AND LIKELY DO NOT REQUIRE PROBATION OR COMMITMENT TO THE DEPARTMENT OF JUVENILE SERVICES,~~

~~(5) HOLD AT LEAST THREE PUBLIC MEETINGS BEFORE OCTOBER 1, 2013, DURING WHICH THE WORKGROUP ACCEPTS PUBLIC TESTIMONY, AND~~

~~(6) CONVENE STAKEHOLDERS ANNUALLY TO ASSESS AND REVISE, IF NECESSARY, THE DECISION MAKING PROCESS AND PROCEDURES,~~

~~(c) (1) ON OR BEFORE OCTOBER 1, 2013, THE WORKGROUP SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE PRINCE GEORGE'S COUNTY DELEGATION.~~

~~(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE WORKGROUP SHALL REPORT TO THE PRINCE GEORGE'S COUNTY DELEGATION ANY REVISIONS TO THE WORKCROUP'S RECOMMENDATIONS MADE AFTER ITS ANNUAL STAKEHOLDER MEETING.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2013. It shall remain effective for a period of 1 year and 7 months and, at the end of December 31, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 16, 2013.

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APPENDIX 2

Workgroup membership included:

Prince George's County State's Attorney

Ann Wagner-Stewart (co-chair)

Prince George's County Department of Family Services

Theresa Grant (co-chair)

Leslye Dwight

Prince George's County Delegation to the House of Delegates

Del. Geraldine Valentino-Smith

Prince George's County Delegation to the Senate

Sen. C. Anthony Muse

Prince George's County Council

Anthony Hill

Prince George's County Police Department

Sgt. Erika Ervin

Prince George's County Public Schools

Daryl Williams

Prince George's County Sheriff's Office

Nancy Ridgely

Office of the Public Defender

Erin Josendale

Maryland Department of Juvenile Services

Delmonica Hawkins

Prince George's County Board of Education

Verjeana Jacobs

Maryland School Psychologists' Association

Dr. Mark Resnick

Prince George's County School Security Services

Rex Barrett

Prince George's County Local Management Board (Commission for Children, Youth and Families)

Rick Missouri

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APPENDIX 3

The Maryland Department of Juvenile Services Process Flowchart can be accessed at
[http://www.djs.state.md.us/drg/Sections/DJS%20Process%20Flowchart new version 2012.pdf](http://www.djs.state.md.us/drg/Sections/DJS%20Process%20Flowchart%20new%20version%202012.pdf)

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APPENDIX 4

School Arrest and Incident Data

SIRS Incident Data Assessment

2012 and 2013 data set (8/26/13)

Assessment Summary – TOP 5 INCIDENTS

Offense Type	Total
Possession/Use of Distribution Of Drugs	271
Theft	256
Physical Attack On student	101
Physical Attack On teacher/staff	100
Possession/Use of Other weapons	161

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Incident Summary

Offense Type	Total
Alcohol	24
Arson/ Fire	12
Bullying Intimidation	25
Classroom Disruption	16
Extortion/Shakedown and/or Strong Arm	35
Failure to follow School Policies	37
False Alarm/Bomb Threat	14
Fight	17
Gang related suspect	5
Gross Misconduct at other school	1
Group Fight	18
Harassment (Non-Sexual)	3
Inciting/Participating in Disturbance	41
Insubordination	15
Loitering/Cutting Class/Truancy	7
Other	91
Physical Attack On student	101
Physical Attack on Teacher/Staff	100
Possession/Use of Distribution Of Drugs	271
Possession/Use of Other weapons	161
Sexual Activity	3
Smoking Tobacco	2
Spec. Ed Only-Possesses/Use illegal Drugs	2
Theft	256
Threat to Student (Verbal or Physical)	14
Threat to Teacher/staff (Verbal or Physical)	43
Trespassing	29
Vandalism and/or Destruction of Property	49
Total	1392

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Total Arrest By School for 2012 through 2013 (948)	
School Name	Totals Arrest
LAUREL HIGH	90
CHARLES HERBERT FLOWERS HIGH	86
OXON HILL HIGH	85
PARKDALE HIGH	65
DUVAL HIGH	63
DR HENRY A WISE, JR. HIGH	62
SUITLAND HIGH	54
SURRATTSVILLE HIGH	52
ELEANOR ROOSEVELT HIGH	51
FRIENDLY HIGH	49
NORTHWESTERN HIGH	44
FORESTVILLE HIGH	37
HIGH POINT HIGH	25
FREDERICK DOUGLASS HIGH	23
CENTRAL HIGH	22
LARGO HIGH	17
BOWIE HIGH	15
GWYNN PARK HIGH	15
POTOMAC HIGH	11
G JAMES GHOLSON MIDDLE	9
STEPHEN DECATUR MIDDLE	9
BENJAMIN STODDERT MIDDLE	7
ISAAC J GOURDINE MIDDLE	7
JAMES MADISON MIDDLE	6
THURGOOD MARSHALL MIDDLE	6
WILLIAM WIRT MIDDLE	6
ANDREW JACKSON ACADEMY	5
DREW-FREEMAN MIDDLE	5
FAIRMONT HEIGHTS HIGH	5
KETTERING MIDDLE	5
MARLTON ELEMENTARY	5

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DWIGHT D EISENHOWER MIDDLE	4
OXON HILL MIDDLE	4
CROSSLAND HIGH	3
ROGERS HEIGHTS ELEMENTARY	3
ACCOKEEK ACADEMY	2
BLADENSBURG HIGH	2
ERNEST EVERETT JUST MIDDLE	2
JOHN HANSON FRENCH IMMERSION	2
PORT TOWNS ELEMENTARY	2
Facilities	2
DOSWELL E BROOKS ELEMENTARY	1
GREENBELT MIDDLE	1
IMAGINE LINCOLN PCS	1
J FRANK DENT ELEMENTARY	1
JUDITH P HOYER MONTESSORI	1
NORTHWESTERN EVENING/SAT HIGH	1
ROSE VALLEY ELEMENTARY	1
SAMUEL P MASSIE ACADEMY	1
SEAT PLEASANT ELEMENTARY	1
THOMAS JOHNSON MIDDLE	1
WALKER MILL MIDDLE	1
WILLIAM PACA ELEMENTARY	1

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General Incidents for All Schools for 2012 through 2013 (1451 Incidents)	
Totals Incidents	School Name
119	OXON HILL HIGH
110	LAUREL HIGH
102	NORTHWESTERN HIGH
90	SUITLAND HIGH
84	DR HENRY A WISE, JR. HIGH
79	PARKDALE HIGH
73	SURRATTSVILLE HIGH
67	CHARLES HERBERT FLOWERS HIGH
58	BOWIE HIGH
53	POTOMAC HIGH
48	FORESTVILLE HIGH
48	LARGO HIGH
47	DUVAL HIGH
45	ELEANOR ROOSEVELT HIGH
44	HIGH POINT HIGH
39	Facilities
37	FRIENDLY HIGH
36	FREDERICK DOUGLASS HIGH
23	GWYNN PARK HIGH
21	CENTRAL HIGH
21	CROSSLAND HIGH
19	KETTERING MIDDLE
18	G JAMES GHOLSON MIDDLE
15	THURGOOD MARSHALL MIDDLE
14	BLADENSBURG HIGH
13	ANNAPOLIS ROAD ACADEMY
12	BENJAMIN STODDERT MIDDLE
12	GREEN VALLEY ACADEMY
12	WILLIAM WIRT MIDDLE
10	DWIGHT D EISENHOWER MIDDLE

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10	FAIRMONT HEIGHTS HIGH
10	ISAAC J GOURDINE MIDDLE
9	STEPHEN DECATUR MIDDLE
8	OXON HILL MIDDLE
7	DREW-FREEMAN MIDDLE
6	CROOM VOCATIONAL HIGH
6	ERNEST EVERETT JUST MIDDLE
6	Facility
6	WALDON WOODS ELEMENTARY
5	BENJAMIN TASKER MIDDLE
5	COLUMBIA PARK ELEMENTARY
5	NORTH FORESTVILLE ELEMENTARY
5	PORT TOWNS ELEMENTARY
5	WILLIAM PACA ELEMENTARY
4	GWYNN PARK MIDDLE
4	HIGHLAND PARK ELEMENTARY
4	IMAGINE LINCOLN PCS
4	NICHOLAS OREM MIDDLE
4	OXON HILL ELEMENTARY
4	WALKER MILL MIDDLE
3	BARNABY MANOR ELEMENTARY
3	MARLTON ELEMENTARY
3	NORTHWESTERN EVENING/SAT HIGH
3	PRINCETON ELEMENTARY
3	SAMUEL P MASSIE ACADEMY
3	THOMAS CLAGGETT ELEMENTARY
3	WILLIAM W HALL ACADEMY
2	ACCOKEEK ACADEMY
2	ARROWHEAD ELEMENTARY
2	AVALON ELEMENTARY
2	CHARLES CARROLL MIDDLE
2	COMMUNITY-BASED CLASSROOM
2	CORA L RICE ELEMENTARY

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2	FORT FOOTE ELEMENTARY
2	J FRANK DENT ELEMENTARY
2	JAMES MADISON MIDDLE
2	JOHN HANSON MONTESSORI
2	KENMOOR ELEMENTARY
2	LAUREL ELEMENTARY
2	MARTIN LUTHER KING, JR. MIDDLE
2	MELWOOD ELEMENTARY
2	ROBERT GODDARD MONTESSORI
2	ROGERS HEIGHTS ELEMENTARY
2	SAMUEL CHASE ELEMENTARY
2	SEABROOK ELEMENTARY
2	SEAT PLEASANT ELEMENTARY
2	TEMPLETON ELEMENTARY
2	WILLIAM BEANES ELEMENTARY
1	APPLE GROVE ELEMENTARY
1	AVALON ELEMENTARY
1	BEACON HEIGHTS ELEMENTARY
1	BELTSVILLE ACADEMY
1	BERWYN HEIGHTS ELEMENTARY
1	BRADBURY HEIGHTS ELEMENTARY
1	BRANDYWINE ELEMENTARY
1	BUCK LODGE MIDDLE
1	CAPITOL HEIGHTS ELEMENTARY
1	CONCORD ELEMENTARY
1	COOPER LANE ELEMENTARY
1	CROSSLAND EVENING/SAT HIGH
1	DISTRICT HEIGHTS ELEMENTARY
1	DOSWELL E BROOKS ELEMENTARY
1	FORT WASHINGTON FOREST ELEM
1	FRANCIS SCOTT KEY ELEMENTARY
1	GREENBELT ELEMENTARY
1	GREENBELT MIDDLE

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1	H WINSHIP WHEATLEY E C C
1	HYATTSVILLE MIDDLE
1	IMAGINE FOUNDATIONS AT MORNINGSIDE PCS
1	JAMES E DUCKWORTH
1	JAMES MC HENRY ELEMENTARY
1	JOHN HANSON FRENCH IMMERSION
1	JUDITH P HOYER MONTESSORI
1	LAMONT ELEMENTARY
1	MT RAINIER ELEMENTARY
1	PATUXENT ELEMENTARY
1	PHYLLIS E WILLIAMS ELEMENTARY
1	ROBERT FROST ELEMENTARY
1	ROBERT GODDARD FRENCH IMMERSION
1	ROSARYVILLE ELEMENTARY
1	ROSE VALLEY ELEMENTARY
1	SAMUEL OGLE MIDDLE
1	SCOTCHTOWN HILLS ELEMENTARY
1	SPRINGHILL LAKE ELEMENTARY
1	SUITLAND ELEMENTARY
1	TALL OAKS VOCATIONAL
1	THOMAS G PULLEN
1	THOMAS JOHNSON MIDDLE
1	VALLEY VIEW ELEMENTARY
1	WOODRIDGE ELEMENTARY

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Prince George's County School System	
Offense	No. of Arrest
Alcohol	4
Arson	6
Assault w/ Bodily Injury	32
Bullying/Intimidation	5
Classroom Disruption	12
Disrespect	13
Extortion/Shakedown and/or Strong Arm	37
Failure to Follow School Policies	31
False Alarm/Bomb Threat	9
Fighting	113
Gang Activity Suspected	8
Gross Misconduct at Other School	2
Group Fight	49
Harassment (Non-Sexual)	3
Inciting/Participating in Disturbance	35
Insubordination	9
Loitering/Cutting Class/Truancy	13
Non-School Originating Criminal Charges	3
Other	26
Physical Attack on Student	86
Physical Attack on Teacher/Staff	68
Possession/Use of Firearms (COMAR 13A.08.01.12-1a)	1
Possession/Use of Fireworks/Explosives	5
Possession/Use of Other Guns	2
Possession/Use of Other Weapon	66
Possession/Use/Distribution of Drugs	88
Profane/Inappropriate Language	2
Sexual Assault	3
Sexual Harassment	6

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Smoking/Tobacco	1
Spec.Ed. Only – Carries a Weapon to School/School Function	2
Theft	141
Threat to Student (Verbal or Physical)	5
Threat to Teacher/Staff (Verbal or Physical)	19
Trespassing	36
Unauthorized Use of Communication Device(s)	1
Vandalism and/or Destruction of Property	47

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Table 1. Prince George's County –Inherently School-Related Offenses Received by the Department of Juvenile Services (Calendar Year 2012)

Offense-Level Analysis (N=611 offenses contained in N=607 complaints, representing N=552 youth)

	Case Forwarding Decision				
	N	Formal	Pre-Court	Resolved	Disapproved on Further Inquiry/No Jurisdiction
Alcohol Possession on School Premises	3	0 --	0 --	3 100%	0 --
CDS (Marijuana) – Manuf/Dist Near Schools or on School Vehicles	13	11 84.6%	2 15.4%	0 --	0 --
CDS (Other) – Manuf/ Dist Near Schools or on School Vehicles	2	2 100%	0 --	0 --	0 --
Disturbing School Activities / Personnel	273	102 37.4%	45 16.5%	124 45.4%	2 0.7%
Deadly Weapon on Public School Property	48	19 39.6%	10 20.8%	18 37.5%	1 2.1%
Truancy	272	43 15.8%	34 12.5%	194 71.3%	1 0.4%
TOTAL	611	177 29%	91 14.9%	339 55.5%	4 0.7%

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Table 2. Prince George's County –Inherently School-Related Offenses Received by the Department of Juvenile Services (Calendar Year 2012) – Youth Demographics (Complaint Level - n=607)

Age on Complaint Date, X (SD), Median	15.96 (1.3) Median=16.03 years
Age Category, N (%)	
Under Thirteen	7 (1.2%)
Thirteen – Fourteen Years	125 (20.6%)
Fifteen – Sixteen Years	335 (55.2%)
Seventeen and Older	140 (23.1%)
Race / Ethnicity, N (%)	
African American	502 (82.7%)
Asian	5 (0.8%)
Hispanic	82 (13.5%)
White	15 (2.5%)
Other / Unknown	3 (0.5%)

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APPENDIX 5

The Student Rights and Responsibilities Handbook can be accessed at
<http://www.pgcps.org/~procedur/10000/10101.pdf>.

PGCPS Student Discipline & Security Administrative Procedures can be found at
<http://www.pgcps.org/~procedur/10000/StudentDisciplineandSecurity10000.html>.

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APPENDIX 6

Proposed Collaborative Action Plan, flowcharts and appendices.

PRINCE GEORGE’S COUNTY JUVENILE COURT & SCHOOL SAFETY WORKGROUP – PROPOSED COLLABORATIVE ACTION PLAN

This Action Plan is entered into between the Prince George’s County Public Schools (“PGCPS”), Prince George’s County Police Department, Circuit Court for Prince George’s County - Juvenile Division (“the Court”), Prince George’s County Department of Family Services (DFS), Maryland Department of Juvenile Services - Metro Region (DJS-Metro), Prince George’s County Office of the State’s Attorney and the Maryland Office of the Public Defender (collectively referred to as “the Partners”) for the purposes of reducing the number of school-based arrests and referrals to the juvenile court

The Partners agree that students can be held accountable for certain school-based misbehavior without arrest or referral to the juvenile justice system. They agree that students should be given consequences for misbehavior and be taught appropriate conduct and, furthermore, that there are often more appropriate, effective and constructive consequences than arrest and/or referral to the juvenile justice system for certain minor misdemeanor offenses. This Action Plan delineates these offenses, defined in this document as “eligible school-based offenses,” to be handled by PGCPS, in conjunction with other Partners, without arrest or referral to DJS- Metro or the Court.

I. PURPOSE OF THE ACTION PLAN

In order to further the school district’s progress in maintaining positive school climates and safe schools, the juvenile justice system’s commitment to providing effective intervention and services to youth and the County’s long-term economic and workforce development goal of well-educated and well-prepared workforce of County residents, this Action plan seeks to achieve the following goals:

1. Reduce the number of school-based arrests and referrals for certain misdemeanor offenses to the Department of Juvenile Services and the juvenile court by:
 - a. Diverting more youth to school and/or community-based programs, with the goal to decrease the overrepresentation of youth of color in the juvenile justice system; and
 - b. Involving parents, legal guardians, custodians and other members of youth’s support networks in the process of diverting youth to school and/or community-based programs.

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2. More fully utilize current resources and expand community and school-based support services for youth who exhibit inappropriate behavior in school; and
3. Create a criteria-based decision-making process for referring students to school or community-based programs and services instead of the juvenile justice system.

The Partners agree the activities outlined in this Action Plan should achieve these goals and that an Action Plan delineating the options of those involved in responding to “eligible school-based offenses” will promote the best interest of the alleged victim(s), the student, the school system, law enforcement and the larger community.

The Partners agree that the procedures of this Action Plan are a collaborative effort among the Partners named herein. Furthermore, the Partners agree that the Plan is intended to both ensure both consistent, fair and instructive handling of students accused of committing eligible school-based offenses, while allowing each student’s case to be addressed on an individual basis, so that the various factors that affect the student can be taken into account.

National research shows that decisions to remove a student from school grounds, the arrest of a student, the filing of a delinquent complaint against a student, and the confinement of a student in a juvenile detention center pending his/her court date may not result in improved student behavior or educational outcomes. Hence, the Partners agree that certain behavior, defined below, can be appropriately and effectively responded to at the school level without arrest and/or referral to the juvenile justice system.

This Action Plan also represents a strategy to reduce the overrepresentation of African-American youth, and other youth of color, who are involved in Prince George’s County’s juvenile justice system. As such, this Plan seeks to ensure that policies and practices of the Partners are appropriate and fair without discrimination based on students’ race, ethnicity, national origin, gender, sexual orientation, disability or religion.

II. DEFINITIONS

This Action Plan creates a graduated response for responding to certain student misbehavior at the school level. Specifically, it allows PGCPs Administration and School Security Personnel to refer students who are accused of certain eligible school-based offenses, defined below, to school or community-based programs, without first requiring an arrest or referral to the juvenile justice system. This Plan does not limit their discretion to refer students who are accused of other

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offenses not listed below.

As used in this Action Plan, the term:

- A. “Student” refers to an individual enrolled in the Prince George’s County Public School System. The terms “juvenile” and “youth” are used interchangeably with “student”.
- B. “Eligible school-based offenses” refer to violations of the Prince George’s County Public School System Student Rights and Responsibilities Handbook, which are also misdemeanor offenses under the Maryland Criminal Law Code. Eligible school-based offenses include, but are not limited to:
 - 1. **Mutual Affray (between students) (without injury)** – *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Physical aggression with another student, Group fight causing material disruption to the school day; Md. Criminal Law Ann Code §3-203 Assault in the 2nd degree)*
 - 2. **Theft (less than \$1000)** – *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Theft below \$500, Theft above \$500; Md. Criminal Law Ann Code § 7-104 Misdemeanor Theft)*
 - 3. **Vandalism/Destruction of Property** – *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Destruction of property valued below \$500, Destruction of property valued above \$500; Md. Criminal Law Ann Code § 6-301)*
 - 4. **Use or possession of alcohol/tobacco/marijuana (less than 10 grams)** – *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Alcohol – under the influence, use and possession, Tobacco use, Use/possession of illegal drugs or paraphernalia including imitation or prescription; Md. Criminal Law Ann Code §10-108 and §10-119 and §5-601)*
 - 5. **Trespassing** - *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Trespass; Md. Criminal Law Ann Code § 6-401 Trespass on Posted Property and Md. Educ. Ann Code §26-102)*
 - 6. **Disturbing the peace and disorderly conduct** – *(Related PGCPs Student Rights and Responsibilities Handbook violations include: Inciting others to violence or disruption, Refusal or willful failure to respond to or carry out a reasonable request by authorized school personnel; Md. Criminal Law Ann. Code §10-201 and Md. Educ. Ann Code §26-101)*

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An “eligible school-based offense” can occur while traveling on the bus to or from school and/or during regularly scheduled school hours, as well as at such other times and places, including, but not necessarily limited to, school-sponsored events, field trips, and athletic functions, where appropriate public school administrators have authority over students or the behavior has a direct effect on the order and general welfare of the school.

- C. A “PGCPS School Administrator” refers to the individuals employed by the PGCPS that are responsible for supporting teaching and learning by maintaining a safe and orderly environment, enforcing the Student Rights and Responsibilities Handbook and ensuring the fair, consistent and prompt resolution of concerns and infractions.
- D. A “School Resource Officer” or “SRO” is a specially selected and trained member of the Prince George’s County Police Department, or a local municipal police agency, that is assigned to a PGCPS school. These individuals partner with PGCPS Department of Security Services personnel, students, staff and visitors to provide a safe and orderly learning environment.
- E. “PGCPS School Security Personnel” refers to the individuals employed by PGCPS that are commissioned and certified police officers with powers of arrest. They are responsible for investigating and prosecuting all criminal acts occurring on school grounds, assisting administrators with the enforcement of the Student Rights and Responsibilities Handbook and providing a security presence essential to maintaining a safe and orderly environment.
- E. “Warning Notice/Referral Form” is a document issued to a student and his/her parent/guardian as a formal citation for misbehavior that could be charged as a delinquent act. Warning Notice/Referral Form places a student on notice that s/he may be subject to more severe consequences upon the commission of another similar act and/or the unsuccessful completion of the assigned diversion program. More severe consequences include referral to a school or community-based diversion program or referral to DJS-Metro. (See Attachment A).
- G. “Community or School-based diversion program” means a program, which shall be designated as an alternative to arrests and referrals to DJS-Metro. The goal of the program shall be to: provide the student with education, treatment, and supportive services; offer appropriate consequences for delinquent behavior and acknowledge successful completion of the program; prevent future incidents and referrals to the juvenile justice system and involve students’ parents, guardians, custodians and/or other members of the students’

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support network. The program shall have one or more of the following components: educational, workforce development, mental health, substance abuse and/or restorative justice. Specific community and school-based diversion programs for each eligible school-based offense shall be identified, approved, and monitored by a joint committee of the Partners on, at a minimum, a quarterly basis. The joint committee shall evaluate the community and school-based diversion programs on criteria including, but not limited to, program and student outcomes and capacity.

- H. “J-1 Form” refers to the multi-use document to be utilized by PGCPs School Security Personnel for documenting eligible school-based offenses defined by Subsection II (B)(1-4) and the second and subsequent offenses for eligible school-based offenses defined by Subsection II (B)(5-6). Utilizing the J-1 form for documentation purposes does not constitute an arrest and/or referral to DJS-Metro or the Court. Only upon notification that the student failed to complete the assigned diversion program shall the J-1 be forwarded to the PGPD and DJS-Metro and a petition requested for the incident underlying the referral to the diversion program.
- I. “J-2 Form” refers to the short form document to be utilized by PGCPs School Security Personnel for documenting the first offense for eligible school-based offenses defined by Subsection II (B)(5-6). Utilizing the J-2 form for documentation purposes does not constitute an arrest and/or referral to DJS-Metro or the Court.
- J. “Parents/Guardians/Custodians right to file charges” means that parents/guardians have a right to request the filing of criminal charges in any matter in which their child is a victim. A school official, PGCPs School Security Personnel and/or an SRO’s decision to divert a youth to a community/school-based program does not exclude parents/guardians/custodians from filing complaints alleging delinquency. Charges filed by parents for eligible school-based offenses should be mandatorily adjudicated via Conflict Resolution.

III. TERMS OF ACTION PLAN

A. *Graduated Responses to Eligible School-Based Offenses*

Subject to the exception described in Subsection III (D), the Partners agree that students who have allegedly committed an eligible school-based offense shall not be arrested and/or referred

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to DJS-Metro unless the student has failed to complete the diversion program as instructed and/or has committed a subsequent similar offense during the current school year.

Subject to the exception described in Subsection III (D), the Partners agree that the response to the alleged commission of these eligible school-based offenses by students should be determined by using a system of graduated sanctions, disciplinary methods, and/or educational programming before an arrest or a referral is made to DJS-Metro or the Court. The Partners agree that a student who is accused of committing an eligible school-based offense must receive a Warning Notice/Referral Form and referral to a community or school-based program prior to an arrest or referral to DJS-Metro.

Subject to the exception described in Subsection III (D), before PGCPs School Security Personnel or an SRO make an arrest and/or refer a student to DJS-Metro for an eligible school-based offense (defined in section II.B above), the School Security Personnel or SRO shall first receive documentation from PGCPs that the student previously received a Warning Notice/Referral Form and referral to a school or community-based diversion program. PGCPs and DFS will maintain records sufficient to document compliance with this Action Plan.

1. First Offense.

- a. This section applies to eligible school-based offenses as defined by Subsection II (B)(1-4), which include: mutual affray without injury between students; theft less than \$1000; vandalism/destruction of property; and use or possession of alcohol/tobacco/marijuana (less than 10 grams):**

A student accused of committing an eligible school-based offense defined by Subsection II (B)(1-4) shall be referred to the Department of Family Services, by PGCPs, for the assignment of a mandatory community or school-based diversion program requiring student and parent/guardian/custodian participation. The student shall receive a Warning Notice/Referral Form that informs the student and the parent/guardian/custodian that any additional similar eligible school-based offenses, that are eligible and of a similar nature, and/or failure to complete the program as instructed will result in the filing of a complaint to DJS-Metro, by PGCPs, based on the incident underlying the referral to the diversion program (See Attachments A).

- i. Referral to community or school-based diversion program**

Upon the commission of an eligible school-based offense defined by Subsection II (B)(1-4), a student shall be referred to the Department of Family Services (DFS), by PGCPs, for the assignment of a mandatory

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community or school-based diversion program requiring student and parent/guardian/custodian participation. Upon the receipt of the referral, the DFS shall, with the student and their parent/guardian/custodian, assess the case at hand and the student's needs, identify an appropriate diversion program and provide the necessary linkage between the student and the assigned program.

To ensure sufficient compliance with this Action Plan, the DFS shall monitor the student's progress in the assigned diversion program. The DFS will notify the PGCPs school administrator and/or School Security Personnel upon the successful completion of the assigned program or upon the student's failure to complete the program as instructed.

ii. Documentation

The PGCPs School Security Personnel shall document an eligible school-based offense defined by Subsection II (B)(1-4) by utilizing a J-1 form. The J-1 form, and a copy of the Warning Notice/Referral form that is provided to the student and their parents/guardians/custodians, will remain on file for one year with PGCPs.

Pending the student's completion of the diversion program, the J-1 form and pending petition request and referral to DJS-Metro will be held by PGCPs School Security Personnel; specifically, the "Petition Request" prompt shall remain unmarked. Upon confirmation from the DFS of the student's successful completion of the assigned diversion program, the PGCPs School Security Personnel shall void the J-1 form and pending petition request and referral to DJS-Metro.

Only upon notification from the DFS that the student failed to complete the assigned diversion program, the PGCPs School Security Personnel shall request a petition for the incident underlying the referral to the diversion program and forward a copy of the form to the PGPD and DJS-Metro.

b. This section applies to eligible school-based offenses as defined by Subsection II (B)(5-6), which include: trespassing and disturbing the peace/disorderly conduct:

A student who is accused of committing an eligible school-based offense, defined by Subsection II (B)(5-6), for the first time shall receive a Warning/Referral Notice from a PGCPs school administrator or School Security Personnel stating that his or

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her behavior is in violation of PGCPs' Student Rights and Responsibilities Handbook and the Maryland Criminal Code. This notice shall inform the student and their parent/guardian/custodian that further similar conduct will result in a referral to attend a mandatory community or school-based diversion program (See Attachment A). The student shall also be informed that the form will be sent to their parent/guardian/custodian.

When given a Warning Notice/Referral Form, the student and a PGCPs school administrator and/or School Security Personnel should also engage in a discussion that provides specific instruction as to what the Warning Notice/Referral Form means and what the student can do to improve his/her behavior and redeem him/herself within the school community.

The PGCPs school administrator and/or School Security Personnel shall have the discretion to also utilize a classroom or administrative intervention as delineated in the Student Rights and Responsibilities Handbook.

i. Documentation

PGCPs School Security Personnel shall document and eligible school-based offense, defined by Subsection II (B)(5-6), by utilizing a J-2 form for the first offense. A copy of the J-2, and a copy of the Warning Notice/Referral form that is provided to the student and their parents/guardians/custodians, will remain on file with PGCPs for one year.

2. Second Offense.

- a. **This section applies to eligible school-based offenses as defined by Subsection II (B)(1-4), which include: mutual affray without injury between students; theft less than \$1000; vandalism/destruction of property; and use or possession of alcohol/tobacco/marijuana (less than 10grams):**

A student who commits an eligible school-based offense, defined by Subsection II (B)(1-4), a second or subsequent time during the same school year may be referred to DJS-Metro by a PGCPs school administrator, PGCPs School Security Personnel, and/or an SRO by the filing of a complaint. The filing of a complaint does not require that a child be taken into custody. Before PGCPs School Security Personnel and/or an SRO make an arrest, the PGCPs School Security Personnel and/or SRO shall first receive documentation that the student previously received

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a Warning Notice and a subsequent referral to a school or community-based diversion program for a similar offense committed earlier in that school year.

b. This section applies to eligible school-based offenses as defined by II(B)(5-6), which include: trespassing and disturbing the peace/disorderly conduct:

A student accused of committing an eligible school-based offense defined by Subsection II (B)(5-6) for the second time in the same school year shall be referred to the Department of Family Services, by PGCPs, for the assignment of a mandatory community or school-based diversion program requiring student and parent/guardian/custodian participation. The PGCPs administrator and/or School Security Personnel shall follow the procedures defined in Subsections III (A)(1)(a) – III (A)(1)(a)(ii).

3. Third Offense.

a. This section applies to eligible school-based offenses as defined by Subsection II (B)(1-6):

A student who commits an eligible school-based offense defined by Subsection II (B)(1-6) a third or subsequent time during the same school year may be referred to DJS-Metro by PGCPs the filing of a complaint. The filing of a complaint does not require that a child be taken into custody. Before PGCPs School Security Personnel and/or an SRO make an arrest, the PGCPs School Security Personnel and/or SRO shall first receive documentation that the student previously received a Warning Notice and a subsequent referral to a school or community-based diversion program for a similar offense committed earlier in that school year.

B. Responsibility to Notify Parents/Guardians/Custodians

In response to all eligible school-based offenses, the PGCPs school administrator and/or School Security Personnel have the responsibility to promptly notify the student's parents/guardians/custodians of the misbehavior. The PGCPs school administrator and/or School Security Personnel shall solicit express recognition from the student's parent/guardian/custodian regarding the incident and the potential consequences of further misbehavior.

As soon as is appropriate and possible, the PGCPs school administrator and/or School Security Personnel shall, at a minimum, attempt to contact the parent/guardian/custodian via phone to inform them about the incident and shall mail the completed Warning/Referral Notice to the

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address on file, requesting its return with the parent/guardian/custodian's signature. It is recommended that the school administrator also hold a conference with the parent/guardian/custodian to further inform them about their child's behavior and engage them in the steps being taking to help the student improve their behavior.

C. Treatment of Elementary Aged Students

The Partners agree to make diligent efforts to prevent students of an elementary age from entering the juvenile justice system for "eligible school-based offenses" under this agreement, with the exception of exceptional circumstances described in Subsection III (C).

Generally, elementary aged students do not possess the requisite knowledge of the nature and seriousness of court proceedings, including what may happen to them at the disposition of the case, to benefit from involvement with the juvenile justice system. The Partners agree that the commission of a delinquent act does not necessitate the treatment of the child as a delinquent, especially elementary age students for whom other interventions may be made available to adequately respond to and address the delinquent act allegedly committed by the student.

D. Exceptional Circumstances

Notwithstanding the graduated response system outlined in Subsection III (A), PGCPs School Security Personnel and/or an SRO has the discretion to make a lawful arrest and/or file a complaint against a student in exceptional circumstances or when parents/guardians exercise their right to file charges. Furthermore, the terms outlined in this Action Plan do not limit a PGCPs school administrator, School Security Personnel and/or an SRO's ability to hold students accountable for their behavior in a consistent, fair, and instructive manner that effectively fulfills the intent of, but is not prescribed within, this Action Plan.

DURATION AND MODIFICATION OF ACTION PLAN

This Action Plan shall be effective until it is modified. The Action Plan may be modified at any time by amendment to it.

The Partners, and/or their designees, acknowledge and agree to meet on an annual basis to provide oversight of the Action Plan, review relevant statistics, referral forms, and other information and make recommendations to the heads of each agency on any modifications to the Action Plan. The group agrees to assess and adjust the protocol on an annual basis, as necessary, including the review and approval of designated diversion programs. The meetings listed above

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should include relevant partners to this plan, such as community-based service providers, education and youth development professionals, education and juvenile justice advocacy organizations, parents and students.

BY SIGNING BELOW, the Partners, intending to cooperate with one another, understand and agree to be bound by the terms of this Action Plan on this the _____ day of _____, 2013.

Prince George's County Public Schools

Office of the State's Attorney

Prince George's County Department of
Family Services

Maryland Office of the Public Defender

Prince George's County Police Department

Department of Juvenile Services Metro
Region

Prince George's County Circuit Court –
Juvenile Division

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BY SIGNING BELOW, the following agencies and organizations, integral to the development of this document, express their support of the terms of this Action Plan on this the _____ day of _____, 2013.

Prince George's County Executive Office

Maryland School Psychologists' Association

Maryland Senate Delegation Representative

Prince George's County Council

Prince George's County Sheriff's Office

Maryland House Delegation Representative

Prince George's County Public Schools
Board of Education

Community Public Awareness Council (C-PAC)

Advocates for Children and Youth

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PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS - STUDENT WARNING/REFERRAL NOTICE
ATTACHMENT A

Student's Name _____ **Date of Birth** _____ **Grade** _____
Race/Ethnicity _____ **Known Disability** _____ **Sex** ☐ Male
☐ Female
Parent/Guardian's Name _____ **Parent/Guardian's Address** _____
Home Phone _____
Other Phone _____

Date of Incident: Month _____ (Day) _____ (Year) _____ at _____ ☐ a.m. ☐ p.m.
Location of Incident: _____ Student's School: _____
Alleged Offense: _____ PGCPs Code of Student Conduct Violation: _____

Description of incident (to be completed by PGCPs School Security Personnel) _____

⚠ WARNING:

You are hereby warned for the above-cited offense in violation of the laws of the State of Maryland and the student code of conduct of the Prince George's County Public School System. You are further warned that further similar misbehavior, including fighting, theft, vandalism/destruction of property, trespassing/loitering, disturbing the peace/disorderly conduct and/or use or possession of alcohol, tobacco or marijuana (under 10 grams), may result in more severe disciplinary actions, such as the mandatory participation by the student and parent in a community or school-based diversion program or the filing of a complaint in juvenile court. A copy of this Warning will be sent to your parent, guardian or custodian and kept on file in the school office. You must conduct yourself in a manner required by the student code of conduct provided to you and your parent, guardian or custodian and by the laws of the State of Maryland or you will be subject to further action.

REFERRAL:

You have been cited for the above offense. You and your parent/guardian will be referred to the Department of Family Services for the assignment of a mandatory community or school-based diversion program. This referral will be sent to your parent, guardian or custodian, and kept in file in the school office. Failure to attend the assigned program as instructed will result in formal action brought against the student by the filing of the above-cited offense in the juvenile court.

STUDENT ACKNOWLEDGEMENT AND RECEIPT: The student acknowledges service of this Warning/Referral Form and receipt of copy of same.

SIGNATURE _____ Date _____

PARENT/GUARDIAN ACKNOWLEDGEMENT AND RECEIPT: The parent/guardian acknowledges service of this Warning/Referral Form and receipt of copy of same.

SIGNATURE _____ Date _____

SCHOOL USE ONLY: Parent/Guardian/Custodian notified by:
☐ Phone ☐ In-person ☐ Mail

Date of Notice:

Notes:

PRINCE GEORGE'S COUNTY JUVENILE COURT & SCHOOL SAFETY WORKGROUP - PROPOSED COLLABORATIVE ACTION PLAN

Attachment B

“Community or school-based diversion program” means a program, which shall be designated as an alternative to arrests and referrals to DJS-Metro. The goal of the program shall be to: provide the student with education, treatment, and supportive services; offer appropriate consequences for delinquent behavior and acknowledge successful completion of the program; prevent future incidents and referrals to the juvenile justice system and involve students’ parents, guardians, custodians and/or other members of the students’ support network. The program shall have one or more of the following components: educational, workforce development, mental health, substance abuse and/or restorative justice.

In lieu of an arrest and referral to DJS-Metro, students accused of a second eligible school-based offense in the same school year shall be referred to the Department of Family Services, by a PGCPs school administrator or PGCPs School Security Personnel, for the assignment of a mandatory community or school-based diversion program requiring student and parent/guardian/custodian participation. Failure to complete the program as instructed will result in the result in the filing of a complaint to DJS-Metro, by PGCPs, based on the incident underlying the referral to the diversion program.

Community and school-based diversion programs shall be approved by, and contracted with, the Department of Family Services (DFS). These programs shall fulfill the criteria established in their contract with the DFS, which include, but are not limited to the following:

I. Programmatic Reporting and Evaluation

1. The Provider shall maintain program statistical records and submit status reports as required by the Department, according to the schedule prescribed by and using the forms or formats provided by the Department and/or the County.

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2. The Provider shall maintain program records and all pertinent information required by the Department for a minimum period of five (5) calendar years subsequent to the expiration of this Agreement.
3. Service records must be retained for five years after the child turns 21 years old.
4. The Provider shall submit programmatic reports regarding the status of services delivered under the terms of their contract with the Department of Family Services, in accordance with the schedule and formats prescribed under the terms of their contract with the Department of Family Services.
5. The Provider shall ensure the accessibility of program records and facilities, upon reasonable notice and on an as needed basis, for review and assessment by the Department's designated Program Monitor, including ensuring the availability of consumers for meetings; review of service records, policies and procedural records; review of staffing ratios and job descriptions, and meetings with staff directly and/or indirectly involved in the delivery of services.
6. The Provider shall participate in on-site and other program monitoring activities as determined by the designated Program Monitor.
7. The Provider agrees that satisfactory performance of services rendered in accordance with their contract with the Department of Family Services shall be determined by the Department's designated Program Monitor, based upon the result of reviews of the program reports, consultation with the Provider, and/or program site monitoring visits, as applicable.
8. The Provider agrees that failure to appropriately and adequately, within the standards of reasonable and customary care, attend to the service needs of individuals served and/or otherwise endanger the physical, mental or other well-being of clients, may result in the immediate termination of their contract with DFS.

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9. The Provider shall submit an annual report of activities to the Department within 45 days of their contract's expiration date. Failure to comply with this requirement may result in denial of future contracting awards to the Provider.

II. Fiscal Documentation

1. The Provider shall maintain all fiscal records, audits, reports and document as requested by the Department and/or the County and/or as required pursuant to the terms and conditions of the their contract with the Department of Family Services.
2. The Provider shall make available such books, records, documents, and other evidentiary records for inspections, review or audits by the Department and/or the County and any other funding authority with an interest in their contract with DFS at any reasonable time.
3. The Provider shall submit reports detailing expenditures and income in accordance with their contract with the Department of Family Services All applicable reports generated in accordance with this provision shall be submitted to the Department's designated Program Monitor for review and approval, in accordance with the schedule and requirements as set forth in their contract with the Department of Family Services.

III. Safety of Premises

1. The Provider agrees to permit authorized officials of the Department of Family Services to inspect, at reasonable times, its place of business, job site and/or other locations, which may be related to the performance of services under this Agreement.
2. The Provider shall provide a drug free workplace in accordance with all applicable County, State and Federal laws and any requirements set forth by the County. The Provider further agrees to maintain and make available, if requested, a list of all locations where the services will be provided pursuant to their contract with DFS.

IV. Confidentiality

1. The Provider shall not use or disclose any confidential information to identify a recipient of any service provided or received pursuant to their contract with the Department of Family Services for any purpose not directly related to the administration of their services, except upon written consent of the other party and the consent of the recipient of service(s) or the responsible parent or guardian of any minor recipient of services, unless the disclosure is required by court order, or for program monitoring by authorized agents and representatives of the Department and/or the County. The Provider shall be in compliance with the Health Insurance Portability and Accountability Act (HIPAA).

V. Programmatic Operations

1. The Provider shall keep fully informed of and comply with all Federal, State, and County laws, ordinances, regulations and all court orders and decrees of bodies having any jurisdiction or authority, which in any manner affect performance of services provided pursuant to their contract with DFS and any requirements set forth by the DFS.
2. The Provider shall obtain and maintain all necessary licenses and/or certifications, where licensure and/or certification are required for the provision of services under the terms of their contact with DFS.
3. The Provider shall not engage or otherwise employ any County employee during the performance term of their contract with DFS without the written consent of the County.

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Prince George's County Collaborative Action Plan Summary & PGCPs Protocol Flowchart

The Partners of the Prince George's County Collaborative Action Plan agree that students should be given consequences and held accountable for their misbehavior and that they should be taught appropriate conduct. Furthermore, the Partners agree there are often more appropriate, effective and constructive consequences than arrest and/or referral to the juvenile justice system for certain offenses.

The Collaborative Action Plan created by the Prince George's County Juvenile Court and School Safety Workgroup establishes a graduated response for responding to certain student misbehavior at the school level. Specifically, it allows PGCPs administration and School Security Personnel to refer students who are accused of certain eligible school-based offenses to school or community-based programs in lieu of and prior to an arrest or referral to the juvenile justice system.

GRADUATED RESPONSE PROTOCOL – DETAILED SUMMARY & AGENCY RESPONSIBILITIES

FIRST OFFENSE			
For Offenses defined by Subsection II (B)(1 - 4): Referral to Diversion Program		For Offenses defined by Subsection II (B)(5 - 6): Administrative Response/Warning	
Action Step	Responsible Agency	Action Step	Responsible Agency
Document offense using a J-1 form. Hold form pending student's completion of the diversion program.	PGCPS	Document offense using a J-2 form.	PGCPS
Issue the student a Warning Notice/Referral Form.	PGCPS	Issue the student a Warning Notice/Referral Form.	PGCPS
Send the student's parents/guardians/custodians a copy of the Warning Notice/Referral Form.	PGCPS	Send the student's parents/guardians/custodians a copy of the Warning Notice/Referral Form.	PGCPS
Attempt to contact the student's parents/guardians/custodians via phone to solicit express recognition of the incident and the potential consequences of further misbehavior.	PGCPS	Attempt to contact the student's parents/guardians/custodians via phone to solicit express recognition of the incident and the potential consequences of further misbehavior.	PGCPS
Refer the student to DFS for the assignment of a mandatory diversion program requiring parent and student participation.	PGCPS	RECOMMENDED: Engage in a discussion w/the student about how to improve his/her behavior and redeem him/herself within the school.	PGCPS
Collaboratively, with the student and their parents/guardians/custodians, assess the case at hand and the student's needs to identify an appropriate diversion program.	DFS	OPTIONAL: Consult the Student Rights and Responsibilities Handbook for additional appropriate responses and interventions.	PGCPS
Provide necessary linkage to diversion program and monitor student's progress and completion status.	DFS		
Notify PGCPs upon student's completion of program or student's failure to complete program as instructed.	DFS		
Upon confirmation of student's completion of program, void J-1 and pending petition request.	PGCPS		
Upon confirmation of student's failure to complete diversion program, request a petition for the incident underlying the referral to the diversion program. Forward a copy of the J-1 form to the PGPD and DJS-Metro.	PGCPS		

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SECOND OFFENSE

The Partners of the Prince George's County Collaborative Action Plan agree that students should be given consequences and held accountable for their misbehavior and that they should be taught appropriate conduct. Furthermore, the Partners agree there are often more appropriate, effective and constructive consequences than arrest and/or referral to the juvenile justice system for certain offenses.

The Collaborative Action Plan created by the Prince George's County Juvenile Court and School Safety Workgroup establishes a graduated response for responding to certain student misbehavior at the school level. Specifically, it allows PGCPs administration and School Security Personnel to refer students who are accused of certain eligible school-based offenses to school or community-based programs in lieu of and prior to an arrest or referral to the juvenile justice system.

<i>For Offenses defined by Subsection II (B)(1 – 4): Referral to DJS</i>		<i>For Offenses defined by Subsection II (B)(5 – 6): Referral to Diversion Program</i>	
Action Step	Responsible Agency	Action Step	Responsible Agency
Document offense using a J-1 form.	PGCPS	Document offense using a J-1 form. Hold form pending student's completion of the diversion program.	PGCPS
Confirm that student first received a Warning Notice/Referral Form and subsequent referral to a diversion program.	PGCPS	Issue the student a Warning Notice/Referral Form.	PGCPS
Complete J-1, requesting a petition.	PGCPS	Send the student's parents/guardians/custodians a copy of the Warning Notice/Referral Form.	PGCPS
Forward a copy of the J-1 form to the PGPD and DJS-Metro.	PGCPS	Attempt to contact the student's parents/guardians/custodians via phone to solicit express recognition of the incident and the potential consequences of further misbehavior.	PGCPS
Attempt to contact the student's parents/guardians/custodians via phone to notify them about the incident and referral to DJS.	PGCPS	Refer the student to DFS for the assignment of a mandatory diversion program requiring parent and student participation.	PGCPS
Document offense using a J-1 form. Hold form pending student's completion of the diversion program.	PGCPS	Collaboratively, with the student and their parents/guardians/custodians, assess the case at hand and the student's needs to identify an appropriate diversion program.	DFS
		Provide necessary linkage to diversion program and monitor student's progress and completion status.	DFS
		Notify PGCPs upon student's completion of program or student's failure to complete program as instructed.	DFS
		Upon confirmation of student's completion of program, void J-1 and pending petition request.	PGCPS
		Upon confirmation of student's failure to complete diversion program, request a petition for the incident underlying the referral to the diversion program. Forward a copy of the J-1 form to the PGPD and DJS-Metro.	PGCPS

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THIRD OFFENSE	
<i>For all Offenses defined by Subsection II (B)(1 – 6): Referral to DJS</i>	
Action Step	Responsible Agency
Document offense using a J-1 form.	PGCPS
Confirm that student first received a Warning Notice/Referral Form and subsequent referral to a diversion program.	PGCPS
Complete J-1, requesting a petition.	PGCPS
Forward a copy of the J-1 form to the PGPD and DJS-Metro.	PGCPS
Attempt to contact the student's parents/guardians/custodians via phone to notify them about the incident and referral to DJS.	PGCPS

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GRADUATED RESPONSE PROTOCOL – PGCPS FLOWCHART

PGCPS School Administrators, PGCPS School Security Personnel and/or their designees are the primary decision makers when responding to student misbehavior. When deciding appropriate responses and interventions, they should consult the Student Rights and Responsibilities Handbook and the Collaborative Action Plan. The flowchart below depicts the PGCPS responsibilities for responding to student misbehavior that qualifies under the Collaborative Action Plan.

