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## Fact Check: A Survey of Available Data on Juvenile Crime in Baltimore City

By Sheryl Goldstein and Katherine McMullen

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There is a perception that juvenile crime is on the rise in Baltimore. Recent headlines such as “Juvenile crime in Baltimore ‘out of control;’ leaders want action” (Baltimore Sun, 11/6/17) and “Heading off rise in juvenile crime is top issue for Baltimore” (WBAL, 2/27/18) are indicative of news stories that capture—and fuel—the perception that juvenile crime is up. Most recently, media coverage of the four Baltimore teenagers arrested and charged in the death of a Baltimore County police officer has contributed to this narrative.

We set out to answer the following questions:

1. Is juvenile crime on the rise in Baltimore City?
2. How are youth who are charged with violent crimes handled by the criminal and juvenile justice systems?
3. What happens in cases where juveniles are charged with violent crimes in adult court?
4. What happens in cases where juveniles charged with violent crimes are transferred back to juvenile court?
5. Do these youth reoffend?

The data collected suggest the following:

- Overall juvenile arrests are down, but juvenile arrests for crimes of violence are up.
- A relatively small number of youth are charged as adults for crimes of violence, and most of these cases are transferred back to juvenile court.
- While most of these youth are detained pretrial for four months or more, only a small percentage of them serve jail time or out-of-home confinement after their cases are resolved in either adult or juvenile court.
- The outcomes for juveniles charged with violent crimes appear to be driven by individual judges in a process that is not very transparent.
- There is a dearth of publicly available data related to juvenile violent crime.

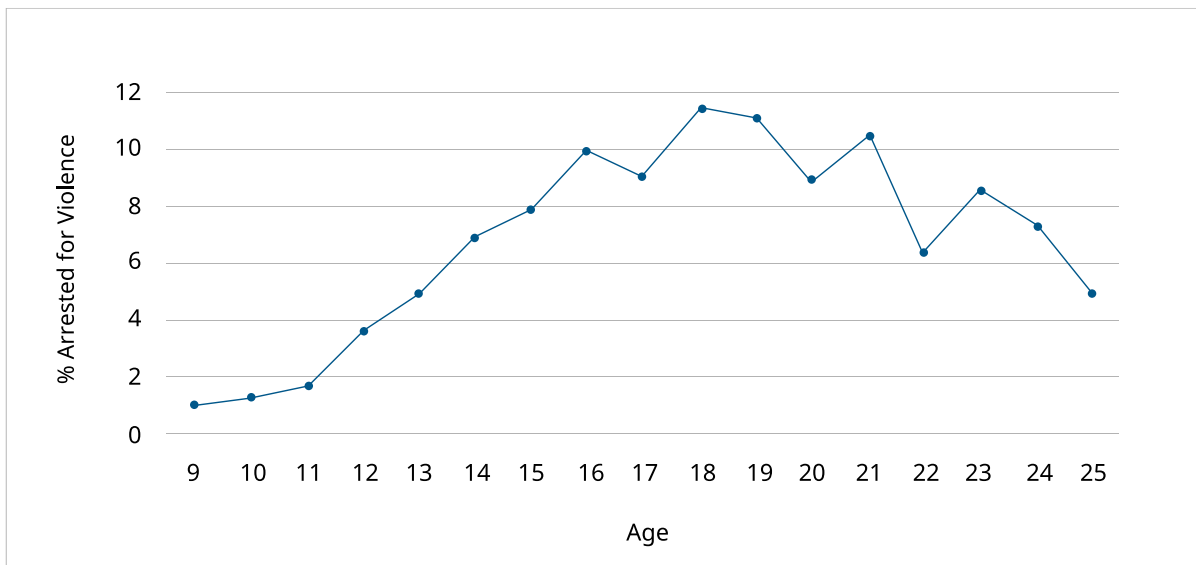
Nationally, data show that young adult offenders account for a significant level of violent crime, and many “age out” of offending once they turn 25. Data from the FBI’s Uniform Crime Reports and National Institute of Justice studies have documented that the prevalence of offending tends to increase from late childhood, peak in the teenage years (from 15 to 19), and then decline in the early 20s. This bell-shaped age trend is known as the age-crime curve.<sup>1</sup>

Continuity of offending from the juvenile into the adult years is higher for individuals who start offending at an early age (12 years old), are chronic delinquents, or are violent offenders.<sup>2</sup> The Pittsburgh Youth Study, supported by the Office of Juvenile Justice and Delinquency Prevention, is a longitudinal study that followed three cohorts of boys who were in the first, fourth, and seventh grades when the study began in 1987. The study documented the development of antisocial, delinquent, and criminal behavior from childhood to early adulthood. It found that 52 to 57 percent of juveniles found delinquent continued to offend up to age 25. This number dropped by two-thirds—to 16 to 19 percent—between the ages of 25 and 30 for all offense types.

Baltimore, unlike Pittsburgh, has not studied juvenile violence in such a thorough and longitudinal fashion, and so we know very little about the trajectories of local youth charged with violent acts. In an effort to better understand the facts about juvenile violent crime, arrests, and case outcomes, the Abell Foundation has obtained and analyzed available data related to juvenile violent crime in Baltimore City.

These data come from the Department of Juvenile Services’ Data Resource Guide and its research division, the Baltimore Police Department, and the Maryland Judiciary Case Search database.<sup>3</sup> There are differences in the data reported from each source due to several factors. First, some of the data are collected and reported on a calendar year, while other data are reported on a fiscal year basis. Second, cases that have been expunged do not appear in the Judiciary Case Search database. Because the Office of the Public Defender routinely files for expungement in eligible cases, these data likely present an undercount of both cases transferred back to the juvenile court and cases that have been *nol prossed*, or dismissed. *Nol-pros* is an abbreviation for *nolle prosequi*—a Latin phrase meaning “will no longer prosecute”—which amounts to a dismissal of charges by the prosecution.

## The Age-Crime Curve



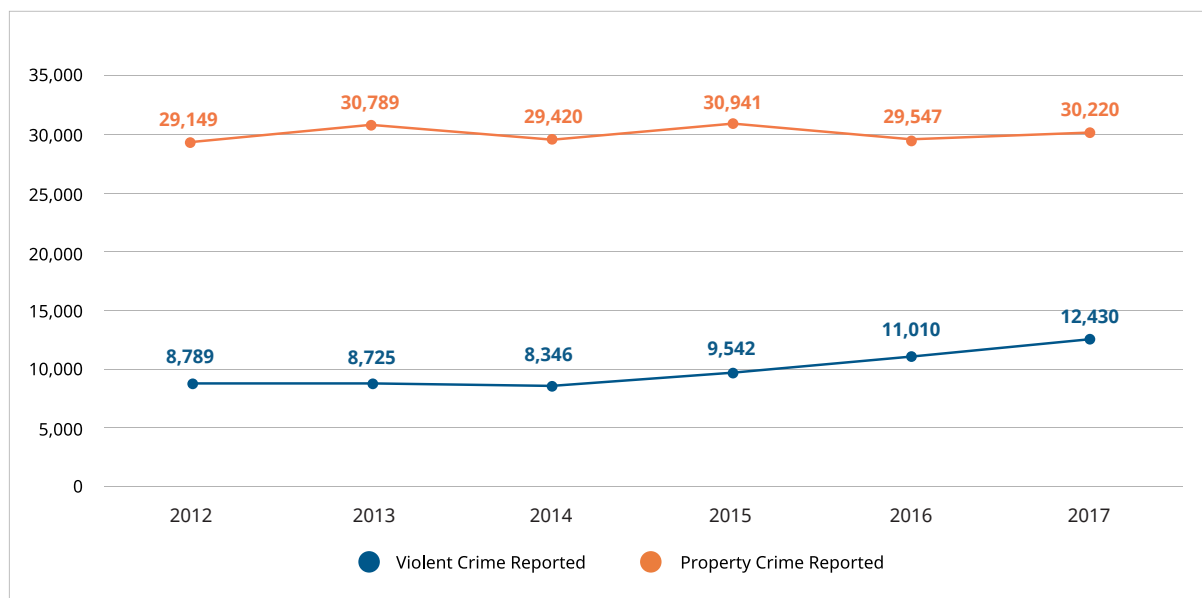
## 1. Is juvenile crime on the rise in Baltimore City?

While the Baltimore Police Department collects and reports data on total crimes reported, it does not break down these data to show how many of these crimes involve juvenile victims (except for homicides and shootings). The Baltimore Police Department also collects data on total case closure rates (solved cases) by crime category and on juvenile arrests. Based on these data, we concluded that overall violent crime is up and case closures are down, and that even though juvenile arrests for violent crime are up, overall juvenile arrests are down significantly.

### Findings:

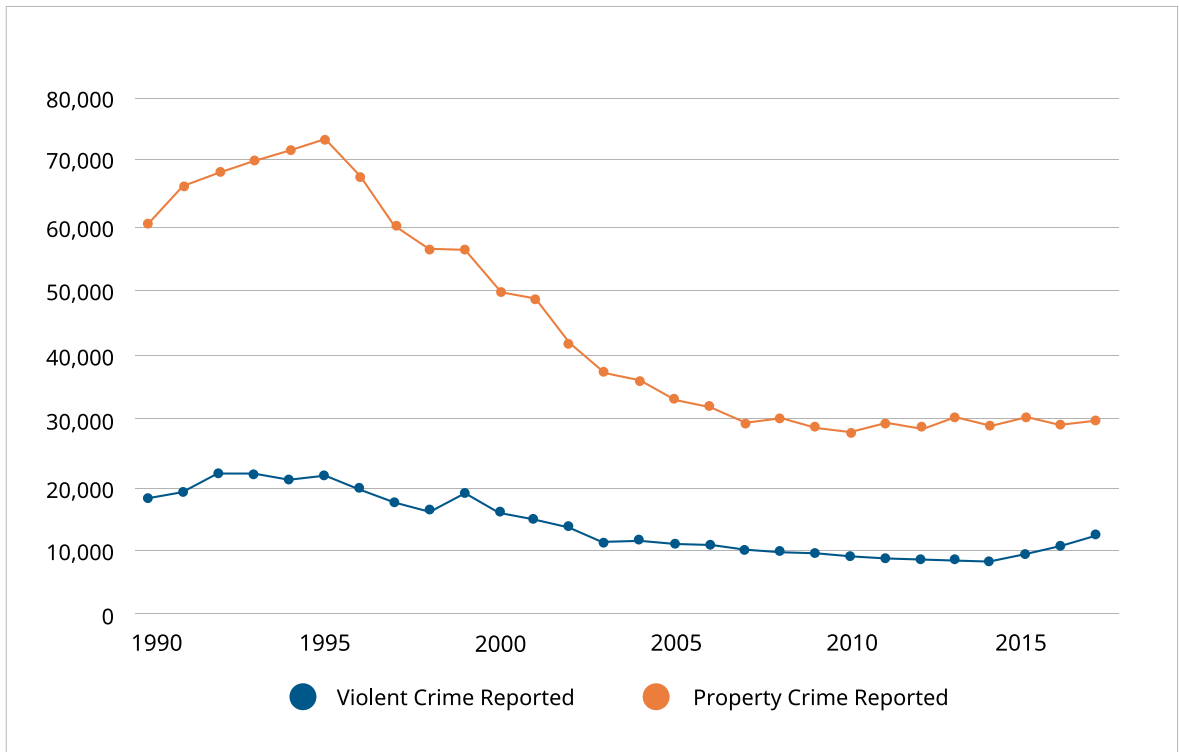
- Although the overall violent crime rate has decreased significantly since its peak in the 1990s, it has increased between 2012 and 2017. (See Figures 1, 2, and 3.)
- Baltimore police are solving fewer crimes. Over the last five years, Baltimore's crime clearance rates have plummeted, from 47.6 percent in 2012 to 22.5 percent in 2017. (See Figure 4.)
- Between 2012 and 2017, overall juvenile arrests decreased by 46 percent, even though juvenile arrests for violent crime are up. During the first four months of 2018, total juvenile arrests were down another 34 percent, compared to the first four months of 2017. (See Figure 5.)
- Since 2012, the number of juveniles arrested and charged with crimes of violence increased both in number and as a percentage of the total number of juvenile arrests. (See Figure 6.)

**Figure 1: Baltimore City Crime 2012–2017**

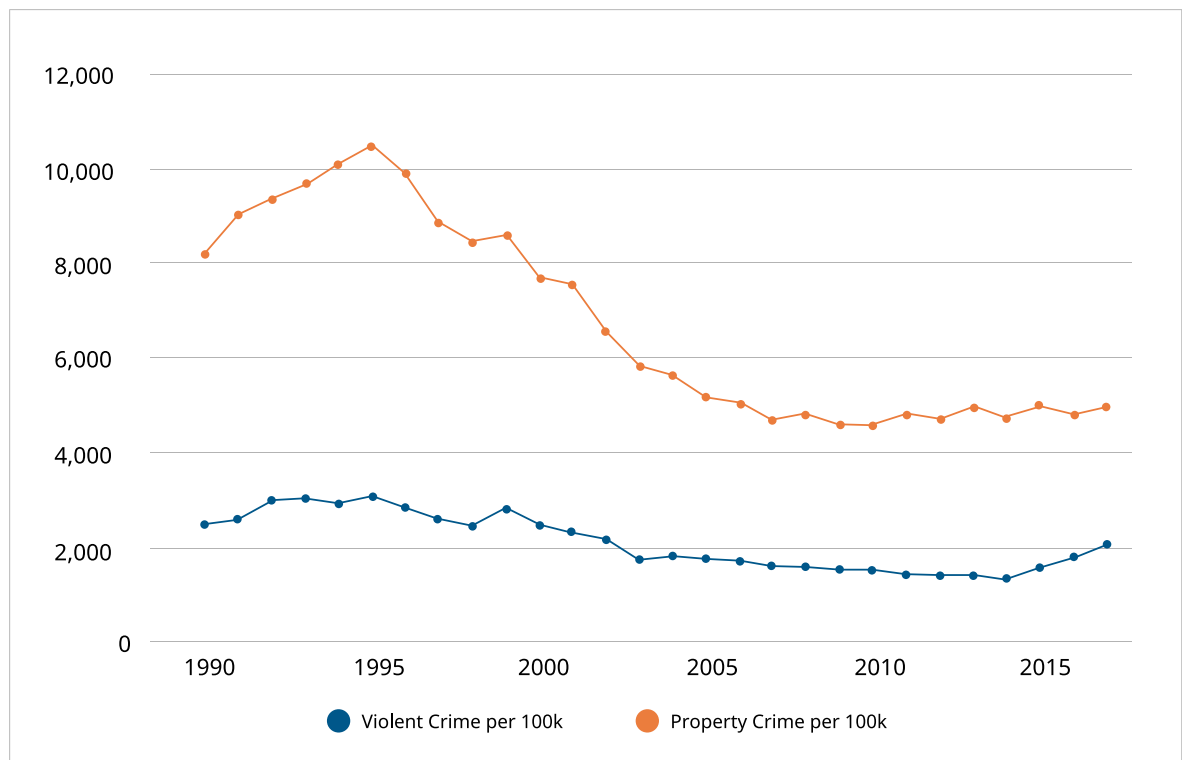


*Baltimore City Crimes Reported 2012-2017 via UCR*

**Figure 2: Baltimore City Crime 1990–2017**



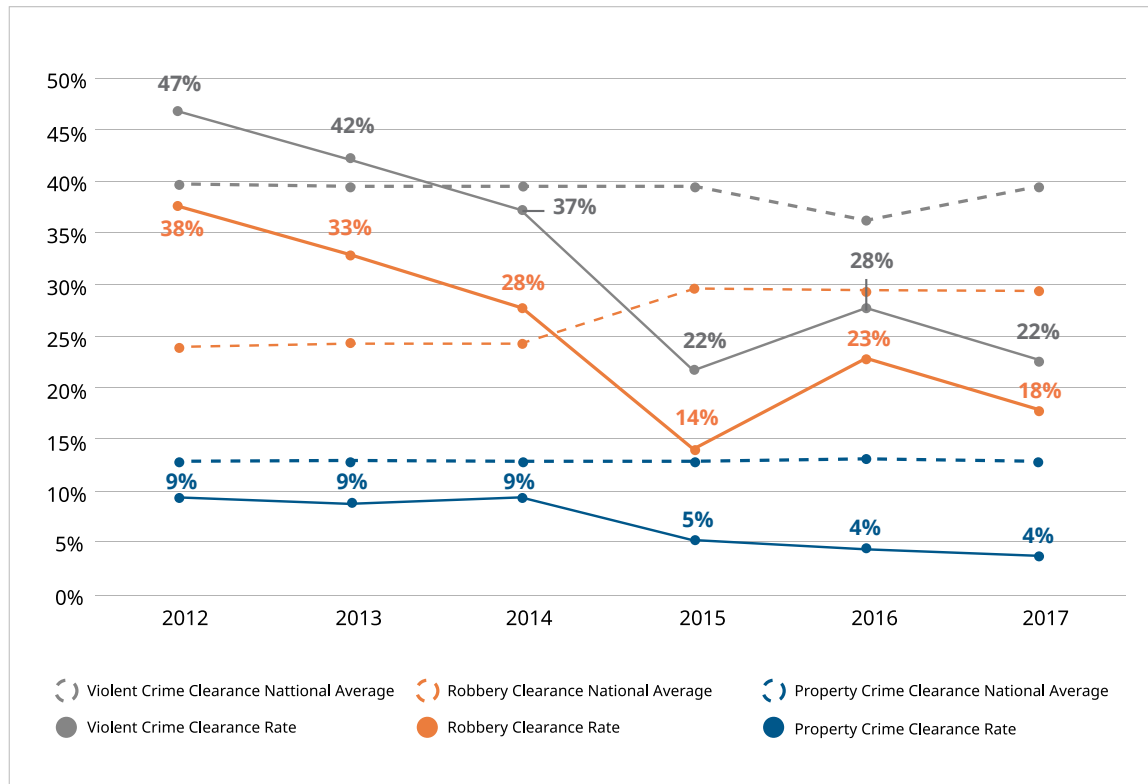
*Baltimore City Crimes Reported 1990-2017 via UCR*

**Figure 3: Baltimore City Crime Per 100k Residents 1990–2017**

*Baltimore City Crimes Reported 1990-2017 via UCR and Google Population (accessed January 2018)*

Over the last five years, the clearance rate for violent crimes in Baltimore City has fallen dramatically, from 47.6 percent in 2012 to 22.5 percent in 2017.

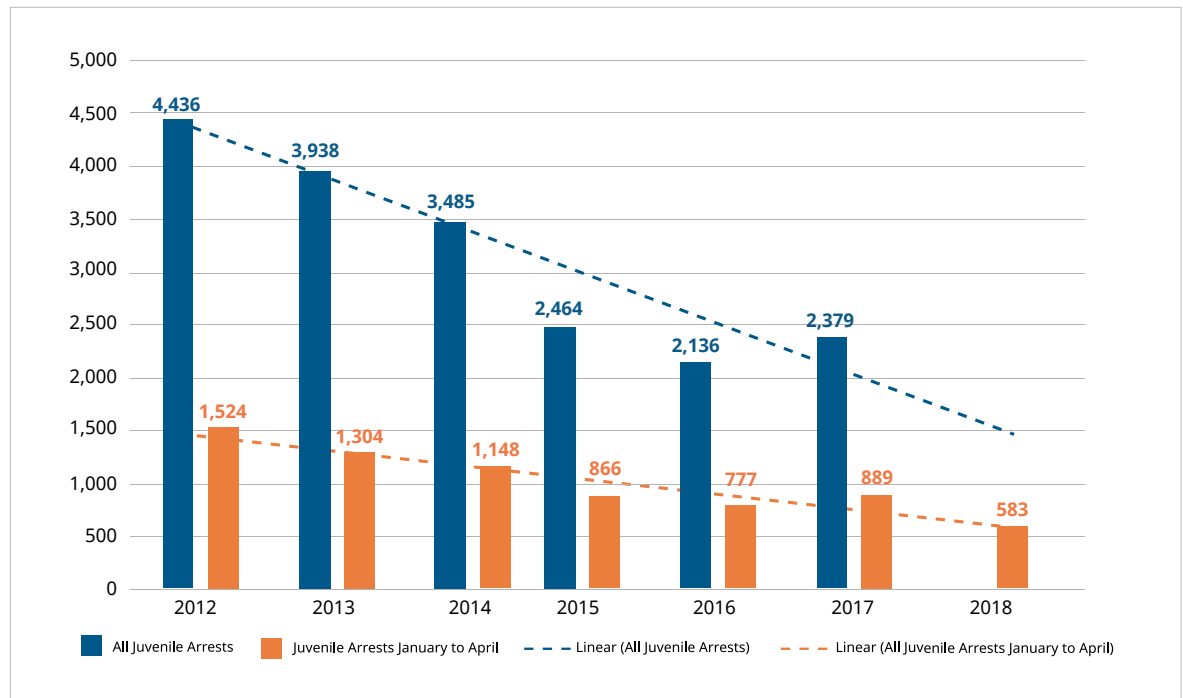
**Figure 4: Baltimore Police Crime Clearance Rates**



*Baltimore City Clearance Rates, via UCR*

As Figure 5 details, overall juvenile arrests have decreased by 46 percent between 2012 and 2017. Data from the first four months of 2018 show a decline of 62 percent from the first four months of 2012.

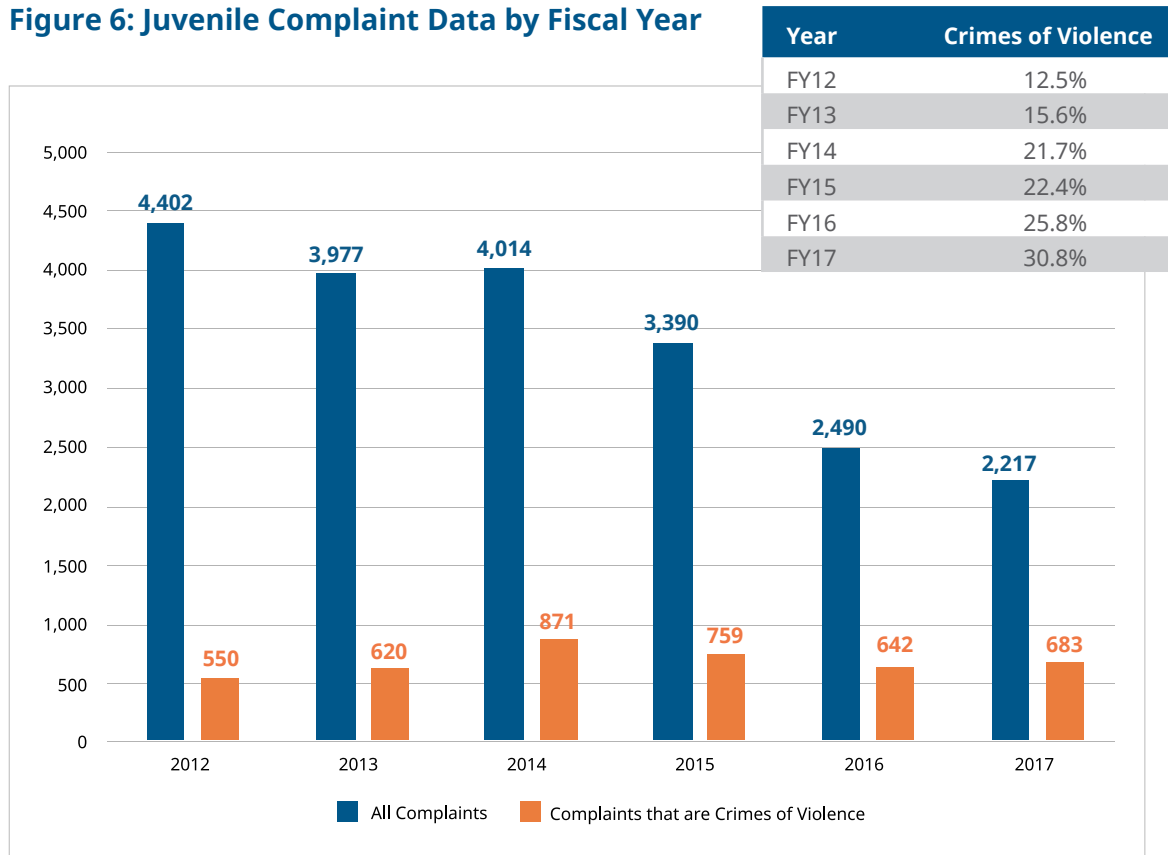
**Figure 5: BPD Juvenile Arrests**



*Baltimore City Juvenile Arrests 2012-April 2018 via BPD*

The number of youth arrested and charged with crimes plummeted between 2012 and 2017, but the number of youth arrested and charged with crimes of violence increased both in number and as a percentage of the total number of juvenile arrests.

**Figure 6: Juvenile Complaint Data by Fiscal Year**



*Baltimore City Juvenile Complaint Data FY12-FY17 via DJS*



## 2. How are youth who are charged with violent crimes handled by the criminal and juvenile justice systems?

The juvenile court handles cases involving youth who are under the age of 18 at the time of arrest, and its jurisdiction can continue only until the age of 21. Maryland law requires that youth who are 14 and older—and charged with certain violent crimes—be charged as adults. Youth who are 16 and older—and charged with a wider universe of violent crimes—are also automatically charged as adults.

### Findings:

- The number of juvenile cases referred to adult court (circuit court), due to the serious nature of the alleged crime, has increased—from 156 cases in 2013 to 216 in 2017.<sup>4</sup>
- Even with this increase, less than 10 percent of juvenile arrests in 2017 were for crimes eligible for referral to adult court.

Maryland Exclusionary Charges		
	Age 14 and older	Age 16 and older
First-degree murder (ineligible for transfer)	x	x
First-degree rape	x	x
First-degree sex offense	x	x
Any attempts or conspiracies to commit the above-listed offenses	x	x
Abduction/kidnapping		x
Second-degree murder (or attempt)		x
Manslaughter (except involuntary)		x
Second-degree rape (or attempt)		x
Armed robbery (or attempt)		x
First-degree assault		x
Second-degree sex offense (by force, threat of force) (or attempt)		x
Third-degree sex offense		x
Carjacking or armed carjacking		x
Wear, carry, transport handgun		x
Use of a handgun in a crime		x
Use of a machine gun in a crime of violence, aggressive purpose		x
Possession of unregistered short-barreled shotgun; restrictions possession of a regulated firearm		x
Restrictions on sale, rental, transfer regulated firearms		x
Sale, transfer, disposal of stolen regulated firearm		x
Any felony IF prior adult felony conviction		x
Non-incarcerable traffic and boating offenses		x

Source: Maryland Department of Juvenile Services

### 3. What happens to cases where juveniles are charged as adults for committing violent crimes?

Youth who are charged as adults may remain in the adult court system or have their cases transferred back to juvenile court. However, state law explicitly prohibits the transfer back of first-degree murder cases.

Almost all juveniles charged as adults were detained pretrial/pre-plea. The length of pretrial detention varies based on whether a transfer hearing is requested, a plea is negotiated, or the case goes to trial. In fiscal year 2017, juveniles who requested a transfer hearing were detained an average of 139 days prior to the hearing. However, the average wait time for transfer hearing was purportedly much higher for a portion of 2017. The Department of Juvenile Services' Case Processing Study (October 2017) reported the mean wait time to be 180 days.

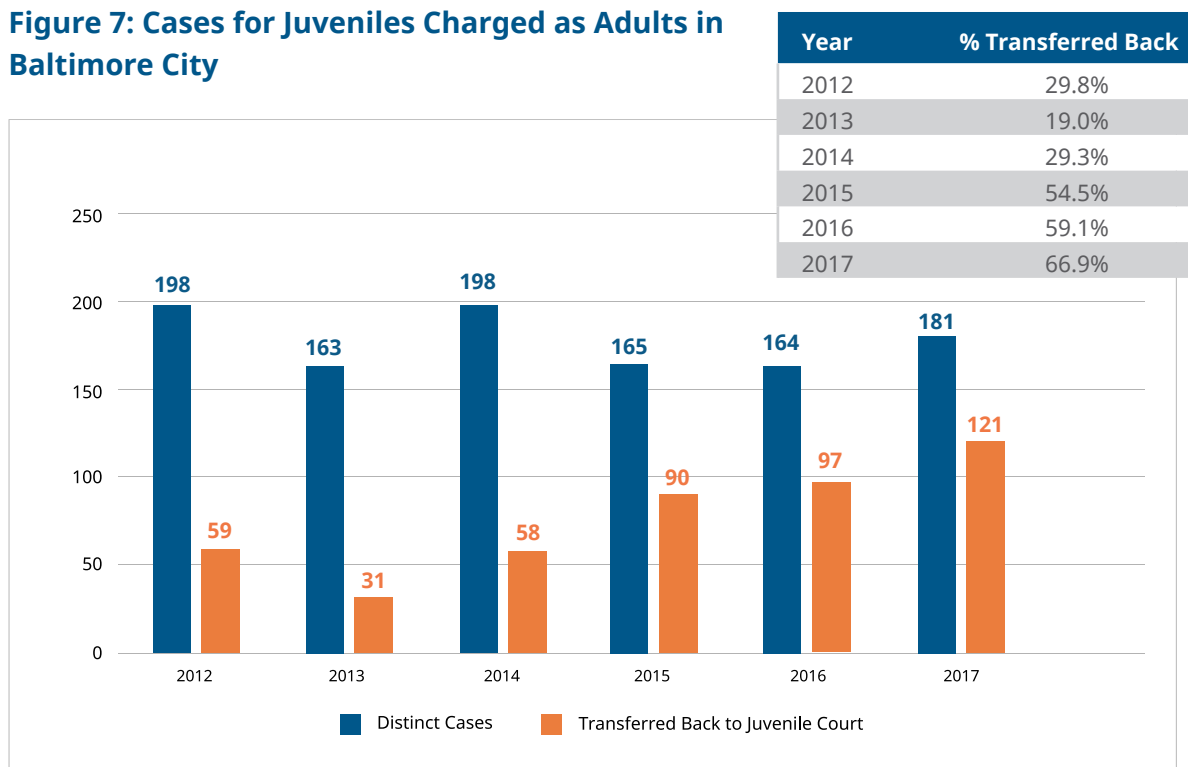
#### Findings:

- The percentage of juvenile cases charged in adult court for serious crimes that were transferred back to the juvenile court has increased—from 19 percent in 2013 to 67 percent in 2017. (See Figure 7.)
- Between 2012 and 2017, there were 1,069 cases where juveniles were charged as adults, with 43 percent of these cases eventually transferred back to juvenile court. Over the past several years, both the number and percentage of transferred cases have significantly increased. It is important to note that when transfer to juvenile court is granted, the adult criminal records are eligible for expungement (Criminal Procedure § 4-202). Therefore, cases where transfer was granted and

the adult record was expunged are not included in these data.

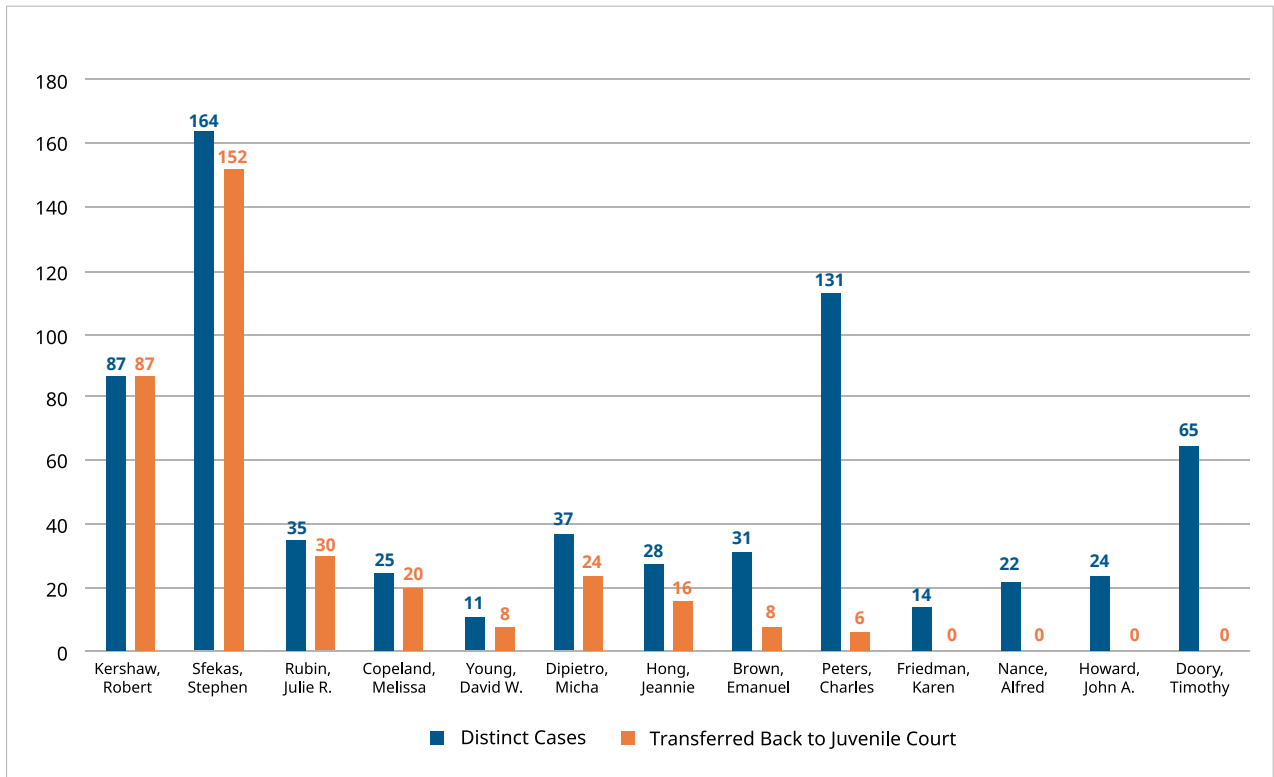
- Two judges were responsible for a majority of adult court youth transfers back to juvenile court. One judge granted transfers in 100 percent of requests, and the other, 93 percent. In contrast, another judge denied transfer requests in 95 percent of cases he handled. (See Figure 8.)
- For juvenile cases that remained in adult court, 43 percent resulted in conviction, probation, jail time, time served, or another sentence. Forty-six percent were *nol prossed* (dropped by prosecutors), *stet*, or dismissed; 5 percent were found not guilty. (See Figure 9.)
- Of the 265 cases that resulted in conviction, 27 percent (71 cases) were sentenced to jail time in excess of the time served pretrial (12 percent of the total cases that remained in adult court). The other 73 percent resulted in suspended sentences and probation (32 percent of the total cases that remained in adult court). Of the cases that resulted in suspended sentences and probation, 34 percent ultimately resulted in jail time due to probation violations where the court imposed the remaining portion of the suspended sentence.
- Thus, only 12 percent of all juveniles who had their cases resolved in adult court received a sentence of jail time in excess of their time served pretrial. However, 22 percent of all juveniles who had their cases resolved in adult court ended up serving jail time in excess of their time served pretrial because of probation violations after sentencing.

**Figure 7: Cases for Juveniles Charged as Adults in Baltimore City**



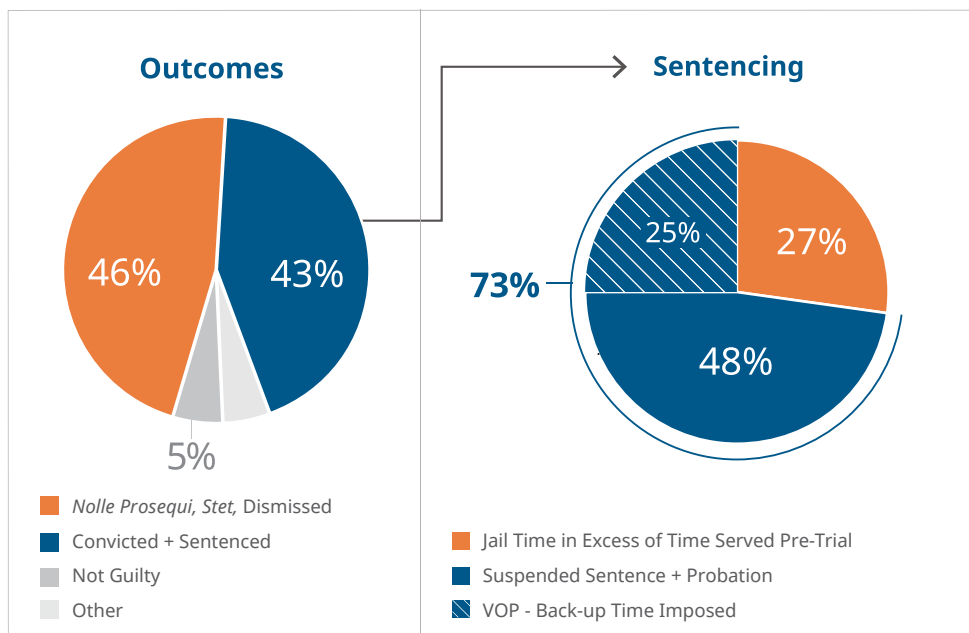
*Baltimore City Cases of Juveniles Charged as Adults 2012-2017 via Maryland Case Search*

**Figure 8: Cases of Juveniles Charged as Adults in Baltimore City by Select Judge**



*Baltimore City Cases of Juveniles Charged as Adults and Transferred Back by Select Judge 2012-2017 via Maryland Case Search*

**Figure 9: Circuit Court Sentencing Outcomes**



*Baltimore City Sentencing Outcomes, Juveniles Charged as Adults and Kept in Adult Court 2012-2017 via Maryland Case Search*

#### 4. What happens in cases where juveniles charged with violent crimes are transferred back to juvenile court?

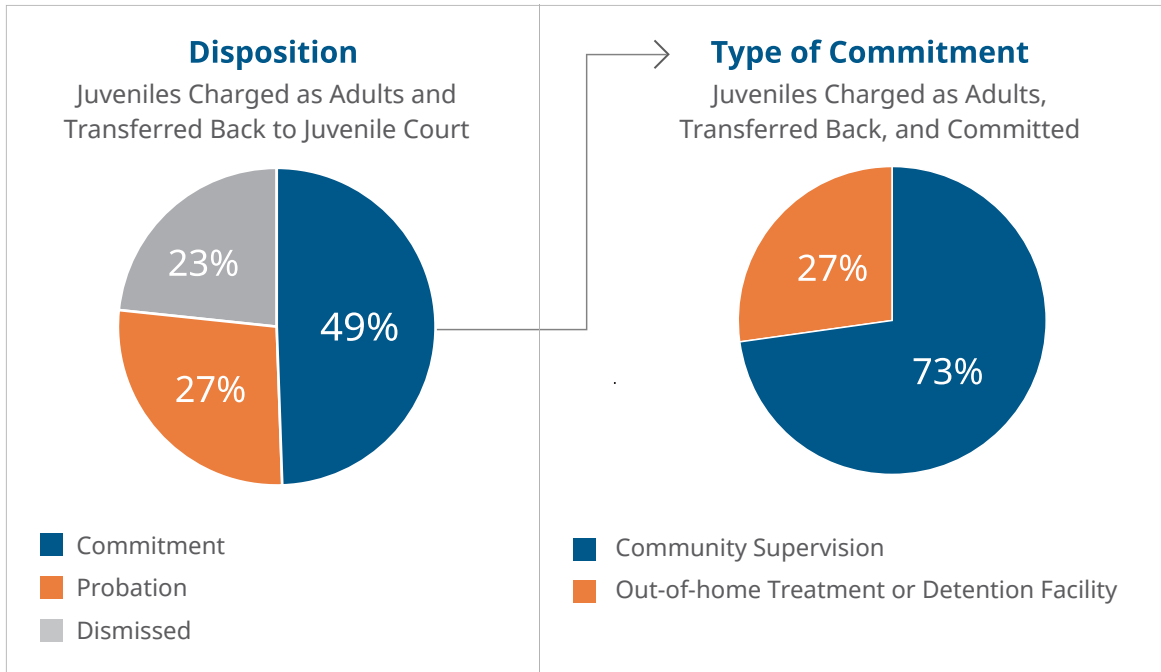
Unlike outcomes and court proceedings for juveniles charged as adults, outcomes for juveniles transferred back to juvenile court are not publicly available and juvenile proceedings are closed to the public. The juvenile justice system does not provide case-level data regarding outcomes, violations of probation, or sentencing.<sup>5</sup>

The Department of Juvenile Services provided data on case outcomes for juveniles transferred back to juvenile court during fiscal year 2017.

##### *Findings:*

- Of the 124 cases that were transferred back to juvenile court in fiscal year 2017, 49.2 percent (61 youth) resulted in commitment to the Department of Juvenile Services, 27.4 percent received probation, and 23.4 percent were dismissed. Of the 61 youth who were committed, 34 (27 percent of the 124 total cases) were confined at some type of treatment or detention facility. (See Figure 10.)
- While there is no specific information regarding the amount of time that juveniles adjudicated for violent crimes spend on juvenile probation or in out-of-home facilities after disposition, the average length of stay during fiscal year 2017 for Baltimore City youth at in-state, state-operated facilities was 101.6 days, and 214.9 days for out-of-state facilities. The average length of stay on juvenile probation during fiscal year 2017 was 424.9 days.
- Juvenile court can only retain jurisdiction over youth until they reach the age of 21. Once they reach the age of 21, these youth are no longer subject to confinement or probation regardless of offense.

**Figure 10: Baltimore City Juvenile Court Sentencing Outcomes**



*Baltimore City Juvenile Court Sentencing Outcomes FY 2017 via DJS*

## 5. Do these youth reoffend?

Recidivism data specific to the juveniles charged as adults were unavailable. The Department of Juvenile Services only publishes overall recidivism data in its annual resource guide. These data include subsequent juvenile and adult arrests.

### Findings:

- Between 2014 and 2016, the one-year re-arrest rate for Baltimore City juveniles released from out-of-home, committed programs (ranging from foster care to secure confinement) ranged from 60.5% to 65.7%. The reconviction rate was 28% for FY14 and 32% for FY15.
- The three-year statewide re-arrest rate for out-of-home, committed placements was 67.6% and the reconviction rate was 34.2%. The Department of Juvenile Services does not provide Baltimore City's three-year recidivism rate.
- Between 2014 and 2016, the one-year re-arrest rate for juveniles placed on probation for the first time in Baltimore City ranged from 45% to 57%. The reconviction rate was 27.7% for FY14 and 19.6% for FY15.

## Conclusion

While there has been an increase in the number of juveniles charged as adults for serious crimes, the number of these cases remains relatively small—less than 10 percent of all juvenile arrests. While most of these cases result in pretrial confinement of four months or more, most are transferred back to juvenile court and less than half of cases retained in adult court result in conviction. Less than a quarter of these cases result in jail time in excess of time served. Case outcomes—ranging from transfer decisions to sentencing—are strongly influenced by the specific judge hearing the case.

Data related to juvenile violence is difficult to obtain, and there is a lack of transparency regarding case outcomes and sentencing. Although the Baltimore Police Department collects juvenile arrest data, the Department of Juvenile Services is the only agency that publishes aggregate data about the juvenile justice system. The Office of the State's Attorney and the juvenile court do not collect or publish data on juvenile cases.

To better understand the level of juvenile violence in Baltimore, it would be helpful to have access to aggregate sentencing and recidivism data for youth charged with violent crimes and anonymous case-level data for cases transferred to the juvenile court. These types of data would not only shed more light on the nature of the problem, but also aid in the construction of potential solutions.

## Endnotes

- 1 NJJ, From Juvenile Delinquency to Young Adult Offending, March 2014.
- 2 Some of the Maryland Judiciary Case Search data in this report was obtained from CLUE database created by the Maryland Volunteer Lawyers Service. CLUE was created to scrape data from Maryland Judiciary Case Search and is designed to be used in a relational database system like SQL. Not all cases may be included in the data set. For example, expunged cases are removed from case search and no longer appear in CLUE.
- 3 Loeber, R., Farrington, D.P., Stouthamer-Loeber, M., Moffitt, T., and Caspi, A. 1998. The development of male offending: Key findings from the first decade of the Pittsburgh Youth Study. *Studies in Crime and Crime Prevention*.
- 4 Baltimore Police Department, Juvenile Booking Unit, calendar year arrests and referrals for adult charges.
- 5 The Department of Juvenile Services provides aggregate annual data on probation violations and commitments.

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The  
**Abell Report**  
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**Published by the Abell Foundation**  
Volume 31, Number 3

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## About the Abell Foundation

The Abell Foundation is dedicated to the enhancement of the quality of life in Maryland, with a particular focus on Baltimore. The Foundation places a strong emphasis on opening the doors of opportunity to the disenfranchised, believing that no community can thrive if those who live on the margins of it are not included.

Inherent in the working philosophy of the Abell Foundation is the strong belief that a community faced with complicated, seemingly intractable challenges is well-served by thought-provoking, research-based information. To that end, the Foundation publishes background studies of selected issues on the public agenda for the benefit of government officials; leaders in business, industry and academia; and the general public.

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