



PAUL DEWOLFE
PUBLIC DEFENDER

BECKY FELDMAN
DEPUTY PUBLIC DEFENDER

Chief Judge Orders All Local Administrative Judges to Immediately Consider Release in Individual Cases

For Immediate Release: April 14, 2020

Contact: Melissa Rothstein, Melissa.rothstein@maryland.gov or 718-873-4036

Late Monday, the Chief Judge of Maryland’s highest court issued an administrative order directing every Administrative Judge in the state to confer with juvenile justice stakeholders and identify children appropriate for release. The administrative order requires judges to limit detention and commitment to only those who pose a safety risk; to take into consideration the risk posed to kids, staff, or the community by COVID-19 in juvenile facilities; and to review detention orders every 14 days until the end of the crisis.

“The Chief Judge’s order requires local judges to consider whether any rehabilitative purpose is served by incarcerating young people under the current conditions. Absent a strong individualized public safety reason, the order encourages courts to find community-based alternatives for children,” said Paul DeWolfe, Maryland Public Defender. “While some judges and prosecutors have already been working with us to get kids home to their loved ones during this terrifying time, several have not. The Chief Judge’s order makes clear that a consistent statewide effort is urgently needed. Our defenders stand ready to identify vulnerable youth and facilitate their release.”

The Administrative Order comes only 10 days after [OPD filed an application for extraordinary relief](#) on behalf of our young clients incarcerated during the COVID-19 epidemic. The Department of Juvenile Services (DJS) confirmed in its response that 58 percent of children in juvenile jails and 74 percent of children in youth prisons or placement are there for nonviolent felonies, misdemeanors, or technical violations. Last Friday, the Court of Appeals denied our application, noting that this administrative order would follow.

“When we filed our application, there were no positive cases in DJS facilities. Today, 11 children and staff at facilities around the state have tested positive,” noted Jenny Egan, Chief Attorney of the Baltimore City Juvenile Division of the Office of the Public Defender. “Children as young as 10-years-old are currently being held in solitary confinement for 23 ½ hours a day. These draconian measures do not protect children; they cause long term damage. Absent the release of a large number of young people from state run facilities, experts agree the coronavirus will spread in juvenile jails and youth prisons at an exponential rate. Juvenile court judges, as well as the Department of Juvenile Services, must heed the Administrative Order and take immediate action to reduce the number of incarcerated children and to lessen the threat of vulnerable youth contracting this deadly virus.”

#