

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 46 and have enjoyed volunteer mentoring at city schools and care deeply about restorative justice and workforce development in Baltimore City.

I am testifying in support of Senate Bill 93, the Youth Equity and Safety Act.

SB093 would end the practice of charging juveniles as adults. Maryland has a long history of recognizing that juveniles are different from adults in ways that made it important to treat those arrested for crimes differently based on their age. The first law in Maryland ordering the segregation of those then labeled “juvenile delinquents” from adult detainees was passed in 1830,¹ although it took quite a while longer for our current system of a separate juvenile justice infrastructure to fully develop.

The concept behind the juvenile justice system has always been that children, being young and malleable, are more receptive to rehabilitation and that the best thing for society was that young people engaged in bad behavior were given help and resources to become good adult citizens. Although the language has changed over the decades, the basic principle remains sound. In fact, we’ve learned that scientific evidence supports the common sense idea that children’s brains are not as fully developed as those of adults, making them more impulsive and less able to appreciate the consequences of their actions.

In the 1990s, after nearly a hundred years of becoming more and more progressive in how it treated youths accused of crimes, Maryland did a sharp 180. Concerned with rising crime rates and preoccupied with what proved to be a myth about juvenile “super predators,”² Maryland became one of a number of states to pass harsher criminal laws which, among other things, mandated that more children be charged as adults.³ Not after a hearing, not even on the discretion of a prosecutor, but automatically, based solely on the charge filed against them. Three decades have provided ample evidence that this juvenile justice strategy does not reduce recidivism. According to a recent white paper on recidivism from the National Institute of Justice, “Evidence suggests that the practice of transferring adolescents from juvenile to criminal court does not exert a significant effect on aggregate juvenile violent crime. It contributes to higher individual recidivism rates and adversely impacts other correlates of desistance from crime (e.g., lower income in adulthood). Howell and colleagues’ review of research confirmed that transferring youth to the adult system has detrimental effects on the likelihood, rate, and seriousness of reoffending.”⁴

¹ Source: Maryland State Archives, <https://msa.maryland.gov/msa/mdmanual/19djj/html/djff.html>

² Carroll Bogert and Lynnell Hancock, *Superpredator: the media myth that demonized a generation of black youth*. The Marshall Project 2020. Available at: <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>

³ Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). Available at: <https://digitalcommons.law.umaryland.edu/rregc/vol14/iss2/4>

⁴ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed). Available at <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

Furthermore, the system actively harms people: juveniles charged as adults are thrown into a system designed solely for adults, their names are published in the media with sensational accounts of their alleged crimes, they may sit months and years in awaiting trial, and if convicted they face decades of prison or, if the judge deems them worthy of probation, a probation officer trained to work with adults who lacks the ability to provide the same wraparound services as the Department of Juvenile Services. Even worse, the data shows that the vast majority of kids charged in adult court are Black, meaning this law contributes to the marked racial disparity in the way the criminal justice system works.⁵

Prosecutors will no doubt argue that automatic adult charging is fine, because a judge has the opportunity to consider whether to send the juvenile to be tried in juvenile court. This ignores the fact that transfer to juvenile court after being charged as an adult does not erase or repair the trauma caused by being thrust into the adult system, the months sitting in jail without services or progress on their case, or the publication in the media of the juvenile's name and other identifying information. In contrast, if juveniles start in the juvenile system on day one, they benefit from quicker progress in the case, better understanding and accommodation of their needs as children, and the anonymity afforded to juvenile arrestees by law. A judge will still be able to send the case to adult court in the rare cases where it is warranted (after holding a hearing), but without the collateral damage to hundreds of other kids who never should have been in adult court, but whose charging as adults was required by law.

In recognition of the need for reform, in 2019 the General Assembly created the Maryland Juvenile Justice Reform Council and tasked it with examining the data and developing policies that would increase public safety and reduce recidivism. As you are no doubt aware, the JJRC recommended in its supplemental report issued in October 2021 that the practice of automatic charging of juveniles in adult court be ended. This legislation would implement that recommendation.

For these reasons, I strongly encourage you to vote in support of SB 93. It is certainly time to end the harmful practice of auto-transferring kids to a system built for adults. The trauma endured by minors, charged and treated as criminal adults, remains with them their entire life.

Thank you for your time, service, and consideration.

Sincerely,
John Ford
3301 Fleet St
Baltimore, MD 21224

⁵ Juvenile Justice Reform Council Supplemental Report, http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf