

Dear Members of the Senate Judicial Proceedings Committee,

I am a resident of District 46, and I am also an attorney with 15 years of experience in the criminal courts. **I am testifying in support of Senate Bill 93, the Youth Equity and Safety Act (Juvenile Court- Jurisdiction).**

SB 93 would end the practice of charging juveniles as adults.

The concept behind the juvenile justice system has always been that youth, who by definition have not finished developing emotionally or cognitively, are more receptive to rehabilitation, and the best thing society can do for young people engaged in bad behavior is to invest resources in and support them to become healthy (and law-abiding) adult citizens. The first law in Maryland ordering the separation of those then labeled “juvenile delinquents” from adult detainees was passed in 1830.<sup>1</sup> Although the language we use has changed, and it took a number of years for a totally separate juvenile justice system to develop, the basic principle remains sound.

Unfortunately, after nearly a hundred years of becoming more and more progressive in how it treated youths accused of crimes, Maryland did an about-face. Amidst the “get tough on crime” rhetoric of the 1990’s, Maryland became one of many states which passed harsher criminal laws that, among other things, mandated that more children be charged as adults:<sup>2</sup> not in response to a hearing, not at the discretion of a prosecutor, but AUTOMATICALLY, based solely on the charge filed.

Three decades have provided ample evidence that this juvenile justice strategy does not reduce crime. 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.”<sup>3</sup>

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 (even though Black people are roughly

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

<sup>2</sup> 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/rrgc/vol14/iss2/4>

<sup>3</sup> 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>

30% of Maryland's population), meaning this law contributes to the marked racial disparity in the way the criminal justice system works.<sup>4</sup>

Prosecutors 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 (and AFTER holding a hearing), but without the collateral damage to hundreds of other kids who never should have been in adult court in the first place. **The vast majority of youth charged as adults are either returned to juvenile court or dismissed.**<sup>5</sup>

In recognition of the need for reform, in 2019 the General Assembly created the Maryland Juvenile Justice Reform Council (JJRC) 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 automatically sending kids to a system built for adults. Whatever the ultimate disposition of the complaints or charges against the youth, 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,  
**Lindsay Keipper**  
**2425 Fleet St.**

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<sup>4</sup> Juvenile Justice Reform Council Supplemental Report, [http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final\\_2021SupplementalReport.pdf](http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf)

<sup>5</sup> In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Preliminary Findings: Youth Charged as Adults in Maryland, <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>, page 12.