

Senate Bill 93
Juvenile Court – Jurisdiction (Youth Equity & Safety Act)
Ending Automatic Charging of Youth as Adults
February 16, 2023
Support

Dear Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

My name is Beverly John. I am submitting this testimony on behalf of The Talking Drum Incorporated, a Maryland non-profit with a mission to eradicate systems of oppression that lead to homelessness and mass incarceration. We are in support of SB93, the Youth Equity and Safety Act, which would make our communities safer and make our youth justice system more equitable by ensuring that all juveniles begin their cases in the juvenile court system.

Under the current law, Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.¹ A major reason is that Maryland law requires some children to be automatically prosecuted in adult court for 33 offenses – putting us out of step with other states and international human rights law. Last year, Maryland charged the same number of children as adults as Arizona, California, Colorado, Connecticut, Illinois, Kansas, Massachusetts, Minnesota, and Ohio combined. Those states make up 29% of the United States youth population – Maryland makes up less than 2%. In Maryland, youth as young as 14 can be tried in adult court depending on what charge a police officer decides to levy against them.

Automatically charging youths as adults expose our youth to physical and sexual violence and isolation. The YES Act protects youth. Youth in the adult system are less likely to receive rehabilitative services and does not improve public safety. To the contrary, research shows that young people charged in adult court are more likely to reoffend than children who are charged in juvenile court.

I experienced a real-life example of the harm caused to a young person in the adult system some years ago while providing support to a young mother with young children over the holidays. Her oldest was being held in DC jail at the time. I met with the family and scheduled to bring Christmas gifts to her on Christmas Eve. I arrived at her home and texted to let her know I arrived. When she didn't answer the text or phone, I went to the apartment and knocked on the door. I was not expecting her to come to the door in tears and distraught. The younger children were clearly upset as well. Through tears, she informed me that her son was dead. He had been hung in his cell. The jail said it was suicide. Of course, there were questions that went unanswered as this mother contemplated the last moments of her child's life.

¹ <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

Laws that allow youth to be tried in adult court reflect and reinforce the racial inequities that characterize the justice system in the United States. Youth of color are overrepresented at every stage of the Maryland court system.² Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested³, detained, sentenced, and incarcerated.⁴

Research shows that youth of color receive harsher sentences than white youth charged with similar offenses.⁵ And, youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; 80% were Black.⁶

The current narrative being shared at Public Safety Forums enhances a fear of our own children as dangerous criminals to be punished. The data that has been shared is somewhat misleading. If we take a moment to listen to our youth and include them in the conversation, I believe we will have better outcomes. We can and must treat our children better. Maryland should join the 26 other states who have passed laws to **treat kids like kids and end automatic charging.**

I respectfully urge this committee to return a favorable report on SB93.

² Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

³ Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

⁴ <https://goccp.maryland.gov/wp-content/uploads/juvenile-dmc-201101.pdf>

⁵ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

⁶ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020.

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.