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Bill: **House Bill 1187**
Position: Favorable
Date: February 25, 2021

We write on behalf of juvenile public defenders from Prince George’s County and urge this committee to issue a favorable report on HB1187. The Juvenile Justice Reform bill (HB1187/SB853) will prevent the juvenile court in Prince George’s County from returning to the failures of the recent past in Prince George’s County, when a shocking number of children were detained and committed for non-violent misdemeanors and for “technical” violations of probation, such as skipping school, not doing community service, or missing curfew. Roughly from 2010 to 2015, our County drew national press attention for the outrageous rates of incarceration and the plights of youth like “Michael,” who was incarcerated for nearly three years for a phone theft, or “Tanika” who was repeatedly detained after getting into a fight in school. Prince George’s County has made important strides to lower the rates of youth incarceration, but the reality is that unless the Juvenile Justice Reform Council (“JJRC”) Omnibus Bill is passed we could end up back with the same levels of mass incarceration again in the near future. **By limiting incarceration for misdemeanor offenses and for technical violations of probation, and by expanding opportunities to divert youth from the legal system, the JJR Bill provides essential protections for Prince George’s County youth and prevents a return to the mass incarceration of children that once prevailed here.**

Tanika was profiled by the *New York Times* in December of 2014.¹ She was an honor student who had never gotten in trouble before, until she was charged in juvenile court for getting in a fight with another girl at school, which is a misdemeanor. First, Tanika was detained in a juvenile jail for a month because she missed her initial court date. When released, she was placed on probation and later community detention with an ankle bracelet, expected to spend the entire summer confined to her own house. When she violated her probation by visiting a friend on the way home from completing community service hours, she was sent back to the juvenile jail. Tanika's mother is quoted in the article stating that her prolonged detentions "took a lot away from her." Her mother eventually stopped visiting her in detention because being separated from her daughter was so emotionally difficult. Tanika's mother could not tolerate the hysterical sobbing that each visit provoked in her daughter.

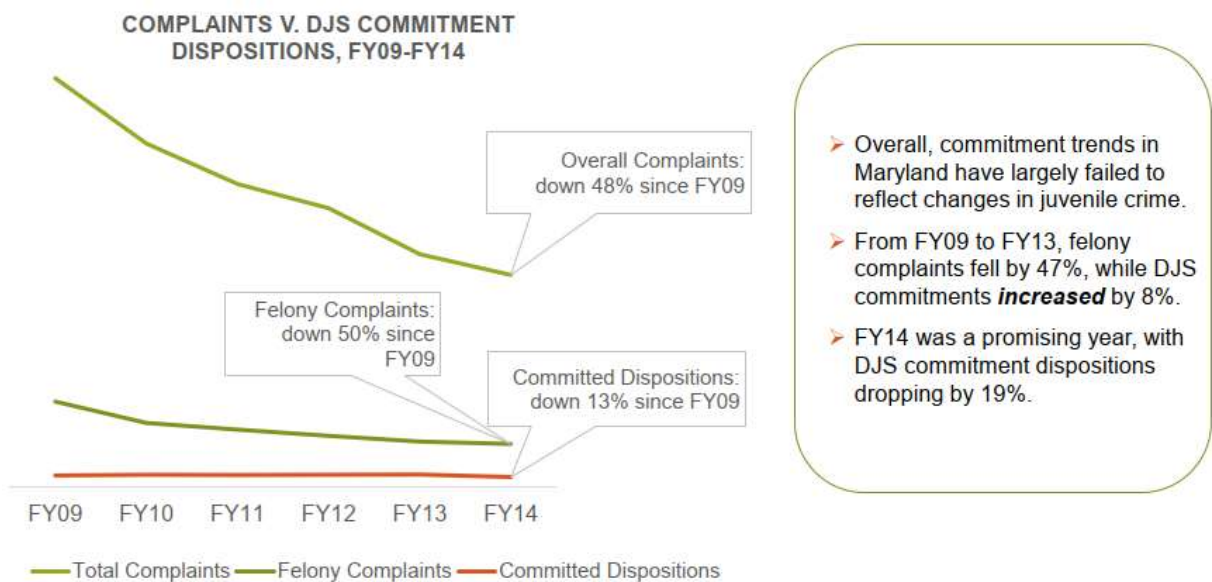
"Michael" was profiled in the *Baltimore Sun* after his nearly three-year odyssey of incarceration in the Prince George's County juvenile court.² In May of 2014, at age thirteen, he was found to have committed a misdemeanor theft in of another child's cell phone. Caseworkers from the Department of Juvenile Services ("DJS", who by law make recommendations to the juvenile court) recommended that he complete counseling and write a letter of apology. They noted his strong family and community support, and that this was his first offense. Instead, the juvenile judge incarcerated him in a youth camp in Western Maryland, hundreds of miles from his home. He struggled in placement, but in April of 2014 DJS again recommended he return home. Instead, he was sent to the most high-security facility in the Maryland juvenile system, where he repeatedly was physically restrained by guards. The juvenile court sent him to two additional

1 Goode, Erica. *Judge in Maryland Locks Up Youth and Rules Their Lives*. N.Y. TIMES (Dec 19, 2014). Available online at <https://www.nytimes.com/2014/12/20/us/judge-in-maryland-locks-up-youths-and-rules-their-lives.html>

2 Green, Erica. *A stolen cellphone, then an odyssey through Maryland's juvenile justice system*. Balt. Sun (Dec. 30, 2016). Available online at <https://www.baltimoresun.com/maryland/bs-md-juvenile-justice-michael-20161218-story.html>.

placements before he was finally sent home nearly three years after being first locked up. He never recovered from the experience and later picked up additional charges, in line with the research evidence that prolonged incarceration for young children causes devastating harm to their development.³

Data confirms that Tanika and Michael were not an aberration, but everyday examples of the injustices that occurred daily in Prince George’s County during this time period. During a time where crime was falling dramatically statewide, and juvenile complaints falling even faster, Maryland on the whole failed to reduce youth incarceration at the same rate⁴:

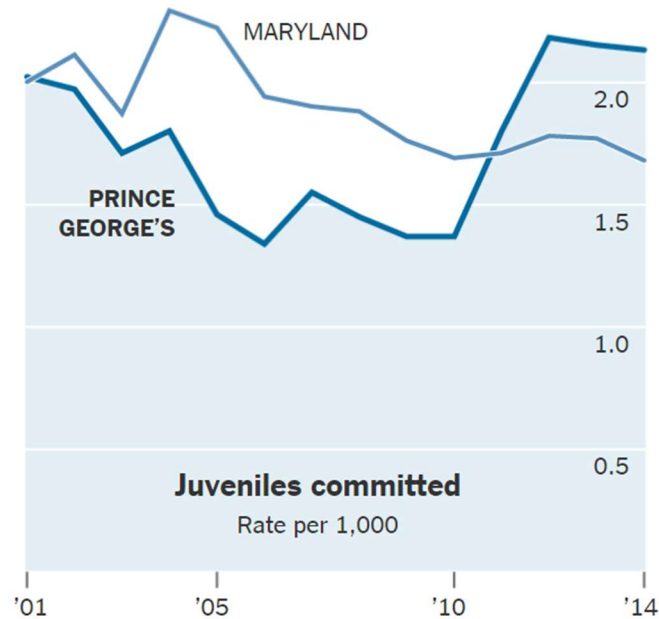


Yet in Prince George’s County during the same time period, the situation was far worse. Youth incarceration did not stagnate – it skyrocketed. This picture of a major metropolitan county in Maryland funneling children into youth jails and prisons while the state and nation trended in the

3 See, e.g., The Pew Charitable Trusts. Re-examining Youth Incarceration (Apr. 20, 2015). Available online at <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>

4 Annie E. Casey Foundation. *Doors to DJS Commitment: What Drives Juvenile Confinement in Maryland*. (Jan. 2015) p. 12. Available online at <https://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>.

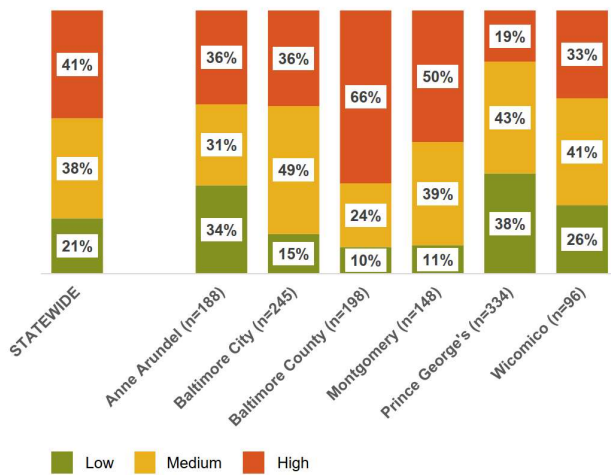
opposite direction is precisely why this legislation is needed. Incarceration rates of Prince George’s County youth rising dramatically from 2010 to 2014, in contrast to the overall statewide rate⁵:



The key to understanding this explosion of incarceration in Prince George’s County is looking at which children were being incarcerated. The increased incarceration rates were not due to violent crime rising – they were due to a practice of locking up children for non-violent offenses, or placing them on probation and then locking them up later when they make normal teenage mistakes such as skipping school or missing curfew. **Less than 1 in 5 kids committed by Prince George’s County were deemed “high risk” by the Department of Juvenile Services⁶:**

⁵ *Supra*, N.Y. Times. Note 1.

⁶ *Supra*, Annie E. Casey Foundation, Note 4 at 24.

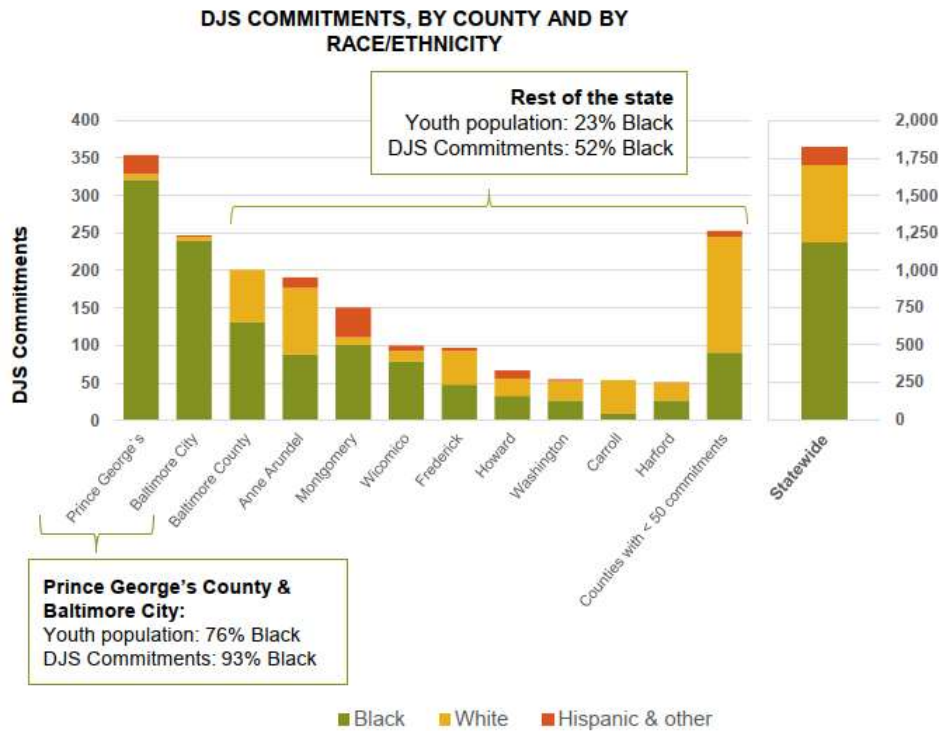


On average, only 41% of DJS commitments involved high-risk youth.

Even among the “big six,” risk profiles varied considerably – for example:

- Baltimore County tended to reserve commitment for high-risk youth, with 66% of DJS commitments associated with a high-risk assessment.
- On the other side of the map was Prince George’s County, where high-risk youth were less than 20% of DJS commitments.

High incarceration rates for low risk offenders primarily harms Black youth and youth of color, who are more likely to be in the juvenile legal system in the first place due to disparities at arrest, diversion, and charging. During this same time period in Prince George’s County, Black youth made up around 90% of incarcerated youth, with most of the rest being Hispanic youth⁷:



⁷ *Supra*, Annie E. Casey Foundation, Note 4 at 20.

