



House Bill 169 – Juvenile Law – Informal Adjustment

Presented to the Honorable Chair Luke Clippinger, Vice Chair Vanessa E. Atterbeary, and
Members of the Judiciary Committee

February 25, 2021, 1:30 p.m.

POSITION: SUPPORT

Testimony of Baltimore Action Legal Team Representing the People's Commission to Decriminalize Maryland

The People's Commission to Decriminalize Maryland strongly supports House Bill 169, sponsored by Delegate Valentino-Smith, and we urge the House Judiciary Committee to issue a favorable report on this bill. The People's Commission was created to reduce the disparate impact of the justice system on youth and adults who have been historically targeted and marginalized by local and state criminal and juvenile laws based on their race, gender, disability, or socioeconomic status.

Maryland's legal system contains many laws that unnecessarily bring young people, and disproportionately youth of color, to the attention of the justice system.¹ Most often, this is for behaviors that are either typical adolescent behaviors or a reflection of how we have marginalized large segments of Maryland's youth. Most young people's contact with the system results from someone labeling typical adolescent behavior, or behavior stemming from trauma, abuse, neglect, or poverty, as "criminal" conduct – instead of seeing that behavior as an indicator of a need for support to help that young person thrive. Referring youth to the justice system for these behaviors is ineffective, harmful, and a poor use of scarce financial resources.

In Fiscal Year 2019, 81% of referrals to the Maryland Department of Juvenile Services were for status offenses, citations, ordinance violations, and misdemeanor offenses.² HB 169 would expand the opportunity to use of informal adjustments in lieu of formal court processing, which would promote diversion of youth to more effective community-based interventions.

¹ Maryland Department of Juvenile Services, Data Resource Guide: Fiscal Year 2019, pg. 22 (December 2019), available at https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2019.pdf (showing that youth of color are 2.56 times more likely than white youth to be referred to juvenile court/intake).

² *Id.* at 22.

Studies show that formal interventions by the juvenile justice system do more harm than good for a large percentage of youth.³ Compared to system intervention, diversion generally decreases a young person's likelihood of re-arrest. For example, a 2013 study found that low-risk youth placed in diversion programs **reoffended 45% less often** than similar youth who were formally processed or who received restrictive sanctions.⁴ In another study, among young people in the National Longitudinal Survey of Youth who were arrested during their high school years, **those who were formally processed in court proved far more likely to drop out of school** than those who were not formally processed. Even after controlling for a wide variety of demographic, socioeconomic, academic and behavioral factors, **formal processing in juvenile court sharply reduced the likelihood that young people would graduate from high school.**⁵

HB 169 would take an important step toward expanding equitable access to diversion throughout the state. **For these reasons, the People's Commission to Decriminalize Maryland strongly supports HB 169 and urges the Committee to issue a favorable report.**

³ Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5), 497–518.
<https://doi.org/10.1177/0093854812451089>

⁴ *Id.* at 8.

⁵ Sweeten, G. (2006). Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. *Justice Quarterly*. 23(4). Retrieved from
www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_-_ct_involvement_study_by_Sweeten.pdf.