



Testimony for the Senate Judicial Proceedings Committee

March 3, 2022

SB 691 – Juvenile Law – Juvenile Justice Reform

JUSTIN NALLEY
PUBLIC POLICY ANALYST

FAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
HOMAYRA ZIAD
PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland supports SB 691, which seeks to improve the juvenile justice system in Maryland by raising the minimum age of juvenile court jurisdiction, banning the use of juvenile jail and youth prison for low-level offenses, limiting terms of probation, and removing barriers to the diversion of children out of the system.

An effective youth legal system is one that is fair and improves – rather than decreases – the odds that young people who come into contact with the system will make a successful transition to adulthood. That requires a system that locks up fewer children and relies more upon proven, family-focused interventions that create opportunities for positive youth development. Although juvenile complaints have decreased, incarceration rates have not followed suit as two-thirds of children removed from their families are put in a youth facility for non-felony offenses.¹

Research has proven that children must be granted restoration for wrongdoing that contributes to their development rather than burden them with long-lasting punitive action. The harm that is done to families and children cannot be understated, as well as the harm to the state. Maryland spends more than 48 other states, per child, to incarcerate youth in secure correctional facilities.² By banning the use of youth prisons for low-level offenses, the Department of Juvenile Services can tailor their resources to the most serious offenses and those that are at the highest risk of re-offense.

The bill also creates a standard by which children can be prosecuted. By eliminating the prosecution of pre-adolescents of children under 13, Maryland will align with national standards that set a minimum age requirement that a

¹ *Juvenile Justice Strategy Group*. (2015). Annie E. Casey Foundation.

<https://djs.maryland.gov/Documents/publications/AECF%20Assessment%20of%20MD%20Dispositions%20-%20Updated%20March%2016%20-%20Final%20PDF.pdf>

² http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf

child can be prosecuted.³ The bill also reforms the juvenile probation system. A juvenile probation system cannot be structured like adult probation, which is focused on technical compliance rather than tangible and holistic goals. Without these goals in place, youth are at greater risk of being violated, detained, and committed, thereby deepening their involvement with the criminal justice system. Lowering the length of time a child is on probation allows these holistic approaches to take form.

Lastly, juvenile diversion is key to reducing recidivism by keeping low-risk youth away from the juvenile justice system.⁴ The benefits of juvenile diversion include preventing association with delinquent peers; holding youth accountable for their actions; providing proportionate responses to delinquent behavior; providing youth with opportunities to connect with services in the community; reducing court caseloads, detentions, and out-of-home placements; reducing justice system costs and preserving resources for youth who pose a greater public safety risk or have greater needs for services; and improved relations between youth and community.⁵

The recommendations set forth by the Juvenile Justice Reform Council involved input from all levels of the justice system and community stakeholders and are tangible next steps to improving the youth justice system in Maryland. These recommendations have translated into a comprehensive legislative reform package that will center Maryland's children's developmental and socioemotional needs for generations to come.

For the foregoing reasons, the ACLU of Maryland urges a favorable report for SB 691.

³ *Juvenile Justice Geography, Policy, Practice and Statistics, Jurisdictional Boundaries, Delinquency Age Boundaries*. <http://www.jjgps.org/jurisdictional-boundaries#transfer-discretion>.

⁴ Models for Change Juvenile Diversion Workgroup, *Juvenile Diversion Guidebook at 11* (2011), <http://www.modelsforchange.net/publications/301>

⁵ Farrel, Betsinger, & Hammond. *Best Practices in Youth Diversion: Literature Review for the Baltimore City Youth Diversion Committee*. Univ of Md. School of Social Work (Aug 2018), <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

