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POSITION ON PROPOSED LEGISLATION

BILL: HB1023/SB785 – Collection of Information Related to Public Safety, Criminal Justice, Corrections, and Juvenile Services

FROM: Maryland Office of the Public Defender

POSITION: Informational

DATE: 03/03/2022

The Office of the Public Defender is providing information on HB1023/SB785 as to its juvenile records portion. We do not take a position as to the other portions, given mandates for information already in place.

We see the value in quality data regarding how young people are treated in the justice system, but that data already exists and is being used by the Juvenile Justice Reform Council to put forward quality pieces of legislation.

The language as it stands is unclear as to what a memorandum between DJS and the Department of Legislative Services would actually call for. Instead, it appears as though the exact data to be collected will be agreed upon at a later point in time. It calls only for “[t]he provision of custom reports.” We are concerned that this may open the door for unnecessary data collection practices, and may vitiate the confidentiality at the bedrock of Maryland’s juvenile justice system.

We urge care in terms of what data is collected. The New York Times published an article yesterday about a Whole Foods Market in Washington, D.C. that requires absolutely no interaction. All one needs to check out is data. The more we prioritize data collection, the easier it becomes to justify collecting more of it, paying short shrift to the very real concerns we all share regarding privacy. Because of social media, internet sleuths are able to engage in doxing— which is the revealing of personal information about individuals for nefarious purposes. The more data we have regarding juvenile offenses, the greater the likelihood that this information will be used – even unintentionally—for immoral ends.

The Department of Juvenile Services publishes annually a DJS Resource Guide, containing information about the treatment of juveniles, with special care paid to racial and ethnic disparities. DJS also publishes other, individual data guides and reports that are available online.¹ And while the Department of Juvenile Services currently provides general data sought by this bill, it is important to clearly identify additional information sought with specificity such that the safeguards of intended confidentiality for children and youth records are not jeopardized.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

¹ <https://djs.maryland.gov/Pages/Publications.aspx>.