



**TESTIMONY IN SUPPORT OF HB 294 BEFORE
THE MARYLAND HOUSE JUDICIARY COMMITTEE**

February 10, 2022

Dear Chairman Clippinger and Members of the Maryland House Judiciary Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for HB 294. We are grateful to Delegate Crutchfield for her leadership in introducing this bill and appreciate the Maryland Legislature’s willingness to address these important human rights issues concerning Maryland’s children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports HB 294 because it will end the process of automatically sending children to adult court in Maryland. The continuing practice of disregarding child status and automatically sending children to adult criminal court is a human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights states that “juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.” As such, automatically treating children as adults, regardless of the crime they are accused of, is a human rights abuse.

Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who are substance abusers, suffer from mental illness or are suicidal, or are formerly incarcerated. Studies have shown that approximately 90% of children in the juvenile justice system have experienced at least 2 ACEs, and 48% have experienced at least 4 ACEs.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal legal system. Policies that permit children to be automatically charged as adults ignore this truism and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

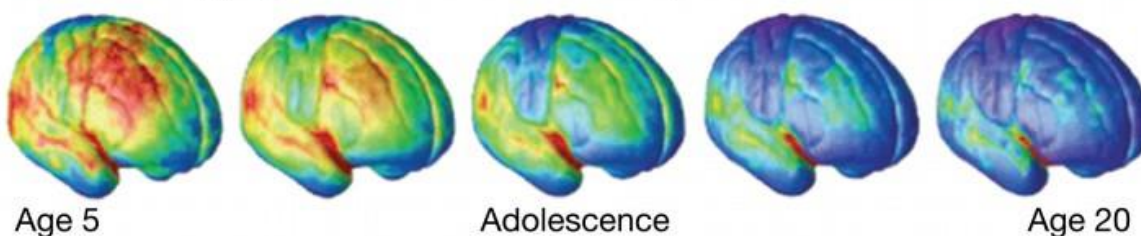
Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that that decision rightfully should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

Juvenile Brain & Behavioral Development Science

Studies have shown that children's brains are not fully developed. The pre-frontal cortex, which is responsible for temporal organization of behavior, speech, and reasoning continues to develop into early adulthood. As a result, children rely on a more primitive part of the brain known as the amygdala when making decisions. The amygdala is responsible for immediate reactions including fear and aggressive behavior. This makes children less capable than adults to regulate their emotions, control their impulses, evaluate risk and reward, and engage in long-term planning. This is also what makes children more vulnerable, more susceptible to peer pressure, and being heavily influenced by their surrounding environment.

Children's underdeveloped brains and proclivity for irrational decision-making is why society does not allow children to vote, enter into contracts, work in certain industries, get married, join the military, or use alcohol or tobacco products. These policies recognize that children are impulsive, immature, and lack solid decision-making abilities.

Dynamic mapping of human cortical development



Source: "Dynamic mapping of human cortical development during childhood through early adulthood," Nitin Gogtay et al., Proceedings of the National Academy of Sciences, May 25, 2004; California Institute of Technology.

It is for these reasons that children should also not be automatically subject to criminal court jurisdiction. In every aspect of our society we require individuals who work with or make decisions about our children to be specially trained in child development, i.e. teachers, day care workers, pediatricians, nurses, etc. However, Maryland's policy of automatically charging so many children as adults and vesting judges in criminal court with ultimate decision making authority over them is counter to how we treat children in every other aspect of our society. Like pediatricians and teachers in health care and learning settings, we should bestow decision making authority over our children in the legal system with juvenile court judges who have been trained specifically on child development.

Human Rights Violations

Because of the way children are treated in the criminal justice system, we designated Maryland one of the "Worst Human Rights Offenders" in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

Redemption for Maryland

Nelson Mandela once said, "*There is no keener revelation of a society's soul than the way in which it treats its children.*" What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults?

Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are actually victims of crime themselves.

Maryland's policies have firmly established the state as one of the worst human rights abusers in the nation when it comes to children in the legal system. But with the passage of HB 294, however, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. We have juvenile courts and juvenile court judges for a reason – to determine how children should be treated when they come into conflict with the law.

For these reasons, we strongly urge this committee to vote favorably upon HB 294 and end the human rights abuse of automatically charging children as adults. Thank you for your consideration.



James. L. Dold
CEO & Founder
Human Rights for Kids



MARYLAND MATTERS

Opinion: Md. Must Protect Child Trafficking and Sex Crime Victims in the Legal System

By Sara Kruzan

The writer received a life sentence for killing her sex trafficker when she was 16 years old but is now free. This piece was submitted by the Washington, D.C., organization Human Rights for Kids.

President Biden has declared January as [National Human Trafficking Prevention Month](#). Yet, some of the worst government-sanctioned human rights abuses are committed against child trafficking and sex crime victims right here in the United States.

I was in elementary school and only 11 years old when I met the man who robbed me of my childhood. Coming from a home and community where drugs and abuse were the norm, I was an easy target for a man with sinister intentions. From the time I was 13 years old until I was 16, I was a child sex trafficking victim who endured horrific abuse, rape and torture at the hands of my trafficker. I was eventually able to break free from the manipulative hold he had over me and returned shortly after that and killed him.

Despite being his victim of trafficking, sex abuse and rape, I was tried as an adult where none of the abuse and complex trauma I experienced throughout my childhood was admitted into evidence. The prosecution, the judge and the media depicted me as a sophisticated monster, the worst of the worst and sentenced me as such. The “justice” system sentenced me — a child sex trafficking and rape survivor — to life imprisonment without parole, plus four years, for killing the man who victimized me for nearly a third of my young life.

Injustices like this happen as a result of automatic transfer laws, as well as sentencing schemes that fail to center child status and trauma history when youth are tried as adults.

While I'm grateful that my sentence was commuted in 2013, I still spent nearly 20 years in prison. What happened to me was not justice. What has happened to other child sex trafficking victims like Alexis Martin and Cyntoia Brown, both of whom also received a life sentence for their involvement in the death of their trafficker and would-be rapist, is not justice. None of us should have been sent to prison in the first place — a far too common response for girls of color in our country — especially for actions taken against our abusers.

Imagine if we were your own daughter; how might you respond to the vile men who exploited and abused us? Is it so difficult to understand then how a 16-year-old girl, who was raped and abused and trafficked from the time she left elementary school, would end up killing the man who harmed her so? What should we do with her? Our answer to this question says a lot more about us than it does about her.

It is curious why a prosecutor would want to seek a life sentence for child sex trafficking victims who kill their rapists or traffickers, given what we know about traumatic bonding and the invisible chains that keep us bound in modern-day slavery. Yet, there has been little outrage for the too many child sex crime victims who are sitting in prison cells or awaiting prosecution for crimes committed against their rapists and traffickers.

The sad reality is that almost every girl who ends up in the juvenile or adult criminal legal system are victims of sexual or physical abuse, rape, human trafficking, domestic violence, or some form of severe trauma. Research has shown that [73% of girls experienced physical or sexual abuse prior to system involvement](#).

In addition, nearly [one-third](#) of girls in the juvenile justice system were sexually abused and nearly half experienced five or more Adverse Childhood Experiences (ACEs). Sexual abuse is one of the most common determining factors of girls becoming involved in the system. This sexual-abuse-to-prison pipeline, as [Rights4Girls](#) calls it, highlights a fundamental truth about youth delinquency and crime: unmitigated childhood trauma is the root cause for why children end up in the system to begin with. And yet, our justice system rarely recognizes or understands the impact that trauma has on children.

There is hope, however. The Maryland General Assembly has the opportunity this year to change the way that child victims like me are treated when they commit crimes. [Senate Bill 165](#) by Sen. Jill Carter will end the practice of automatically charging children as adults, which will ensure that a juvenile

court judge can properly weigh whether or not a child should be tried as an adult.

In addition, pending legislation by Sen. Susan Lee and Del. Lesley Lopez will require judges to consider child status, trauma history, and how children are different from adult offenders prior to sentencing. Their legislation will also create a presumption that judges should send cases involving child sex crime victims in situations like mine back to juvenile court for adjudication if they're convicted as adults. Such protections are known as Sara's Law, which is an initiative I started with the non-profit organization [Human Rights for Kids](#).

I can think of no better way for the Maryland Legislature to show solidarity and support to child victims everywhere during Human Trafficking Prevention Month than by passing these reforms to ensure that what happened to me doesn't happen to any child in Maryland. Our children deserve care, not cages.