

Dear Members of the House Judiciary Committee,

We are residents of District 46 and I am a member of Showing Up for Racial Justice's District 46 leadership team.

We are testifying in support of House Bill 294, on Juvenile Court - Jurisdiction.

HB0294 would end the practice of charging juveniles as adults.

The concept behind the juvenile justice system has always been that **youth, who by definition have not finished developing emotionally or cognitively**, are more receptive to rehabilitation, and the best thing society can do for young people engaged in bad behavior is to invest resources in and support them to become healthy adult citizens. Although the language has changed over the decades, the basic principle remains sound. As Frederick Douglass said, "It is easier to build strong children than to repair broken men."

And Maryland legislators recognized this, over 150 years ago. The first law in Maryland ordering the separation of those then labeled "juvenile delinquents" from adult detainees was passed in 1830,¹ although it took quite a while longer for our current system of a separate juvenile justice infrastructure to fully develop. But in the 1990s, after nearly a hundred years of becoming more and more progressive in how it treated youths accused of crimes, Maryland did an about-face. Amidst the "get tough on crime" rhetoric of the 90's, Maryland (and several other states) passed harsher criminal laws that, among other things, mandated that more children be charged as adults.² This mandate to charge children as adults applied not in response to a hearing, and not at the discretion of a prosecutor, but AUTOMATICALLY, based solely on the charge filed against the youth.

Three decades have provided ample evidence that this juvenile justice strategy does not reduce recidivism. According to a recent white paper on recidivism from the National Institute of Justice, "Evidence suggests that the practice of transferring adolescents from juvenile to criminal court does not exert a significant effect on aggregate juvenile violent crime. It contributes to higher individual recidivism rates and adversely impacts other correlates of desistance from crime (e.g., lower income in adulthood). Howell and colleagues' review of research confirmed that transferring youth to the adult system has detrimental effects on the likelihood, rate, and seriousness of reoffending."³

Furthermore, the system actively harms people: juveniles charged as adults are thrown into a system designed solely for adults, their names are published in the media with sensational

¹ Source: Maryland State Archives, <https://msa.maryland.gov/msa/mdmanual/19djj/html/djff.html>

² Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). Available at: <https://digitalcommons.law.umaryland.edu/rregc/vol14/iss2/4>

³ Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed). Available at <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

accounts of their alleged crimes, they may sit months and years in awaiting trial, and if convicted they face decades of prison or, if the judge deems them worthy of probation, a probation officer trained to work with adults. Probation officers for adults lack the ability to provide the same wraparound services as the Department of Juvenile Services. Even worse, the data shows that the vast majority of kids charged in adult court are Black (even though Black people are roughly 30% of Maryland's population), meaning this law contributes to the marked racial disparity in the way the criminal justice system works.⁴

Prosecutors argue that automatic adult charging is fine, because a judge has the opportunity to consider whether to send the juvenile to be tried in juvenile court. This ignores the fact that **transfer to juvenile court after being charged as an adult does not erase or repair the trauma caused by being thrust into the adult system**, the months sitting in jail without services or progress on their case, or the publication in the media of the juvenile's name and other identifying information. In contrast, if juveniles start in the juvenile system on day one, they benefit from quicker progress in the case, better understanding and accommodation of their needs as children, and the anonymity afforded to juvenile arrestees by law. A judge will still be able to send the case to adult court in the rare cases where it is warranted (and AFTER holding a hearing), but without the collateral damage to hundreds of other kids who never should have been in adult court, and whose charging as adults was required by law.

In recognition of the need for reform, in 2019 the General Assembly created the Maryland Juvenile Justice Reform Council (JJRC) and tasked it with examining the data and developing policies that would increase public safety and reduce recidivism. **As you are no doubt aware, the JJRC recommended in its supplemental report issued in October 2021 that the practice of automatic charging of juveniles in adult court be ended.** This legislation would implement that recommendation.

For these reasons, we strongly encourage you to vote in support of HB 294. It is certainly time to end the harmful practice of auto-transferring kids to a system built for adults. Whatever the ultimate disposition of the complaints or charges against the youth, the trauma endured by minors, charged and treated as criminal adults, remains with them their entire life.

Thank you for your time, service, and consideration.

Sincerely,
Lilly Chapa Thomson
Jared Thomson

212 S. Washington St.
Baltimore, MD 21231

⁴ Juvenile Justice Reform Council Supplemental Report,
http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf