

Submitted by: Rev. Dr. Marlon B. Tilghman (a Harford County, MD Pastor, U.S. Marine Corps SSgt, retired commission '92), 1118 Marksworth Road, Gwynn Oak, Maryland 21207.

House Bill 294
Juvenile Court – Jurisdiction
Ending Automatic Charging of Youth as Adults
Support

Del Luke Clippinger Smith and Honorable House Judiciary Committee,

BRIDGE Maryland, Inc. is a non-profit faith-based organization that uses intentional relationship building, organizing and intensive leadership development to strengthen congregations and faith leaders to demonstrate and advance justice in the world. One of our primary functions is raising the consciousness of Maryland on the great work you all have done and as your partners will do in the future. That is why BRIDGE Maryland supports House Bill 294.

This bill address one significant fact. Children and youth are not adults, and we should have the empathy to know and treat them differently. Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.¹ Is that the message we want our children to hear about the people who are supposed to care and protect them? Why does Maryland rank worst in the country for protecting the rights of young people in the legal system.² A major reason is that Maryland law requires some children to be automatically prosecuted in adult court for 33 offenses – putting us out of order with other states and international human rights law. Last year, Maryland sent more kids to adult court than California, Pennsylvania, Massachusetts, and Arizona combined. A staggering 93% of those were youth of color. I must believe we're better than this—we can be better than this.

In Maryland, children as young as 14 are automatically charged in adult court thus increasing the likelihood, they will re-offend sooner with a more violent crime than children who are charged in juvenile court. This practice undermines the purpose of the juvenile court system, pursues punishment rather than rehabilitation, and conflicts with what we know from developmental science. Furthermore, laws that allow youth to be tried in adult court reflect and reinforce the

¹ <http://dls.maryland.gov/pubs/prod/NoPbITabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² <https://humanrightsforkids.org/national-state-ratings-report/>

racial inequities that characterize the justice system in the United States.

Here are some FACTS that should inspire you to empathize with these children as you once were. Remember, you lead on this committee to wear a blindfold so that age-appropriate justice is your guide.

The Justice System is Biased Against Youth of Color

Youth of color are overrepresented at every stage of the Maryland court system.³ Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested⁴, detained, sentenced, and incarcerated.⁵ These inequities persist even after controlling for variables like offense severity and prior criminal record. Research shows that youth of color receive harsher sentences than white youth charged with similar offenses.⁶

Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; 80% were Black.⁷

“Tough on Crime” Laws Criminalize Youth and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted youth, families, and communities of color. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work.

However, time has shown that harshly punishing youth by trying them in the adult system has failed as an effective deterrent. Studies have found higher recidivism rates among juveniles tried and sentenced in adult court than among youth charged with similar offenses in juvenile court.

³ Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, *DJS Data Resource Guide FY2021*, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

⁴ Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

⁵ <https://goccp.maryland.gov/wp-content/uploads/juvenile-dmc-201101.pdf>

⁶ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

⁷ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020.

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.

We can and must treat our children better. Maryland should join the 26 other states who have passed laws to **treat kids like kids and end automatic charging**. BRIDGE Maryland urges this committee to issue a favorable report on SB 294.

Sincerely,

Marlon Tilghman

Rev. Dr. Marlon B. Tilghman,
Co-Chair of BRIDGE Maryland, Inc., Criminal Justice Workgroup