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POSITION IN FAVOR OF HOUSE BILL 294

I have been involved in juvenile justice issues over the past decade, both as a trial judge on the Circuit Court for Montgomery County and as a member of the DJS State Advisory Board. Having reached mandatory retirement in 2020, I am now Of Counsel to the Rockville law firm of RaquinMercer LLC. For the reasons stated below, I urge the Committee to issue a favorable report on House Bill 294.

During my nine years on the bench (three of which were spent sitting full time in the juvenile rotation), I saw first-hand the deleterious effects of automatic charging of juveniles in adult criminal court. This practice results in needlessly long stays in detention, as most of the cases initially charged in adult court are ultimately resolved by probation or transfer back to juvenile court. In the meantime, the lives of these juveniles are disrupted by being held in detention, and in many cases, they are irreparably harmed. California, with 39 million people, sent only 45 kids to adult court in 2019, while Maryland, with but a population of six million, sent 903 kids to adult criminal court in that same year. Indeed, in 2019 Maryland sent more kids to adult court than California, Pennsylvania, Massachusetts, and Arizona combined. A major reason for this disturbing disparity is that Maryland law requires some children to be automatically prosecuted in adult court for 33 offenses – putting us out of step with other states and international human rights law. A staggering 93% of those were youth of color.

Although it may appear counterintuitive from a public safety perspective, when young people are automatically charged in adult court, they are **more** likely, not less likely, to re-offend, sooner, with more violent crime than children who are charged in juvenile court. This is so because youths benefit from the rehabilitative opportunities offered in the juvenile justice system whereas the adult prison system merely teaches them to become hardened criminals. Studies have found higher recidivism rates among juveniles tried and sentenced in adult court than among youth charged with similar offenses in juvenile court.

Current 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 racial inequities that characterize the justice system in the United States. However, time has shown that harshly punishing youth by trying them in the adult system has failed as an effective deterrent.

There is a simple way to remedy this problem. As is already the case with less serious charges, the law should be amended so **all** cases involving juveniles are initially charged as delinquency cases in juvenile court. There already exists a mechanism to waive appropriate cases to adult criminal court. Initial charging in juvenile court with discretionary waivers to adult court (where a judge evaluates each juvenile and each charge), is a more equitable mechanism than automatic adult jurisdiction. Maryland should join the 26 other states who have passed laws to treat kids like kids and end automatic charging. I urge this committee to issue a favorable report on House Bill 294.

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