

Dear Members of the House Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with the Maryland Justice Project. I am a resident of **District 40. I am testifying in support of House Bill 337 (HB 337), Criminal Procedure - Sentencing - Primary Caretaker**



House Bill 337 allows a defendant who is the primary caretaker of a child or vulnerable adult to file a motion requesting the caretaker role be considered during sentencing. As an alternative to incarceration, the court may instead order drug and alcohol treatment, family and individual counseling, job training, home confinement, or several other programs. HB 337 would apply to defendants who committed nonviolent crimes and are primarily responsible for a minor child or vulnerable adult.

One of my best friend's fathers was arrested while he was a minor. Having to limit time spent with your dad to a small room with security looking down your back neither helped their relationship, but rather disconnected them in ways that couldn't have helped his dad readjust to life after getting his freedom back. Neither did it help my friend in trusting the security of the relationships in his life.

Separating a caretaker from a child or vulnerable adult doesn't serve families. In some cases, it is literally punishing the child for the sins of the father. As a result, not allowing consideration of the ripple effects of incarcerating a parent or caretaker ignores the best interest of communities and, ultimately, prioritizes what is vengeful over what is just.

Incarcerating primary caretakers causes long-lasting damage to Maryland's children, families, and communities. Being separated from a caretaker who is in jail or prison is recognized by the CDC as an Adverse Childhood Experiences (ACEs). Children who experience ACEs are more likely to have mental health challenges, substance use, and chronic health problems. Specifically, having a parent who is incarcerated is associated with poor academic outcomes, antisocial behaviors, and school suspension and expulsion. On any given day, 90,000 Maryland children have a parent under some form of correctional supervision. Persons of color are disproportionately impacted by our criminal justice system, meaning that children of color are especially at risk of experiencing the negative effects of parental incarceration.

While the impacts of incarceration on children are daunting, *these negative experiences can be prevented*. Community-based sentencing alternatives (such as HB 337) help children and caretakers. Sentencing alternatives allow a primary caretaker to be a stable, uninterrupted presence in a child's life. Justice-involved caretakers who stay with their children experience better outcomes as well. In Washington, women who participated in the Parent Sentencing Alternative program had a recidivism rate of 8%, whereas women who were incarcerated and separated from their children had a recidivism rate of 29%.

Finally, HB 337 proposes a more cost-efficient approach to sentencing. This bill saves money by potentially avoiding incarceration (a policy that costs \$44,000 per person per year in Maryland). By keeping families together, it may also reduce state spending on programs (such as foster care) that are activated by family instability.

It is for these reasons that I am encouraging you to vote **in support of HB 337, Criminal Procedure - Sentencing - Primary Caretaker**. Thank you for your time, service, and consideration.

Sincerely,
Jonathan Smeton
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Showing Up for Racial Justice Baltimore