



Maryland Defenders Union
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Written Testimony Submitted for the Senate Judicial Proceedings Committee
Maryland Defenders Union, AFSCME Local 423
SB 93 – Youth Equity and Safety Act
Sponsor: Senator Jill Carter
Judicial Proceedings Committee, Thursday, February 16, 2023

FAVORABLE

To Chair Smith, Vice Chair Waldstreicher, and members of the Committee,

We are writing in support of SB 93, the Youth Equity and Safety Act (“YES Act”). As members of the Maryland Defenders Union—core staff, social workers and attorneys at the Office of the Public Defender—we observe firsthand the horrors that children face when they are charged as adults. Often, they must spend months in a small cell in an adult jail separated from their families while awaiting their trials. Many youth have experienced profound trauma prior to being incarcerated, and this trauma is exacerbated by being detained in an adult correctional environment. Jails and prisons are generally designed with security and punishment as primary goals rather than rehabilitation. This means that children in adult facilities routinely experience long periods of isolation and have limited access to appropriate education. Unlike youth in juvenile detention facilities, there is no mental health treatment available to them as they await trial in adult facilities. Importantly, adult convictions even without a term of incarceration result in collateral consequences, which can impact a child’s future eligibility for employment, education, housing, and public benefits.

The YES Act would promote racial justice as the youth charged in the adult court in Maryland are disproportionately children of color. The YES ACT would also make our communities safer. Research from the Department of Justice’s Office of Juvenile Justice and Delinquency Prevention shows that addressing the root causes of delinquent behavior through rehabilitative treatment prevents recidivism more effectively than charging children in adult court. These findings are echoed in Maryland’s recidivism data which show higher re-incarceration rates of young people who are incarcerated in the adult system compared to young people who are transferred back to the juvenile system. As the great Marylander Frederick Douglass said in 1855, “It is easier to build strong children than to repair broken men.”

We ask you to vote for this bill so that Maryland can join the 26 other states that treat children like children in their court systems. We urge a favorable vote on SB 93.

Sincerely,

Maryland Defenders Union