



Maryland Crime Victims' Resource Center, Inc.

Continuing the Missions of the Stephanie Roper Committee and Foundation, Inc.

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TESTIMONY OPPOSING HB-0096

Yes, the juvenile who brought his ghost gun and shot sixteen times, killing one and wounding three, got six to nine months in a juvenile program. He will never have a criminal record of the event. When someone dates him, they will not know what he has shown himself capable of committing. When someone hires him, they will be deprived of the ability to make their own decisions about whether to trust his judgment, or his reputation for peacefulness and good order.

As the judge was deciding whether to try him as a juvenile or an adult, his gang members were posting music videos celebrating the murder and taunting the victim's family by chanting the victim's name repeatedly.

Later, upon his release back to the streets, there is another celebrations song posted in which they display their guns and dance as the simulate shooting them.

Any of you who are interested should look up the phrase "War in MoCo", presumably meaning War in Montgomery County.

If juvenile Justice is to handle serious offenders, it needs drastic overhaul. What of a juvenile who is sixteen at the time he murders? Juvenile Services almost never retains jurisdiction beyond the age of eighteen. By the time a trial and adjudication occur, the individual could already be that age. Some states can, in serious cases, retain jurisdiction well beyond twenty-one, so that they can provide long term rehabilitation and adequate supervision, two things Maryland juvenile Justice cannot provide.

There are many legitimate factors to be considered in dispositions of juvenile cases, and sentencing of adult crimes: incapacitation, meaning physically protecting society by isolating those who pose a danger, deterrence of both the offender and others by the gravity of the sentence, retribution for the offense, and rehabilitation. In the juvenile realm, which, once again was never intended to handle serious offenses, the goal has been to emphasize rehabilitation and de-emphasize retribution. So, let me ask: are we emphasizing rehabilitation when we afford a six-to-nine-month rehabilitation program to the offender, then put them back on the street? Do we do them any favors by placing them in a system that frees them of all restrictions when the turn twenty-one? Or are they better served in an adult system where there are more years of treatment, more years to mature beyond that magical age of twenty- five when their brains will be fully developed? Do you think that they may recidivate less in an environment where they face severe penalties if they violate probation or parole? When juveniles are assigned an in-custody treatment program that lasts

six months to nine months, the factor of incapacitation of the offender is ignored. The factor of deterrence becomes a joke, as in the "War in MoCo" case above. While retribution has very negative connotations, it serves a monumental purpose, which is also decimated by a brief term of confinement.

If you intend to create a world where all juveniles face trial in the juvenile system, fix that system first. Provide for meaningful terms of in-system treatment. Provide for extended supervision and jurisdiction well beyond the age of twenty-one. Ohio either has or has considered a system in which juvenile offenders can serve terms of confinement up to the age of 25, for example. Or give us back the former system, that takes serious violent, dangerous offenders and places them in the adult system, the only system that is designed to handle them in a fashion that makes sense. I know that prisons are not a good place for young people to be. But by federal law, and now by Maryland law, those under the age of eighteen are separated from the adult population. I know that the adult system has many flaws, but so does the juvenile system. I have represented clients in my private practice who were mistreated in both juvenile incarceration and in adult incarceration. I also know that the proponents of this bill and other similar ones intend only to help- to help the offenders. But by doing so, they are imposing devastating and dangerous consequences on the innocent of our society.

Please stop this. If you are inclined to vote for this, I invite you first to stand with me and our attorneys and advocates to explain to our victims, people like Anna Martinez, why the life of her some is worth six to nine months. Anna Help us try to dry her tears, place yourself in her shoes as best you can imagine, then then decide.

I listened to the proponent testimony, and I am shocked at some of the deceptive tactics. You were led to believe those who are tried for serious crimes in the juvenile system will be locked into secure facilities until they are 21. This is false. The average serious offender spends five months before return to the street. Almost no one is in the system after age 18. The recidivism statistics you were quoted did not apply to violent offenses. As well they would not be accurate, anyway. You were cited differences in recidivism rates for those tried as adults and those tried in juvenile court. Of course, the recidivism rates would be higher for those tried in adult court, because only the worst offenders are tried in adult court. Please don't be deceived by pseudoscientific displays of misplaced statistics.

Anna and her family came here from a Central American country so that her sons could be raised in a safe and sane country. Now she wonders how her dream of America could have been so misplaced. Like most victims, the first victimization, the murder of one son and wounding of the other was indescribable misery. But the second victimization was worse. It always feels worse when the government that you expect to take the side of truth, justice, right and fair play reserves those qualities for those who commit the crimes, not for those who endure the agony inflicted by flagrant, wanton, depraved, deliberate acts of inhumanity. Anna's story is one of many, we represent over eight hundred new victims a year. Whenever you want to meet someone like Anna, even from your district, please contact me. And please save some of your sympathy for those who did not perpetrate the crime. You see, Anna, and her surviving son don't get government paid counseling, work skills training, or the one-on-one treatment that our system reserves for the pullers of the triggers, not the receivers of the bullets.

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