



Knowledge of Self Therapeutic Services, PLLC

House Bill 96
Juvenile Court – Jurisdiction (Youth Equity & Safety Act)
Ending Automatic Charging of Youth as Adults
March 2, 2023
Support

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

My name is Dr. Markisha T. Bennett. I am a Maryland licensed clinical psychologist. I am a solo private practice business owner and a resident of District 4. I am submitting this testimony in support of HB96, the Youth Equity and Safety Act, which would make our communities safer and make our youth justice system more equitable by ensuring that all juveniles begin their cases in the juvenile court system.

In 2017, I became a vendor for the state of Maryland at the request of the Office of Public Defender. I was recommended to their office because of my training in juvenile forensic psychology and my specialization in treating and diagnosing complex traumatic stress conditions in children and adolescents. Since 2018, I have been retained by the Office of Public Defender in 13 counties to conduct forensic psychological evaluations for the purposes of Juvenile Waiver/Transfer Hearings. I have conducted and submitted 55 transfer/waiver reports to the Court. I provided testimony in 20 waiver/transfer hearings. Forty-three (43) of the 55 juveniles I evaluated were waived to the juvenile court. As of the date of this testimony, I have already been retained to conduct four (4) evaluations for the purposes of juvenile waiver/transfer hearings for this year.

From my experience directly evaluating these youth, I graciously request the Committee to consider a different view of two (2) opinions that I have commonly heard expressed from various adult colleagues, family members, and general community members about court involved youth.

Opinion 1: “If they are grown enough to commit the crime, then they are grown enough to deal with the consequences.”

Children and teenagers are not at all “grown.” The research has now made it abundantly clear that the brain is still actively developing well into a person’s mid-20s. What has not been made so clear to the public is that when a youth is exposed to prolonged trauma or distress this can have long lasting effects on their healthy development. Especially between early and middle adolescence (12 to 17 years old), stress and trauma often slows and impairs healthy social, emotional, and behavioral functioning.

The automatic charging of youth as adults, and the entire waiver/transfer process, is not only stressful, but it, in and of itself, is traumatic. For youth who have already been exposed to trauma, which many youthful offenders have, the waiver/transfer process is also retraumatizing. Nearly all the youth I have evaluated have either spoken of or I have directly observed them experiencing

distress associated with the waiver/ transfer process as it currently stands. They have expressed difficulty sleeping, thinking clearly, feeling anxious, down, and afraid because they are facing the possibility of being in the adult court and facing an adult sentence. Their brains during this time are not expanding, growing, or learning how to resolve conflict and make behavioral change in a healthy manner. Instead, their brains are being shocked into a state of prolonged and extreme distress, requiring them to divert all attention to survive the waiver/transfer process mentally, emotionally, and behaviorally. When many of these youth are subsequently waived to juvenile court, what then was the lesson that they learned? Rarely is it a scared straight deterrent that provides for protection to the public. The long-term outcome hardly ever is that the youth as learned to be mature and “grown.” More often, it is yet another traumatic experience intentionally imposed by the actual adults in their community that they now must overcome.

Opinion 2: “We have all had trauma or bad things happen to us as kids, not everybody goes out and commits crimes.”

This statement is very true. Everyone has experienced a traumatic event in their lives. However, the literature has overwhelmingly confirmed that court involved youth more often experience complex and chronic traumatic experiences from early childhood. I can attest that in my 15 years of working with children and youth, I have witnessed and treated the devastating effects of trauma that lead to poorer physical, mental, and behavioral health during adolescence.

I first worked in psychiatric facilities as a postdoctoral fellow at Sheppard Pratt, and a staff psychologist at the Psychiatric Institute of Washington. I worked with traumatized children and adolescents on their respective inpatient units. For many of their children they were admitted because they were harmful to themselves- suicide attempts, cutting, disordered eating, and running away from home. The way these children reacted to their trauma was what we call self-directed violence. We rarely if ever do we diminish the pain of these children by saying “everyone had trauma, not everybody is cutting them, so let’s commit you to the state hospital because you can’t get it together.” We adults exhaust all helping resources that are developmentally and age appropriate, first. The same should be the case for youth who act out their pain in a manner that can be harmful to both themselves, and others. I implore this committee to reset those health, age-appropriate and collaborative efforts of treating all children as children and ending automatic charging of youth as adults.

I respectfully urge this committee to return a favorable report on HB96.

Sincerely,



Markisha T. Bennett, Psy.D.
Licensed Clinical Psychologist
License # 05927 (MD)
License # PSY1000740 (DC)