

Friday, February 9, 2023

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TESTIMONY ON SB744 - POSITION: UNFAVORABLE
Juvenile Law - Reform

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Benjamin Shnider

My name is Benjamin Shnider. I am a resident of District 17. I am submitting this testimony against SB744, Juvenile Law-Reform.

Across the United States communities are seeing an uptick in kids committing certain types of crime. This trend has resulted in increased media coverage that consistently presents communities with a false choice between promoting safety and helping our children. Maryland is no different. But years of criminal legal system reform backed by research and data makes one thing abundantly clear: *what is best for kids is what is best for communities*. The approach prescribed by this bill fails on this score.

We must learn from our mistakes of the past. Youth arrests [grew by](#) 79% between 1985 and 1995 and this dramatic increase did not coincide with a precipitous drop in youth crime. Then, the United States experienced a 75% [drop](#) in youth arrests and a 74% drop in the number of young people who were committed to detention facilities or put into state custody over the subsequent two decades. Meanwhile, within that timeframe, complaints against young people in Maryland [dropped](#) by more than 55% between 2010 and 2019. In other words, crime fell among our youth only after incarceration and criminalization were deemphasized.

The failed approach embodied by SB 744 will also disproportionately impact Black and brown kids. Study after study [shows](#) that Black and brown youth are more likely to be charged with crimes, and incarcerated after being charged, than their white counterparts. Once charged or incarcerated, these kids are faced with the vicious cycle of recidivism that the traditional legal system [promotes](#).

Fortunately, diversion and alternatives to criminalization have proven capable of decreasing the likelihood of future criminal activity while mitigating disparities. In Maryland, one such tool has been woefully underused. Child in Need of Supervision ([CINS](#)) referrals offer kids accused of wrongdoing opportunities to connect with needed services. Referrals can be made by law enforcement or other government agencies and the Department of Juvenile Services (DJS) may then intervene to address gaps in a child's services and care. *But in my home County of Montgomery, only one such referral has been made by law enforcement since 2013.* Before we resort to interventions that have proven ineffective at addressing crime and *too* effective at

widening racial disparities, we should fully avail ourselves of the more promising interventions currently at our disposal.

We should also recognize that there's no shortcut to keeping kids out of trouble and helping them realize their full potential—which ultimately means fully funding and implementing the state's education [Blueprint](#). Maryland led the country in charting this path toward a best-in-the-nation education system over the coming decade that serves all kids equally. We now must continue to lead in making this plan a reality, which is perhaps the most vital long-term strategy at our disposal for providing kids with the opportunities and services necessary to prevent crime.

In Maryland we have a proud history of promoting equal justice, even under the most daunting of circumstances. Further criminalizing our kids in response to recent concerns about crime would prove a disservice to this proud heritage, while failing to make our state more safe.

I respectfully urge this committee to return an unfavorable report on SB744.