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TESTIMONY ON SB0744
POSITION: UNFAVORABLE
Juvenile Law - Reform

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

FROM: Andrew J. Miller on behalf of Jews United for Justice

My name is Andrew Miller. I am a resident of District 11. I am submitting this testimony in opposition to SB0744, Juvenile Law - Reform.

I am chair of the Social Justice Advocacy Committee of Chizuk Amuno Congregation in Stevenson, MD, and co-chair of the Synagogue Social Justice Roundtable which has representatives from 13 synagogue communities in Baltimore and Columbia. I am submitting this testimony on behalf of Jews United for Justice (JUFJ), which organizes more than 6,000 Jews and allies from across the state in support of social, racial, and economic justice campaigns. I serve on JUFJ's Baltimore Leadership Council.

When it comes to juvenile justice, Maryland has a worse record by some measures than any state in the U.S. other than Alabama. In our state, police officers have been recorded placing 5-year-olds and 8, 9, and 10-year-olds in handcuffs for acting out in elementary school. We put teenagers as young as 14 into adult prisons, and then to "protect" them from the adult prisoners we place them in solitary confinement for 23 hours a day. Overuse of solitary confinement in Maryland prisons violates international standards against torture. And there are enormous racial disparities in who is impacted. We need to keep all of this in mind when we decide whether to pass bills that will increase contact of children as young as 10 with the criminal justice system.

In 2022, we and our partners helped pass the Child Interrogation Protection Act (CIPA) and the Juvenile Justice Restoration Act (JJRA), modest but important steps toward protecting the rights of children in Maryland. Less than six months later, the media onslaught to undermine these laws began to churn. There was no wait for reforms to take effect before pressure mounted to roll them back. I will spare you the detailed recounting of things said by Sinclair Broadcasting CEO David Sinclair about his ability to force the legislature to retreat from those reforms, since they have been widely reported. I will note that at the press conference on January 31, President Ferguson stated that "While youth offenders account for less than 10% of the crimes committed... they have become the largest part of the **crime perception challenge.**"

The spike in juvenile crimes we have heard about occurred as the pandemic was ending and as emergency funding was going away, but even with that increase, the statistics show that juvenile complaints in FY22 and 23 were still lower than in every year between FY14 and FY20. That is not to minimize the impacts of crimes that occur; and we know that we need to respond to the voices of victims and support justice. But we also need to look at what the data are telling us. To quote Brenda Wintrode from the Baltimore Banner, “Maryland’s last decade of data revealed that as more youths were diverted away from the legal system, the use of probation also declined. And so, too, have the number of juvenile arrests.”

The new laws have been in place for less than two years and have barely had time to take effect; and funding for juvenile services has not yet recovered from \$135 million of budget cuts in the previous decade. We heard in last week’s press conference that the state doesn’t have the resources to provide children with the services they need before the end of the legal probation periods. We were told that is why this bill extends probation periods for 10-12-year-old kids by 1-2 years. Extending probation periods because of a lack of timely treatment options is not a solution, it is an admission of failure.

Rather than following what the data tell us about what works and what doesn’t, this law provides no language about the increased rehabilitative supports and positive incentives mentioned in the press conference, makes young children subject to the criminal court system for a larger number of offenses, and replaces some of the discretion of DJS with discretion of the State’s Attorneys offices. Are there data suggesting that replacing discretion of DJS with discretion of the State’s Attorneys yields better outcomes? Instead of increasing maximum probation periods for 10-12-year-old kids by 1-2 years, the state needs to prioritize getting them the treatment they need before they hit those existing time limits.

If we want to do right by our kids, we will ensure they have the chance to bounce back and atone for their mistakes by fully funding and implementing programs that help them do so, not by further criminalizing them. SB0744 in its present form will do nothing but punish kids and continue a cycle of violence.

For these and other reasons we **respectfully urge this committee to return an unfavorable report on SB0744.**