



SB 744
Juvenile Law - Reform
UNFAVORABLE

Dear Chair, Vice Chair, and members of the Committee,

The Maryland Youth Justice Coalition (MYJC) opposes SB744 as written, and asks for an unfavorable report. MYJC represents a diverse array of local, state and national organizations; we aim to work towards a Maryland dedicated to preventing children and adolescents from becoming involved in the legal system, upholding the highest standards of care when youth do enter the legal system, and ensuring a platform for system-involved youth and their families to be heard. MYJC strives for a Maryland where no children are at risk of system involvement and, if they are involved with the legal system, they and their families receive every possible opportunity to define and live safe, healthy and fulfilling lives through restorative practices supported by our state and local communities.

While SB744 was introduced amid promises of increased support and services to help kids make better choices, achieve better outcomes, and increase public safety, the details of the legislation focus almost exclusively on expanding the net of incarceration—which is known to put kids at heightened risk of personal, sexual, and emotional harm and, according to 20 years of research and experience, results in more recidivism and crime, not less.

At its core, this bill exacerbates racial disparities, ignores evidence-based best practices for improving public safety, and does not provide policy solutions or services that will improve youth behavior. The goal of the juvenile justice system is to hold youth accountable – which means taking responsibility, learning to improve behavior, and making amends. Data and research concludes that access to services and individualized treatment plans are the best ways to do this, and that incarceration and detention leads to worse long term outcomes for kids and public safety. Many of the provisions in this bill undermine the Juvenile Justice Reform Act of 2022 (JJRA) and return Maryland to youth justice policies that contribute to the over incarceration of Black and brown kids. We need to fund and provide more services so kids can access them at the start of supervision or probation when they are most effective; and create more, not less diversion programs outside of the Department of Juvenile Services (DJS) so kids can be kept out of the legal justice system.

This bill does not address the majority of the concerns brought up over the last year. The media, legislators, and the public have concerns over violent and other crime. This bill targets 10-12 year olds and misdemeanors, not the primary drivers of actual crime. The authors of this bill have conceded the bill addresses a “crime perception problem.”

We implore the committee to look at each provision and ask:

- “How will this improve safety?”
- “Is this an evidence-based solution?”
- “What is the racial impact?”
- “Will this lead to positive behavioral change?”

When it comes to kids, detention should always be a last resort and should be reserved for kids involved in the most serious situations.

Extending probation does not set up children for success. The JJRC found that juvenile probation needs to be limited and made the recommendations reflected in the current law. These changes have only been in place for roughly 18 months; there have been predictable implementation challenges (as with any reform), especially when it comes to providing sufficient services for kids on probation. The lack of available services means that kids have to wait to receive the services that may be critical to addressing unwanted behavior and helping them succeed. **The solution to this problem is to provide more services and target them to the children most in need. Instead, this legislation punishes kids for the failure of the state to provide timely services.** For many, it doubles their time on probation (without guaranteeing the child has services available to support them), and then holds them -- but not the state -- accountable for the state’s failures. How can we expect kids to improve their behavior if we are not providing them with the help they need to succeed? This is not the right approach. MYJC has similar concerns about increasing penalties that will send kids to detention for probation violations.

This bill does not correspond with the data and research. The JJRA was the result of a two-year intensive process, highlighted by community and other public meetings steeped in objective research and data that sought to align Maryland’s juvenile justice system with best practices for long-term public safety improvements. We understand there are serious implementation concerns about the JJRA, but the focus must be on holding our entire public safety system accountable to address these failures and identify ways to improve the system, and the solutions should focus on all of Maryland’s child-serving agencies. Children should not suffer retribution for the outright failures of the system or the inevitable adjustment period for the public sector that comes from any new law.

An oversight commission is a right step forward. MYJC supports the creation of an oversight commission in this legislation. Similar to the Blueprint for Education, the reforms passed in the JJRA need continued oversight to ensure they are being implemented properly, and to address challenges in that process. We recommend that the commission be tasked with reviewing the provisions in this bill including changes to the probation system, lowering the age of jurisdiction, and expanding detention eligibility, and then recommend what changes are appropriate to the legislature prior to next session. These proposals deserve time and consideration. We also support improving and expanding data collection and reporting by state’s attorneys, law enforcement, diversion services, and all of our child-serving agencies. We cannot make evidence-based decisions without proper data collection.

We can improve public safety and do what’s best for everyone. MYJC wants to be a part of the solution, but we strenuously oppose legislation that punishes children for the failures of government systems.

Given the extremely short amount of time (less than one week) between the bill text being available and testimony being due, we are not able to provide a line-by-line bill analysis, alternative solutions or suggested improvements at this time, but we urge the committee to hold public workgroup sessions and seek public input beyond this hearing.

This bill was drafted without the input of the kinds of national or local experts who appeared by invitation at the JJRC (and certainly not those most impacted by the justice system). The process comparison between the Juvenile Justice Reform Act and this bill -- which abruptly abandons it -- could not be more clear.

We hope that the legislature is willing to take a whole of government approach to solving these complex issues, and will consult not only with legal system entities (law enforcement, state's attorney's, public defenders and DJS), but also with our child-serving agencies and the vast array of child development and youth justice experts who are eager to collaborate. MYJC's members include child development professionals, legal and policy experts, service providers, youth mentors, community organizations, religious leaders and more.

For all of these reasons, MYJC requests an unfavorable vote on SB 744.

ACLU of Maryland
Advance Maryland
Baltimore Action Legal Team
Baltimore Algebra Project
Baltimore Jewish Council
BRIDGE Maryland
CAIR Maryland
Center for Criminal Justice Reform,
University of Baltimore School of Law
Center for Families, Children and the
Courts, University of Baltimore School
of Law
The Choice Program
Free State PTA
The Gault Center
Human Rights for Kids
Jewish Community Relations Council
(JCRC) of Greater Washington
Jews United for Justice
Juvenile Law Center

Justice Policy Institute
League of Women Voters of Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Mental Health Association of Maryland
National Center for Youth Law
National Youth Justice Network
Nolef Turns Inc
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Law

