



**Juvenile Law Reform
Senate Bill 744**

DATE: February 9, 2024

POSITION: Opposed

The Choice Program at UMBC respectfully opposes Senate Bill 744: Juvenile Law Reform primarily on the grounds that the proposed legislation will increase the court's jurisdiction over young people, dramatically expanding detention and probation. These changes will further entangle children and young people in the youth legal system. This will inevitably result in further racial and ethnic disparities, disproportionately adversely affecting the life chances of Black and Latine Marylanders. We believe that with proper community-based support and resources, all youth have the ability to succeed.

We are concerned that fear—not facts—is guiding these efforts to address public safety. The Annie E. Casey Foundation recently commissioned Fenton and The Harris Poll to measure public perceptions of crime. They found 7 in 10 Americans think crime overall and crime committed by youth in the U.S. has increased, but this is factually incorrect.¹ Youth crime is down in most categories.² We depend on legislators to be guided by research when crafting public policies.

Choice has served Maryland youth who are systems-involved for more than 35 years. Presently, we work with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive relationships and youth agency. We hold high expectations for youth and parents as well as high levels of support. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

As direct service providers with young people and their families, we know firsthand the many structural and geographic barriers that children, young adults, and their families must overcome to participate in rehabilitative services. This is why we are especially troubled by the provision to create a technical violation of probation for two or more unexcused absences at a treatment program ordered by the court. Unexcused absences are not clearly defined. We fear that youth

¹ *Talking about Youth Probation, Diversion, and Restorative Justice*, Annie E. Casey Foundation, (2022) Fenton and The Harris Poll <https://assets.aecf.org/m/blogdoc/aecf-talkingyouthprobation-2022.pdf>

² *Crime in the United States*, FBI, (2020)

<https://www.fbi.gov/news/press-releases/fbi-releases-2020-crime-statistics>

may receive violations for missed or delayed buses, for example, because many lack access to personal vehicles and reliable transportation. Technical violations and detention will remove them from the very community-based services they were unable to attend, doing further harm. This will have a disproportionate impact on youth and families in low-wealth communities who experience more transportation challenges than those children and young adults who are more affluent and live in better-resourced regions.

UMBC Professors Erika Fountain and Dillon Mahmoudi recently identified significant transportation obstacles (i.e., vehicle access) and spatial disparities between children and young people's residences and probation office locations.³ (While their focus is on probation offices, we may extrapolate to locations for court-ordered treatment and supportive services). Their findings suggest that there are several systemic barriers facing Baltimore's justice-involved youth that may affect access to and engagement with probation. They noted that 1 in 3 youths reside in areas with extremely low levels of vehicle access and where the median household income is 25% below the city median. When they mapped Baltimore City, they found that the majority of youth (78%) live beyond walking distances (more than 20 minutes); many required lengthy transit commutes. These findings highlight the structural and spatial barriers facing justice-involved youth that may impact access to and successful engagement with probation services.

This moment reminds us of the 1990s when criminologists promoted theories about Black men as superpredators. These scholars later disavowed and distanced themselves from these myths, not before legislators embraced the notions and passed public policies. Punitive laws led to over-policing and mass incarceration of Black men, women, and children in addition to low-wealth and other marginalized people. Such expensive policies did not make communities safer. They are a failed strategy. The American tradition of punishment has diminished our collective imagination about alternatives to detention. Evidence has demonstrated that most young people age out of criminal behavior. Successful interventions are community-based.

We believe that we are all better served when systems hold young people accountable for breaking laws, not rules.

We call upon our elected officials to recognize that the youth who are demonized in our current public discourse are humans who deserve supportive services. We maintain community repair and wellbeing depends on a vision of public safety that rejects the impulse to punish with detention, confinement, and longer probation periods. This session offers the chance to reform our youth legal system, to dismantle the school-to-prison pipeline, and to reduce racial and ethnic disparities especially for children and young adults. We urge greater investment in positive youth development.

For these reasons, The Choice Program urges an unfavorable report on SB 744.

³ Erika N. Fountain and Dillon Mahmoudi. "Mapping Juvenile Justice: Identifying Existing Structural Barriers to Accessing Probation Services." *American Journal of Community Psychology* 2021. 67 (1-2): 116-129. doi:10.1002/ajcp.12474