

Dear members of the House Judiciary Committee,

My name is Karen Caplan. I am a resident of District 18, in Silver Spring. I am writing in opposition to SB744, “Juvenile Law-Reform, Senate crossfile,” unless significantly amended to reflect the overwhelming data and the corresponding best practices that this bill does not currently acknowledge. Let me be clear that every Marylander deserves to feel safe. I commend you all on your concern for safety. But this hastily-introduced bill ignores years and years of research on children’s psychology and on the results of their entanglement in the justice system. It remains a bill that is primarily punitive rather than supportive, that *expands* debunked methods of responding to juvenile crime rather than pulling back.

Along with many Maryland advocates, I am particularly dismayed by the expansion of jurisdiction over 10 to 12-year-olds. I will repeat this: 10 to 12-year-olds. Children. Not adults in children’s bodies; I would have hoped we had moved beyond the extraordinarily harmful rhetoric of past years. These are not individuals we should be prosecuting, they are individuals we should be helping to change their behavior. Introducing them into the criminal justice system, no matter how much one describes it as a “service,” is likely, according to available data, to do the opposite. The JJRC studied this question for two years and recommended that we not prosecute these children, and the legislature agreed in 2022. In the interim, and in response, Maryland has been subject to a great deal of fearmongering about “juvenile crime.” But this should not stop us from following the evidence. While I welcome some amendments to the original bill, including the mandate for CINS petitions to be filed for car theft, I strongly believe that this bill’s approach to younger children is a recipe for harm.

I do not have space here to detail the entire range of concerns I have about this bill. Overall, it focuses far too much on pulling children into the criminal justice system instead of provided services that we have heard again and again are not as available as they should be in our state. The answer is not to treat the criminal justice system as a substitute for services, it is to put more resources into the services. Pre-trial detention and probation, both of which are expanded in this bill, only provide more opportunities for children to be drawn into a system which we know—there is no doubt about this data—makes it more likely for them to re-offend.

Finally, we should not shy away from recognizing that Black and brown children will be the biggest losers in the scenario this bill presents. There are enormous racial disparities in the juvenile justice system and this bill does nothing to address them; instead, by drawing more children in, it will only reproduce the current inequities.

Along with the Maryland Youth Justice Coalition, I support the creation of a commission that would be tasked with a broader study of this bill and its provisions. I support expansion of data collection and reporting from the offices and individuals that make up the juvenile justice system. We need to take a step back; just doing “something” to address the

perceived problem is not an adequate response. I therefore oppose this bill unless it is reduced to the creation of a commission and the expansion of data collection and reporting.

Sincerely,  
Karen Caplan, PhD  
Silver Spring, MD D18