



OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY

February 08, 2024

The Honorable Luke Clippinger, Chairman
House Judiciary Committee
6 Bladen Street, House Office Building
Annapolis, MD 21401

RE: Support of HB814 Juvenile Law – Reform

Dear Chairman Clippinger and Members of the Judiciary Committee:

I am writing to express my unyielding support for HB814 Juvenile Law – Reform. This comprehensive legislation speaks to the very essence of the issues we have raised and seen over the past year as State's Attorneys and law enforcement officers struggling to ensure public safety remains our top priority.

This bill outlines a wide array of solutions to problems that currently exist within the juvenile criminal justice system, and if passed in its entirety, I believe this will be responsible for fixing 95% of the issues we have been facing. Whether it be the extension of probation or the forwarding of cases to the State's Attorney's office for notification in a timely manner, these fixes will help address a glaring hole in existing law that has allowed for juvenile offenders to fall through the cracks for far too long.

In regards to probation, it does a disservice to both public safety as well as to the juvenile offender when a child is given an arbitrary time frame for probation without taking into account the amount of time it takes to accept a child ordered to programming or services, coupled with the time it will take that child to complete said programming. A six-month to one-year minimum for misdemeanor and felony charges, respectively, are simply not enough time to ensure the successful completion of services for that child. The offer to extend this period of time will assist not only those responsible for ensuring these children's rehabilitation, but also help that child fully appreciate the services provided and complete any such program so ordered by the courts.

Reducing the time period in which the Department of Juvenile Services has when referring a case to the Office of the State's Attorney greatly improves the quality of prosecutorial cases brought forth by our offices. And while we would hope for an even quicker turnaround, the 15-days being suggested is far better than the 25-days mandated by current law.



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As it relates to the provision to ensure that the Department of Juvenile Services forwards cases involving charges that would otherwise be known as felonies for adult violators is important for the integrity of the criminal justice system, as well as for our offices to be able to ensure that the elements of the crime are articulated in the charging documents, and that officers have adequate time to do so. We also feel it extremely important to have a quicker turnaround time for somebody from our offices to have direct contact with witnesses and victims of these crimes, who tend to feel ignored and isolated when they cannot find out what is happening with the circumstances surrounding their case, days and even weeks after the incident.

Given the current law, if DJS decides to divert or "informal" the case, it could take up to ninety days or more. If the juvenile offender is deemed unsuccessful in diversion, then the case could be forwarded to the SAO which takes an additional thirty days. From there, the SAO is tasked with charging a case within thirty days, then an arraignment could take up to four months. In sum, car theft cases often take months to weave their way through the juvenile system. This is to the detriment of both the juvenile offender who is not held to account for their actions in a timely fashion, nor are they able to receive services in a timely manner; not to mention the grief it does to the car theft victim who experiences greatly delayed justice, if at all.

Any crime that rises to the level of a felony should be reviewed by the SAO. As it stands now, a DJS intake officer is responsible for deciding the fate of a felony level case. The intake officer is neither an attorney nor a law enforcement agent and, thereby, are highly unlikely to appreciate the nuances of the felony cases brought to their attention. This DJS review alienates the rights of victims. In felony cases for which DJS is making the final decision, this delays justice for the victims.

In its totality, I believe that House Bill 814 will ensure that all the issues we have raised regarding the juvenile justice system will be addressed in this one piece of legislation. And is for that reason that I wholeheartedly support and urge a favorable recommendation of this bill.

Sincerely,

Ivan J. Bates

Ivan J. Bates
State's Attorney for Baltimore City