

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

My name is Rachel Doyle. I am a resident of District 21. I am submitting this testimony urging the Judicial Proceedings Committee to issue a favorable with amendments report on Senate Bill 422. While this legislation seeks to address components of our state's unacceptable system of automatically charging kids as adults, it does not go far enough and should be amended to end this practice entirely. Ending automatic charging for all children leads to better community safety, and better long term outcomes for the children who are brought into the legal system.

Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.¹ Maryland also ranks 4th highest in the country for the number of people convicted as adults when they were children according to a [2024 report](#) from Human Rights for Kids (HRFK). A major reason is that Maryland law requires some 14 and 15 year olds, and most 16 and 17 year olds to be automatically prosecuted in adult court for [33 offenses](#) – putting us out of step with other states and international human rights law.

In Maryland, children as young as 14 can be tried in adult court depending on what charge a police officer decides to levy against them. Research shows treating kids as if they were adults, in the adult criminal legal system, puts them at far greater physical, emotional, and psychological risk, and leads to higher rates of recidivism. When young people are automatically charged in adult court, they are more likely to reoffend, sooner, with more violent crime than children who are charged in juvenile court. This practice undermines the purpose of the juvenile court system, pursues punishment rather than rehabilitation, and conflicts with what we know from developmental science. Furthermore, laws that allow youth to be tried in adult court reinforce and perpetuate the racial inequities that characterize the criminal legal system in the United States.

The Current System is Biased Against Youth of Color

Youth of color are overrepresented at every stage of the Maryland court system.² Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested,³ detained, sentenced, and incarcerated.⁴ These inequities persist even after controlling for variables like offense severity and prior criminal record. Research shows that youth of color receive harsher sentences than white youth charged with similar offenses.⁵

¹

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, *DJS Data Resource Guide FY2021*, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

³ Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

⁴ <https://goccp.maryland.gov/wp-content/uploads/juvenile-dmc-201101.pdf>

⁵ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; more than 80% were Black.⁶

“Tough on Crime” Laws Criminalize Kids and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted children, families, and communities of color. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work. However, time has shown that harshly punishing kids by trying them in the adult system has failed as an effective deterrent. Studies have found higher recidivism rates among kids tried and sentenced in adult court than among kids charged with similar offenses in juvenile court.

Automatically Charging Kids as Adults is Costly for the State

Keeping children and communities safe should be our highest priority. That's why we must improve laws for teenagers facing criminal charges. Maryland's juvenile justice system is designed to hold teens accountable by providing them with tools and resources to change their behavior, and avoid future involvement in the criminal legal system. Yet every year, hundreds of kids are placed in the adult criminal justice system instead. And every year, judges decide to have 87% of these cases sent to juvenile court, dismissed, or granted probation – an expensive process that costs over \$20 million a year. This system is wasting resources that could go towards violence prevention and rehabilitative services that actually reduce crime. By requiring cases to start in juvenile court where a judge can review a case and decide whether it is in the best interest of both the youth and our communities to move the case to adult court, Maryland legislators would help produce better outcomes for youth, improve community safety, and save taxpayer money.

I respectfully urge this committee to return a favorable with amendments report on SB 422 and finally have Maryland join the 6 other states who have passed laws to treat kids like kids and completely end automatic charging.

Sincerely,
Rachel Doyle
District 21

⁶ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020.
<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.