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TESTIMONY ON HBI 433: Favorable with Amendment
Juvenile Court - Jurisdiction

TO: Chair Luke Clippinger, Vice Chair Bartlett , and members of the Judiciary Committee

FROM: Toby Ditz

I am Toby Ditz, a resident of District 40 in Baltimore City. I am submitting testimony in **support of HBI 433 with amendments.**

I am also a retired historian of the United States. One of my specialties is the history of family life. Historical scholarship shows that this country has never been willing to grant to Black children the same protections as we do white children. Until the nineteenth century, children of the poor were treated as little laborers, not as vulnerable youngsters requiring special care. But our failure to respect or even to recognize Black childhood is also the legacy of enslavement, with its brutal labor regimes and utter disregard for the integrity of Black families—a legacy reinforced by the era of Jim Crow segregation. As implicit bias studies have shown again and again, racist stereotypes of Black children persist strongly to this day. We see them as more dangerous and impulsive than white children, and as older than they are.

In the 20th and the 21st centuries, the criminal justice system has been one of the main inheritors and perpetrators of our differential treatment of white and Black children and families. The criminalization of Black childhood is at its most extreme when we treat children as *if they were adults* in criminal courts, where they do not have access to rehabilitative and educative services that should be available to the young, more exposure to violence and solitary confinement (a violation of human rights law). This practice is also pointlessly cruel because the majority of pre-conviction detention cases will ultimately end up in juvenile court or will be dismissed. But what is wrong for them is wrong for all minors, before or after conviction.

Maryland, we can do better. We must act decisively to disrupt the dismaying history of disparate treatment of black children in the criminal justice system. We must not give in to the current media obsession with crimes committed by youth, when the facts show that they commit a small percentage of violent crimes. This hysteria is fed by and reinforces the persisting stereotyping of black children.

So Let's start by making sure children are treated as children when they first come to court. I am pleased to see that **HBI 433** greatly narrows the number of cases that are automatically sent to adult court. This is a great start. But I support the MYJC request for amendments that

would end automatic charging for all offenses and for all children 17 and younger. *Please keep in mind this amendment changes only where cases start. It would still allow cases to be waived up to adult court after judicial review.*"

I respectfully urge this committee to return a favorable report with amendments on HBI 433.