



**TESTIMONY IN SUPPORT OF SB 323 BEFORE THE MARYLAND HOUSE
JUDICIARY COMMITTEE**

March 31, 2026

Dear Chair Bartlett and Members of the Maryland House Judiciary Committee:

Human Rights for Kids respectfully submits this testimony for the official record to express our support for SB 323. We are grateful to Chair Smith & Chair Bartlett for their leadership in introducing this bill and appreciate the Maryland Legislature's willingness to address these important human rights issues concerning Maryland's children.

Over the years too little attention has been paid to the most vulnerable casualties of mass incarceration in America — children. From the point of entry and arrest to sentencing and incarceration our treatment of children in the justice system is long overdue for re-examination and reform.

Human Rights for Kids is a Washington, D.C.-based non-profit organization dedicated to the promotion and protection of the human rights of children. We work to inform the way the nation understands Adverse Childhood Experiences (ACEs) from a human rights perspective, to better educate the public and policymaker's understanding of the relationship between early childhood trauma and negative life outcomes. We use an integrated, multi-faceted approach which consists of research & public education, coalition building & grassroots mobilization, and policy advocacy & strategic litigation to advance critical human rights on behalf of children in the United States.

Human Rights for Kids supports SB 323 because it will reform the process of automatically sending children to adult court and end the practice of housing children in adult jails in Maryland. The continuing practice of disregarding child status and automatically sending children into the adult criminal justice system is a clear human rights abuse. Specifically, Article 10 and 14 of the International Covenant on Civil and Political Rights require that "juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status . . . the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation." As such, Maryland's current practice of sending 1,000 children every year into the adult system is a human rights abuse.

High Rates of Adverse Childhood Experiences

In the vast majority of cases, children who come into conflict with the law are contending with early childhood trauma and unmitigated adverse childhood experiences (ACEs), including psychological, physical, or sexual abuse; witnessing domestic violence; living with family members who have substance abuse disorders, suffer from mental illness or are suicidal, or are incarcerated.

In Maryland, nearly 70% of children who were tried and convicted as adults had experienced at least 6 out of 10 Adverse Childhood Experiences prior to their incarceration. The average ACE score for this population was 6.4 out of 10. Nearly 74% had experienced physical abuse and around 40% experienced sexual abuse. The average age that this group of children first experienced abuse was just *six years old*. Notably, nearly **90%** of these children come from homes where one or both parents are absent. And in about 50% of those cases, parental absence is due to *parental incarceration*. These facts allow us to understand the contributing factors that lead children to become system involved in the first place.

Childhood trauma is the primary driver and root cause for how and why so many kids end up in the criminal justice system. Policies that permit children to be automatically charged as adults ignore this truth and divest juvenile court judges – who are trained in child development – from making a decision of what is in the best interest of the child and society.

Because most of the children accused of crimes have been victims themselves, automatic adult charging policies ignore and disregard both the victim and child status of these offenders. That is not to say that in appropriate cases public safety considerations may require the court to waive juvenile court jurisdiction, but that decision should rest with juvenile court judges. These judges are in the best position to weigh a child's trauma history with their potential for rehabilitation if kept within the juvenile system.

When a child comes before the juvenile system, their cases are processed fairly quickly. Children in the juvenile system are held in detention for an average of 71 days. During this time, youth are in the custody of the Department of Juveniles Services (DJS), which conducts a risk assessment and develops a treatment plan tailored to address the child's behavior and reduce the likelihood of recidivism.

However, less than a third of children placed in DJS facilities were originally charged in juvenile court. The other 68% are children who were automatically charged as adults waiting for a judge to determine whether adult or juvenile court is the right venue. It takes an average of 132 days, or over four months, before these cases are transferred from adult court to juvenile court and the child can begin receiving services in the juvenile system.

Even though a child is initially charged as an adult, 85% of the time they will be transferred back down to juvenile court or have their charges dismissed. But before the judge makes this decision, the child, who has most likely experienced severe trauma and abuse, sits in detention with no services, treatment, or accountability. This inefficient process delays true accountability for the children and does nothing to improve public safety.

While some children are placed in DJS facilities with other youth during this waiting period, many are held in adult jails, where they do not have access to the age-appropriate services they need to treat their underlying trauma. Because federal law requires that children in adult facilities be separated

from adult offenders, they are held in what amounts to solitary confinement. Imagine being a child who has already faced unimaginable trauma and abuse, and then being placed in a cell, alone, with very few opportunities to interact with other people.

Adult Jails and Lock-up

The severe harms that children face when placed in adult jails and prisons have been well documented. They include physical and sexual violence, solitary confinement, lack of mental health treatment, lack of educational programming, and isolation from family which are discussed in more detail below.

Physical and Sexual Violence

Children in adult prisons are five times more likely to be assaulted, and are nine times more likely to die of suicide than those in facilities for children. Abuse of children in prison is so pervasive that they intentionally commit infractions in order to be moved to solitary confinement to escape their abusers.

Recently published research in Maryland also underscores the tragic reality for children held in adult correctional facilities. Approximately 75% of children prosecuted as adults experienced abuse at the hands of older adult prisoners or staff as a minor.¹ Of those who indicated experiencing abuse, 88% were victims of physical abuse, 57% were victims of emotional abuse, and 15% were victims of sexual abuse or rape as children in Maryland's jails.²

Solitary Confinement

Some adult facilities preemptively move children into permanent solitary or restrictive housing as a “protective” policy. The result is that indefinite solitary confinement becomes the norm for many children in adult jails and prisons. Solitary confinement has long been recognized as a form of torture under the CRC and the UN Convention Against Torture. Such treatment holds unique harm for children whose normative maturation process takes place in the context of family, peers and community.

Children placed in solitary confinement can experience profound negative physical, emotional and psychological effects, including but not limited to psychosis, depression, increased aggression and increased risk of suicide. The use of solitary confinement on children can also lead to their failure to develop positive social skills, limited their access to developmental and educational resources, and can cause stunted physical growth due to inadequate diet and exercise.³ For children who have experienced trauma and abuse prior to their detention, the harmful effects can be even more profound.

Because of its well-documented negative effects of the use of solitary confinement on children, in 2012, the American Academy of Child and Adolescent Psychiatry (AACAP) issued a policy

¹ Disposable Children, Human Rights for Kids (November 2024) (<https://humanrightsforkids.org/wp-content/uploads/Disposable-Children-The-Prevalence-of-Child-Abuse-and-Trauma-Among-Children-Prosecuted-As-Adults-in-Maryland.pdf>).

² Id.

³ James, K., & Vanko, E. (2021, April). The Impacts of Solitary Confinement. Brooklyn, New York: Vera Institute of Justice, 1-3.

statement stating its concurrence with the United Nations standards and opposing the use of solitary confinement on minors.⁴

Mental Health Risks & Suicide

When children are held in adult jails and prisons, their mental health suffers due to isolation and increased risk to their physical wellbeing. Children who are held in adult facilities are 36 times more likely to commit suicide than children who are held in juvenile detention facilities.⁵

There are tragic stories across the country of children held in adult facilities who face life long detrimental effects. Perhaps the most high-profile is that of Kalief Browder, a 16-year-old New Yorker who was held at Rikers Island for three years, spending two of those years in solitary confinement.⁶ After he was released from incarceration, Mr. Browder died by suicide, never recovering from the effects of solitary confinement.

In January of 2024, 16-year-old Kayelyn Gwen Drake died by suicide in the Harrison County Adult Detention Center in Mississippi, just one day after she was booked into the facility which also held adults.⁷ After her death, Kayelyn's family's attorney stated "She was made to believe that her life was over . . . That she was unable to get out and scared half to death. Unable to talk to her family and her mother . . . and it was more than she could bear."⁸

It is not a question of IF, but a question of WHEN a child in Maryland will die under similar circumstances, and if the legislature will act in time to prevent such a tragedy from happening.

Lack of Educational Programming

The educational programs that adult prisons provide – mostly geared towards GEDs or professional training, are not designed for a child seeking a high school diploma, so much so that their time in class may not even be credited as progress. There are no individualized programs or accommodations for special needs, and if the prison imposes a period of isolation on or takes disciplinary action against a child, then what little educational programming that is provided may grind to a halt. Children are often unable to participate in educational programming within jails or prisons due to 'sight and sound' restrictions that are meant to protect them from physical or sexual violence at the hands of older adults in prison. Children who were given lengthy prison terms, like life or de facto life sentences, are often prohibited from participating in programming.

Isolation from Family

By removing children from naturally occurring supports, such as connections to family, school and community mentors, children are denied pathways to build their resiliency and address the trauma at

⁴ https://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx

⁵ Arya, Neelum. *Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails*. Los Angeles, CA: UCLA School of Law, 2018.

https://drive.google.com/file/d/1LLSF8uBlrcqDaFW3ZKo_k3xpk_DTmItV/view

⁶ <https://www.nytimes.com/2015/06/09/nyregion/kalief-browder-held-at-rikers-island-for-3-years-without-trial-commits-suicide.html>

⁷ <https://www.wxxv25.com/familylawsuit/>

⁸ Id.

the root of their behavior. Furthermore, such removal inhibits the development of important familial connections, hindering development and negatively impacting children’s mental health.

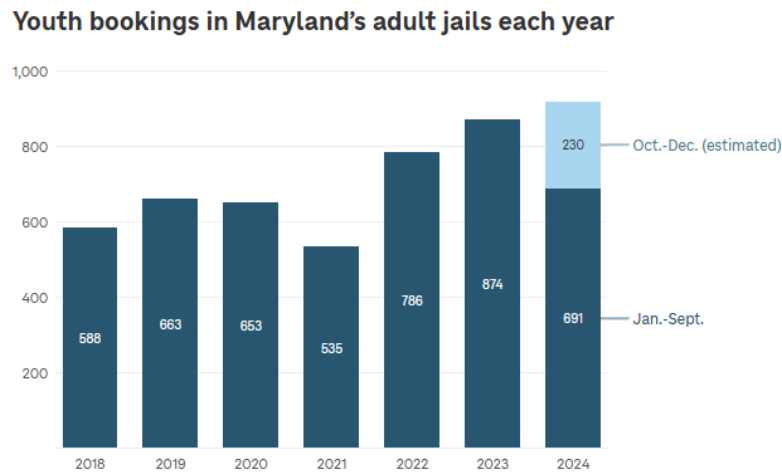
Congressional Response

As a result of the severe trauma and abuse that accompanies the placement of children in adult correctional facilities as detailed above, Congress enacted the Prison Rape Elimination Act and incorporated unique protections for children charged as adults in the Juvenile Justice Delinquency and Prevention Reauthorization Act of 2018.

Those protections include: (1) requiring children to have “sight and sound” separation if they are placed in adult correctional facilities, and (2) requiring a judge or commissioner to review their placement within 6 hours of being admitted into an adult facility and every 30 days thereafter. Compliance with these protections are essential in order for states to receive federal funding to support their juvenile justice programming.

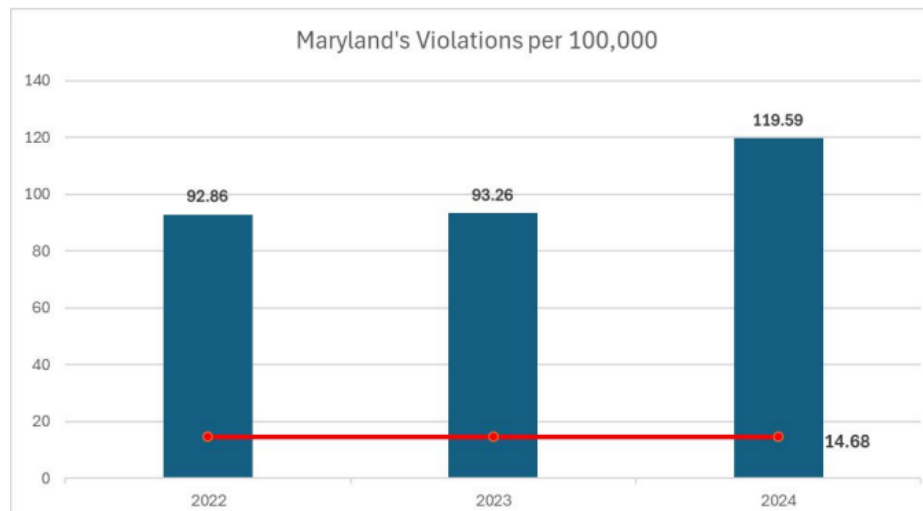
Maryland is a National Outlier & One of the Worst Human Rights Offenders

⁹Despite these mandates and calls from human rights advocates to change the way youth are treated in the state, Maryland has flouted federal law.



⁹ Maryland fails to protect young inmates in adult jails, Rachel Baye, June 5, 2025 (<https://www.npr.org/2025/06/05/nx-s1-5416801/maryland-fails-to-protect-young-inmates-in-adult-jails>).

¹⁰Since the latest reauthorization of the JJDPa in 2018, Maryland has booked between 500 and 1,000 children in adult jails or lock-ups every year. Most of these youth are Black.



The sheer volume of the number of children placed in adult facilities and the state's inability to safely house them in accordance with federal law has resulted in Maryland accruing nearly 10 times the number of acceptable violations to maintain federal funding.

Fiscal Impact of Noncompliance with Federal Law

While the human cost of placing a child in an adult jail cannot be overstated, committee members should consider the fiscal impact of this legislation as well. On January 6, 2026, the U.S. Department of Justice sent a letter to state leaders informing them that the state had lost 20% of its federal grant allocation under the JJDPa, because of the violations described above. This is due to the number of children who are currently held in adult jails and lockups across the state who regularly come into contact with older adult prisoners and/or are not seen by a judge or commissioner within 6 hours of their detention.

Over the next 3 years, the Governor's Office on Crime Control and Prevention estimates that Maryland will lose approximately \$2 million dollars. The amount of money lost will increase every year the legislature fails to act.

Racial Disparities

National estimates show that 88% of youth held in adult jails are youth of color.¹¹ In Maryland, because 87% of youth who are automatically tried as adults are Black, we can assume that the national estimate is accurate for state facilities since the youth held in adult facilities are those who are tried in adult court.

¹⁰ Presentation by GOCCP (<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>).

¹¹ Arya, Neelum. Getting to Zero: A 50-State Study of Strategies to Remove Youth from Adult Jails. Los Angeles, CA: UCLA School of Law, 2018.

Human Rights Violations

Because of the way children are treated in the criminal justice system, we designated Maryland one of the “Worst Human Rights Offenders” in the nation in our 2020 National State Ratings Report. Maryland was penalized in our assessment, in part, for its automatic charging policy that has resulted in the state being second in the nation, only to Alabama, in the number of youth charged in adult court every year. It should be noted that more than 80% of youth charged as adults in Maryland are Black. Such practices are contrary to human rights law and have made Maryland a national outlier.

While it is important to note that the vital reforms to the juvenile justice system passed since the aforementioned 2020 report resulted in Maryland’s recognition as the “most improved state” in the 2022 edition of our National State Ratings Report, Maryland is still penalized for its automatic charging policy which is inextricably linked with its policy of housing children in adult jails and lockups.

In late 2022, Human Rights for Kids requested and received data from the State of Maryland on people who are currently incarcerated for crimes they were convicted of as children. According to our analysis of the data provided by the State, there are 1,132 currently incarcerated people who fit this description. This number represents 6.09% of Maryland’s overall prison population, which is more than double the national average of 3%. Maryland ranks 4th highest in the nation for the percentage of its overall prison population that has been incarcerated since they were children. Only Louisiana, Wisconsin, and South Carolina have higher percentages.

When considering the current law on automatic charging, Maryland’s status as one of the top incarcerators of children in the entire country should not be surprising. The state’s high rates of incarcerating children are a direct result of the longstanding policy of automatically charging high numbers of children as adults.

Redemption for Maryland

Nelson Mandela once said, *“There is no keener revelation of a society’s soul than the way in which it treats its children.”* What does it say about our soul then if we allow so many children, the vast majority of whom are Black, to be automatically charged as adults and placed in adult facilities where they are physically and sexually abused?

By beginning so many children in adult court and thereby becoming a mass incarcerator of children, Maryland is disregarding international human rights norms, juvenile brain and behavioral development science, and the fact that so many of these children are victims themselves.

With the passage of SB 323, Maryland can find redemption by recognizing that kids are different and should be treated differently in the legal system. **It is for the foregoing reasons that Human Rights for Kids respectfully requests that the Committee issue a favorable report on SB 323.** Thank you for your time and consideration.

Submitted by:

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Chief Executive Officer & Founder
Human Rights for Kids