



WES MOORE  
*Governor*

ARUNA MILLER  
*Lieutenant Governor*

DOROTHY LENNIG  
*Executive Director*

## **TESTIMONY IN SUPPORT OF HOUSE BILL 409**

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### **DOROTHY J. LENNIG, GOCPP EXECUTIVE DIRECTOR**

The Governor's Office of Crime Prevention and Policy (GOCPP) serves as Maryland's central coordinating agency for criminal and juvenile justice policy, federal grant administration, and compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP).

Compliance monitoring under federal law requires that GOCPP provide for an effective system of monitoring to ensure that the core requirements of the JJDP are met. The requirements are:

- Deinstitutionalization of Status Offenders
- Sight and Sound Separation of Juveniles from adults in institutions
- Removal of juveniles from adult jails and lockups
- Addressing Racial and Ethnic Disparities

GOCPP submits an annual report to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), citing the number of violations for each of the first three core requirements. The number of violations is collected from every applicable facility across the state. Maryland currently has 215 physical facilities that are a part of this monitoring universe. GOCPP identifies, investigates, and verifies all data provided from a monitored facility. Violations of any core requirement are counted and reported annually.

HB 409 reforms Maryland's automatic charging statute by restoring juvenile court as the default jurisdiction for some youth cases, narrowing Maryland's automatic charging law by removing robbery, some assault charges, several firearm offenses, and other non-life-eligible charges from automatic adult court jurisdiction, while preserving adult court for the most serious violent crimes. Under current law, if any of the 33 separate offenses are charged, the youth's case will start in adult court. Opponents often argue that lowering the number of offenses in this statute softens the concept of accountability. However, the bill preserves judicial discretion, while reducing automatic adult court exposure as a default and maintaining an age-appropriate structure for accountability in the youth system. This is both fiscally advantageous and utilizes best practices to reduce mental and physical health impacts of the adult correctional system.

Housing youth in adult jails can lead to serious, unintended consequences to their physical and mental health. Most adult jails cannot accommodate sight and/or sound separation, resulting in youth being placed in with the adult population or held in solitary confinement or isolation.

The research on youth held in solitary confinement shows the damage done to a young person. Isolation poses serious psychological and physical risks, including anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, paranoia, and psychosis, along with physical symptoms such as appetite and weight loss, headaches, heart palpitations, and sleep problems. Youth are particularly susceptible to these risks due to ongoing brain development—particularly in the prefrontal cortex, which governs impulse control, decision-making, and strategic thinking and does not fully mature until the mid-twenties.<sup>1</sup> The risks are further compounded by the high prevalence of existing psychological disorders among justice-involved youth, with researchers estimating that nearly 60 percent of arrested juveniles have some form of mental illness.<sup>2</sup>

By limiting exposure to these environments, youth can remain in developmentally appropriate environments that foster growth and development during vulnerable times. Alternatives to pre-trial detention in adult facilities may allow for youth to remain in connection with critical support systems, such as family ties and education, that may lead to better post-detention outcomes and may result in higher compliance with court dates and lower levels of reoffending.<sup>3</sup>

Maryland's current rate of youth detained in adult facilities far exceeds the federal compliance threshold and is the national outlier for violations. In FY2024, Maryland's violation rate for holding youth in adult jails reached 119.59 per 100,000 youth. The federal compliance threshold is 14.68 per 100,000. As a result, Maryland faces ongoing noncompliance with the JJDP's removal and separation requirements and is at risk of losing federal formula grant funding. GOCPP estimates an approximately \$2 million loss in federal funds available to community providers over the next three years, with the majority of funds required to be redirected toward compliance activities rather than community-based services.

GOCPP's compliance monitoring analyses show that Maryland's current automatic charging framework is a primary driver of prolonged youth detention in adult facilities, federal noncompliance, and avoidable costs. A review of recent data obtained directly from the adult jails shows that this bill could reduce the number of youth intakes into adult jails by almost 65%. This change would bring Maryland much closer to compliance with the JJDP.

**GOCPP urges the House Judiciary Committee to report favorably on HB 409.**

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<sup>1</sup> Giedd, J.N. (2004). [Structural magnetic resonance imaging of the adolescent brain](#). *Annals of the New York Academy of Science*, 1021(1), 77-85

<sup>2</sup> Teplin, L. A., Abram, K. M., McClelland, G. M., Dulcan, M. K., & Mericle, A. A. (2002). [Psychiatric disorders in youth in juvenile detention](#). *Archives of general psychiatry*, 59(12), 1133–1143

<sup>3</sup> IBID