

Dear Members of the Judiciary Committee,

This testimony is being submitted by Showing Up for Racial Justice Baltimore, a group of individuals working to move white folks as part of a multi-racial movement for equity and racial justice in Baltimore City, Baltimore County, and Howard County. We are also working in collaboration with Out For Justice. I am a resident of **District 46. I am a community association board member, workforce development civil servant, and volunteer who cares deeply about my Baltimore community. I am testifying in support of SB323, the Youth Charging Reform Act, but ask that you consider amendments to the bill.**



Showing Up for Racial Justice

I was pleased to see that SB323 passed out of the Senate, but disappointed that it was greatly weakened by amendments. Initially, the bill removed 17 charges for which children can automatically be charged as adults, including entirely ending the practice of charging 14 and 15 year old children as adults. However, the amended version now only removes 7 charges, leaving the majority of charges to continue to subject children to automatic adult prosecution.

The current system of automatically charging minors as adults for numerous crimes arose out of the 1990s “tough on crime” push that encouraged people to view children charged with crimes - particularly Black children - as “super predators” who were incapable of rehabilitation and needed to be sent to jail and written off.<sup>1</sup> Maryland, once progressive in its view of youth crime, is now a national outlier in its practice of automatically charging young people as if they were adults. Per capita, we send more young people to adult court based on offense type than every other state but Alabama.<sup>2</sup> Additionally, the current system disproportionately affects Black youth, as nearly 80% of Maryland youth charged in adult court are Black.<sup>3</sup>

The practice of charging children as adults is inhumane. It is also economically wasteful, as the vast majority of these cases are either transferred to juvenile court or dismissed.<sup>4</sup> Finally, it does not even do what it is intended to do, since statistics indicate that automatic charging of youth as adults does not decrease youth crime generally or reduce recidivism by the youth so charged.<sup>5</sup> By significantly decreasing the automatic charging of youth as adults, we can bring Maryland more into line with modern juvenile justice standards, redirect resources to treating rather than simply imprisoning young offenders, and ultimately improve the safety of our communities by preventing re-offending.

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<sup>1</sup> Jason R. Tashea, & Al Passarella, *Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City*, 14 U. Md. L.J. Race Relig. Gender & Class 273 (2015). <https://digitalcommons.law.umaryland.edu/rrgc/vol14/iss2/4>

<sup>2</sup> The Sentencing Project, National Trends in Charging Children, Presentation to the JJRC (July 20, 2021). <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-inCharging-Children.pdf>

<sup>3</sup> Juvenile Justice Reform Council Supplemental Report, [http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final\\_2021SupplementalReport.pdf](http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/JJRC-Report-Final_2021SupplementalReport.pdf)

<sup>4</sup> In 2017-19, 48% of juveniles charged as adults in Baltimore City were returned to juvenile court, and 33% were dismissed or otherwise closed without a verdict. In MDEC counties the figures were 41% and 36% respectively. Juvenile Justice Reform Council Supplemental Report p 33.

<sup>5</sup> Lila Kazemian, *Pathways to Desistance From Crime Among Juveniles and Adults: Applications to Criminal Justice Policy and Practice*, Nov. 2021 (internal citations removed), <https://www.ojp.gov/pdffiles1/nij/301503.pdf>

It is for these reasons I ask that you support **SB323**. In any form, the bill is an improvement to the current status quo, but I ask that you please work with your colleagues to ensure crimes charged under § 3-403, § 3-405, and § 3-403 of the Criminal Law article are included in the final version of the bill. The majority of children charged with these crimes are either transferred to juvenile court or have had their cases dismissed outright.

Thank you for your time, service, and consideration.

Sincerely,

**John Preston Ford**

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Showing Up for Racial Justice Baltimore