



HUMAN RIGHTS
for KIDS



MARYLAND YOUTH
JUSTICE COALITION



UNIVERSITY OF
BALTIMORE

Sayra and Neil Meyerhoff
Center for Families,
Children and the Courts



UNIVERSITY OF
BALTIMORE

Center for Criminal
Justice Reform

TESTIMONY SUBMITTED BY HUMAN RIGHTS FOR KIDS, THE MARYLAND YOUTH JUSTICE COALITION, THE CENTER FOR CRIMINAL JUSTICE REFORM AND THE MEYERHOFF CENTER FOR FAMILIES, CHILDREN AND THE COURTS AT THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW IN SUPPORT OF HB 389 BEFORE THE MARYLAND HOUSE JUDICIARY COMMITTEE

February 5, 2026

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

The above referenced groups respectfully request a favorable report on HB 389. We are grateful to Chairwoman Bartlett for her leadership in introducing this bill and we appreciate the opportunity to express our support.

We support HB 389 because it will end the shameful practice of housing children in adult correctional facilities – a severe and rampant human rights violation that occurs every day across the state of Maryland. Youth who are placed in adult jails or lock-ups often experience physical, sexual, and emotional abuse by older adult prisoners. In an attempt to protect these vulnerable children, adult correctional facilities typically place them in the only place they can – restrictive housing. Those protections, while well-intentioned, mean that children are housed in solitary confinement for days, weeks, months, or sometimes even years on end. This legislation will fully protect children charged as adults against potential abuse and torture through solitary confinement by prohibiting the placement of children in adult detention facilities. Instead, youth will be placed in age-appropriate settings through the Department of Juvenile Services (DJS).

Children in Adult Jails and Prisons

In the late 1980's and early 1990's states began passing laws to make it easier to transfer children into the adult criminal justice system which exposed them to the same treatment as adults, including being housed in the same facilities. Between 1993 and 1997 the number of

children housed in adult jails more than doubled. On any given night in America there are more than 2,200 children in our jails and prisons. Approximately 87% of these youth are in local jails, while the other 13% are in state prisons.

Policymakers were driven by the now-debunked “Super-Predator Theory” which stated that a new generation of child predators were coming of age who were more violent and less remorseful than ever before. These children, the authors said, were “Godless, jobless, and fatherless” monsters and urged states to respond by treating them as adults and thereby exposing them to these inhumane, degrading, and cruel conditions. Maryland was no exception. Today, there are 33 offenses that automatically land children in adult courts and jails across the state.

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

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.

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 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

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

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.

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

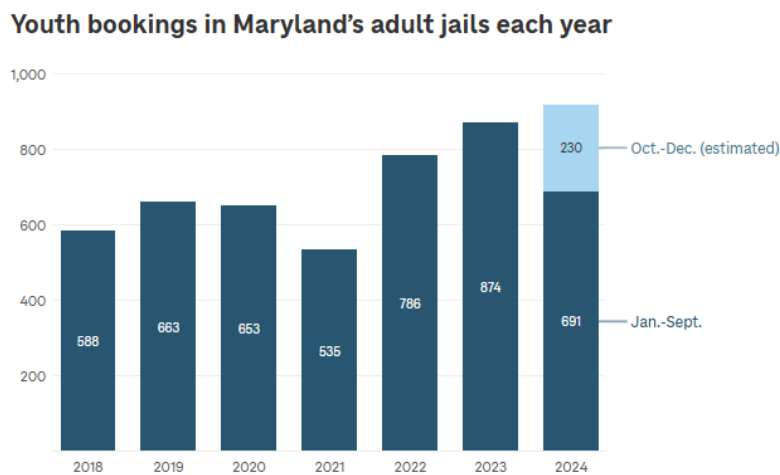
Congressional Response

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.

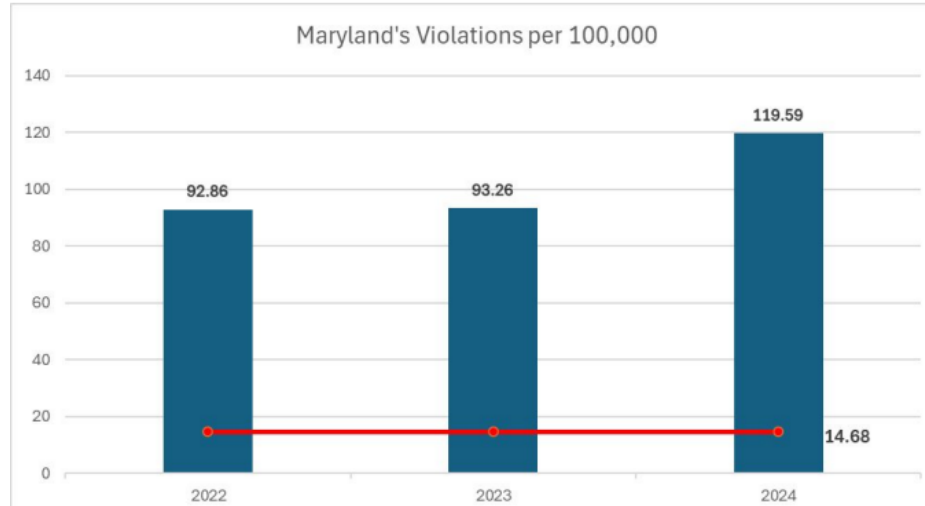
Maryland is a National Outlier & One of the Worst Human Rights Offenders

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.

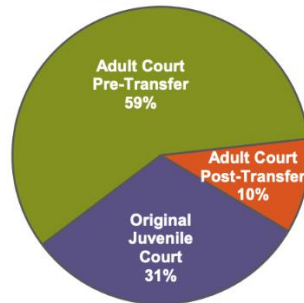
¹⁰ Presentation by GOCCP (<https://gocpp.maryland.gov/wp-content/uploads/MACo-Compliance-Presentation-8-2025-1.pdf>).

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.

The Solution: HB 389

The population who would be most affected by HB 389 are children charged as adults, who would be held in juvenile facilities instead of the horrific conditions in an adult detention center. Many children charged as adults, but not all of them, are already held in juvenile facilities run by the Department of Juvenile Services (DJS). From May 2023 to April 2024, approximately 59% of the children held in DJS facilities were children who were charged as adults and awaiting the outcome of their transfer hearing. Another 10% were children being held post-transfer hearings.

Maryland Juvenile Detention Center Population
(May 2023 – April 2024)
Avg. Daily Pop = 257



Over the last year, an average of 7 in 10 youth in detention were either being held on adult cases or had been transferred down to juvenile court

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Thus, DJS is already safely housing children who are charged in adult court. On any given day, approximately 30-35 children are left in adult jails across the state – a population that can easily be absorbed by existing DJS facilities. Under HB 389, these children would be housed alongside the other children charged as adults who are already placed in DJS facilities.

Conclusion

Nelson Mandela once said, *“There is no keener revelation of a society’s soul than the way in which it treats its children.”* Children can and do commit serious crimes. While they must be held responsible, we cannot sanction the use of torture or cruelty as a means to hold them accountable which is what happens when children are placed in adult correctional facilities.

HB 389 will end this human rights abuse by ensuring that all children are held in juvenile detention facilities regardless of their offense or whether they were tried as an adult. The legislation will have the added benefit of bringing Maryland back into compliance with federal law and putting the state on a path to have its federal funding restored.

Submitted on behalf of HRFK, MYJC, the Center for Criminal Justice Reform and the Meyerhoff Center for Children, Families and the Courts at UB Law School by:

James Dold, Human Rights for Kids

¹² Chart from Nate Balis, presentation at Attorney General’s Maryland Equitable Justice Coalition. Figures in chart: juvenile detention data from Maryland Department of Juvenile Services Research and Evaluation Unit and the DJS Data Resource Guide.