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February 6, 2026

The Honorable J. Sandy Bartlett
Chair, Judiciary Committee
Maryland House of Delegates
100 Taylor House Office Building
Annapolis, MD 21401

RE: HB 409

Dear Chair Bartlett:

I write in opposition to HB 409.

The juvenile justice system in Maryland is broken. The Department of Juvenile Services (DJS) suffers from chronic understaffing, especially at its residential facilities. As a consequence, DJS has had to resort to overtime, costing taxpayers thousands of dollars. DJS programs are not effective. They generally are short-term and do not focus on achieving real behavioral change. Finally, DJS does not have the capacity in its residential facilities to meet existing needs.

These observations are not mine. They reflect the words used by Acting Secretary Tolentino to describe the agency she inherited a little more than 6 months ago. I recognize that the Acting Secretary is moving to address these problems, but she is not there yet, not by a long shot. Before any more responsibility is given to DJS, the resources must be allocated to insure that DJS can do the job.

HB 409 will undermine public safety. Let me explain why.

When a juvenile is arrested and charged as an adult, the decision on whether to detain or release that juvenile is made by a Judge, in open court, after receiving input from the State's Attorney and from defense counsel. There is transparency.

On the other hand, when a juvenile is arrested and brought into the juvenile justice system, the decision on whether to detain or release that individual is made, not by a Judge, but by a DJS intake worker. There is no input from the State, or from defense counsel for that matter. There is no transparency.

The decision on whether to detain or release a juvenile at the time of initial charging has critical public safety implications. After all, juveniles who are released can reoffend or threaten or harass the victim. Do we really want these decisions, in cases involving the most serious kinds of

offenses, to be made by caseworkers or by Judges who are trained in the law and accountable to the citizens? The answer to this question is clear.

DJS has jurisdiction over a juvenile offender, no matter what, until he or she turns twenty-one. In reality, meaningful DJS intervention ends when the youth turns eighteen. Why? Because juvenile programs are tailored for juvenile offenders, not 18-year-old adults. Moreover, there is a prohibition against housing juveniles and adults in the same facility.

When a juvenile is tried in the adult system, the jurisdiction of the Court extends for a much longer period of time, increasing the odds of meaningful treatment and rehabilitation. At a minimum, there is a 5-year period of probation during which the Court can order the offender to participate in treatment programs, monitor his or her progress, and take appropriate action if the offender does not follow through. In the adult system, there is also the program at Patuxent Institution that is specifically designed to treat and rehabilitate youthful offenders. It is a long-term program, focused on behavior modification, and it has enjoyed some success.

In conclusion, the current system of charging certain juveniles as adults serves the public policy goal of protecting public safety. It also offers youthful offenders the opportunity to obtain meaningful treatment and rehabilitation. Unfortunately, the juvenile justice system, in its present condition, cannot do the same thing. For those reasons, I am opposed to HB 409.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. H. Harvey, Jr.', with a long horizontal flourish extending to the right.

Robert H. Harvey, Jr.
State's Attorney