



To: The Honorable Will Smith
From: Maryland Youth Justice Coalition
Re: Senate Bill 853: Juvenile Law – Juvenile Justice Reform
Date: March 3, 2021
Position: Support

Dear Chairman Smith and Honorable Members of the Committee:

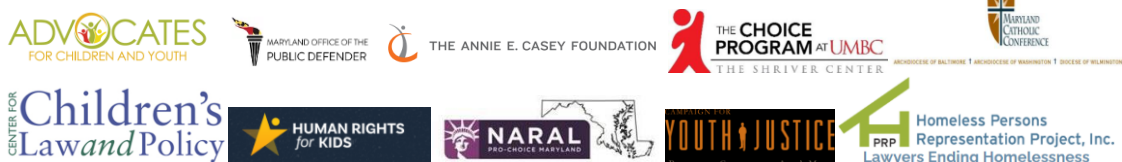
The Maryland Youth Justice Coalition (MYJC) is a group of passionate advocates and policy experts dedicated to creating a more fair and equitable youth criminal legal system where not only are youth given opportunities and options, but public safety is uplifted. MYJC aims to improve the lives of all system-impacted youth through legislative and policy advocacy. MYJC is made up of organizations, including representation from directly impacted and youthful individuals, who share an equitable vision for the future of the youth criminal legal system. We are dedicated to supporting evidence-based, culturally competent, and gender-responsive solutions that are vetted by directly impacted individuals and promote positive youth development and public safety.

Maryland is in the books as one of the worst offenders of system-involved children’s human rights in the nation, accompanied only by conservative southern states like Alabama and Florida.¹ SB 853 provides us an opportunity not only to course correct, but also to leverage system reductions during COVID-19 and transform our youth justice system into one that benefits more young people, families, and communities. These reforms will ensure that as many children as possible are treated with community-based services that lead to better public safety outcomes at a fraction of the cost of deep end interventions. If done intentionally, there is the opportunity to also reduce the pervasive racial disparities that persist in Maryland. MYJC requests that the Committee issue a favorable report on Senate Bill 853, the Juvenile Justice Reform Act.

With a better understanding of cognitive development, there is a growing awareness around the country that juvenile justice systems that adopt a lighter touch can reduce costs and yield better outcomes with fewer racial disparities. Most states – across the country and the political spectrum – are far ahead of Maryland. Arkansas, California, New York, California, Georgia, Kentucky, Hawaii, North Dakota, South Dakota, West Virginia, Kansas and Utah have all passed similar – or larger – juvenile system reforms in recent years.

An effective youth legal system is one that is fair and that measurably improves outcomes for youth who encounter the system as they transition to adulthood. Meeting this goal requires that we lock up fewer youth and lean more on proven, family-focused interventions that create opportunities for positive youth development and are culturally competent. In Maryland, while youth complaints have declined by 60% in the last ten years alone, our incarceration rates have not experienced the same trend.

¹ Human Rights for Kids, *National States Ratings Report*, December 2020. <https://humanrightsforkids.org/publication/2020-national-state-ratings-report/>. See also, Jazz Lewis & Dana Stein, *Op-Ed Maryland among the worst in protecting kids in the justice system*, BALTIMORE SUN, December 21, 2021. <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-1221-kids-injustice-20201221-ia4uxm3xc5ddlf6bwattnwvfxm-story.html>





Maryland must take this dire step towards juvenile justice reform, informed by two years of research, discussion, and reporting by the Juvenile Justice Reform Council (JJRC). On topic after topic, the JJRC found sharp racial and ethnic disparities in juvenile justice. By shrinking our massive youth incarceration system and focusing data-driven, evidence-based programming on the youth with highest risk, Maryland will not only see a positive return in the outcomes for specific individuals, but also improve public safety at large and shrink glaring racial disparities.

It is time for Maryland to align our laws that impact children with established adolescent development science. Children will be held accountable for wrongdoing in developmentally appropriate, fair ways that promotes health and well-being. Our shared goal to reduce the use of outdated confinement practices while ensuring public safety, and reinvesting funds into other developmentally appropriate programming designed to improve fairness and outcomes for children, families, and communities. SB 853 targets four areas that move Maryland closer to our vision for youth justice:

1. **Removes Barriers to Diversion:** There is a need to expand diversion and utilize it equitably by requiring informal adjustment of misdemeanors (excluding handgun possession) and non-violent felonies for all youth who have not previously been adjudicated delinquent. There are also two additional ways in which the passage of SB 853 will expand use of diversion – eliminate the requirement that DJS forward complaints of non-violent felonies to the State’s Attorney for approval of informal adjustment and eliminate the requirement of complaining witness consent. We would maintain the requirement that DJS make reasonable efforts to contact the alleged victim, however, which maintains witness satisfaction while keeping the burden of gaining victim permission off children, as it is for adults.
2. **Raises the Minimum Age of Juvenile Court Jurisdiction:** If we want a truly rehabilitation juvenile justice system in Maryland – we must raise the minimum age of jurisdiction to 13.
3. **Bans Youth Incarceration for Low-Level Offenses:** Youth whose most serious alleged offense is a misdemeanor or a technical violation of probation may not be placed in jails or prisons, which ends the harms of juvenile incarceration for low-level offenders and allows DJS to better leverage its resources to provide focused programming for those young people who face the most serious charges and are at the highest risk of re-offense.
4. **Place Developmentally Appropriate Time Limits on Probation:** When youth are placed on indefinite periods of probation, doing well on probation does not bring them closer to a light at the end of the tunnel, yet doing poorly can quickly land a youth in detention. Experts recommend that youth be placed on a period of six to nine months of probation, if they need to be placed on probation at all, and that “even for those who struggle to meet their goals, the period of probation should generally not exceed one year.”²

MYJC urges this committee to issue a favorable report on SB 853. Should you have any questions about this testimony, please contact Hannah Breakstone, MYJC Coalition Manager and Policy Associate at Advocates for Children and Youth (ACY), at hbreakstone@acy.org.

² Annie E. Casey, *Transforming Probation: A Vision for Getting it Right*, 2018. www.aecf.org/resources/transforming-juvenile-probation/

