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SB 853

March 3, 2021

TO: Members of the Judicial Proceedings Committee
FROM: Natasha Mehu, Director of Government Relations
RE: Senate Bill 853 – Juvenile Law – Juvenile Justice Reform
POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 853.

SB 853 alters provisions of law relating to the jurisdiction of the juvenile court. This bill focuses on four large changes that will improve the juvenile justice system in Maryland: 1. Raises the minimum age of juvenile court jurisdiction to 13 with limited exceptions; 2. Bans the use of juvenile jail and youth prison for low level offenses; 3. Limits terms of probation; and 4. Makes it easier to divert children and youth out of the system.

The Mayor's Office of Children & Family Success supports the work of the Baltimore Children's Cabinet, including its dedication to youth diversion and expanding opportunities for success for boys and young men of color.

The Mayor's Office of Neighborhood Safety and Engagement works directly with youth who have been charged with low-level misdemeanors to provide them with alternatives rooted in restorative justice and self-determination. Since 2015, the agency has diverted more than 800 youth to community-based organizations, creating increased opportunities for self-actualization.

Maryland was recently ranked among the worst states in the nation by Human Rights for Kids when it comes to protecting children's rights in our justice system. The way we treat young people in the criminal legal systems is a large contributing factor for why Maryland leads the nation in incarcerating young Black men. An effective youth legal system must be fair for all children and improve the odds that young people who come in contact with the system can make a successful transition to adulthood. Maryland's system will be strengthened by the reforms set forth in HB 1187.

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1. Raise the minimum age of juvenile court to 13.

This change to Maryland's system would put our state in line with international norms and with the recommendations of the American Academy of Pediatrics and Society for Adolescent Health & Medicine. Currently there is no minimum age for charging children in Maryland, and an inordinate number of children are arrested and referred to court, including 8,600 pre-adolescent children over the last five years. As with all points of contact with the juvenile justice system, Black children are disproportionately impacted – 70% of the pre-intake complaints involving children under 13 years old involved Black children, despite representing only 30% of the overall child population in Maryland. Once children are engaged in juvenile court, even if the outcome is probation, their likelihood of continued justice involvement and more serious penalties increases.

2. Ban use of juvenile jail and youth prisons for low level offenses.

A study in 2015 showed that two-thirds of young people sent to out of home placements are there for non-felony offenses. One-third are sent for technical violations of probation. These youth are detained despite research proving that nonresidential, community-based services are more likely to improve outcomes for low- and medium-risk youth. Again, the impact on Black children is overwhelming – nearly 80% of youth in detention are Black. Incarcerating low- and moderate-risk children costs nearly half of Maryland DJS's \$271 million budget. And the harm to children who are in detention is well documented. Not only do juvenile jails and prisons not promote rehabilitation, but they place youth at risk of physical and psychological harm, interrupt their education, impact future employment outcomes, and impede healthy development by separating youth from their families and communities.

3. Limit terms of probation.

Research has shown that in order to hold young people accountable, measures must be fair, firm, developmentally appropriate, and finite. Youth require a probation system that is more aligned with developmental goals, and less reflective of the technical probation system used for adults. Limiting terms of probation for low-level offenses will increase the effectiveness of probation as a tool focused on helping youth who pose the most significant risks for serious offending to achieve personal growth, behavior change, and long-term success.

4. Make it easier to divert youth out of the juvenile justice system.

Youth of color were nearly twice as likely to have their cases referred to juvenile court intake, 50% more likely to have their cases petitioned, and 30% less likely to be referred for diversion. Diversion keeps low-risk youth away from the stigma of the juvenile legal system and protects them from juvenile jail or prison. Increasing opportunities for both pre- and post-arrest diversion for Maryland youth will help ensure that children of color are treated like children.

We respectfully request a **favorable** report on Senate Bill 853.