



**Public Testimony in Support of SB 165
Juvenile Court – Jurisdiction
End Automatic Charging of Youth as Adults
January 25, 2022
Favorable**

Dear Chairman Smith and Honorable Members of the Judicial Proceedings Committee:

In addition to our organizational testimony in support of SB 165, the Maryland Youth Justice Coalition is proud to present the public comments of 50 Maryland residents who strongly support this legislation. The people of Maryland are horrified by our state being rated the worst in the country for protecting the human rights of children in our youth justice system. Many of them write about wanting our system to treat kids like kids and ensure that children who end up in the justice system are given the support they need to rehabilitate and live happy, productive lives. This isn't possible when they are automatically charged in adult courts, making their first interactions with the justice system in a place designed for adults. The message is clear: Marylanders support SB 165 and are calling on the General Assembly to take action and reform our youth justice system this session.

Public Comment:

I've worked on this issue for over a decade. Automatic charging subverts the valid reasoning behind setting up the juvenile court. The get-tough idea behind automatic charging has never proven to be effective in making us safer.

Charles Cooper, Baltimore City

Children are children, period. Our current laws are anti-science, anti-family, and a tool that allows systemic, institutional racism to flourish in our state. Juveniles belong in juvenile courts.

Angela Gale, Baltimore City

Children in Maryland deserve to be protected and supported. But as the laws stand now their human rights are being violated. Treat kids like kids and end automatic charging!

Cecile Adrian, Baltimore City

It is widely proven that children's, and even young adults, executive functioning is not fully developed until the age of 25- specifically affecting the ability to control impulsive behavior. Charging youth as adults prevents them from having the opportunity to actually rehabilitate and

safely and functionally return to the community. Instead of focusing on punishment (which we know does not prevent crime), why not focus on prevention?

Jessica Xander, Baltimore City

Automatic charging for youth is absolutely heinous. It is counterproductive to the stated goal of addressing crime because it only serves to criminalize (predominantly Black) children. This is a bare minimum step in the right direction.

Mariarosa Marinelli, Baltimore City

Maryland needs to learn lessons from other jurisdictions that have successfully reformed their juvenile justice systems. Programming should be age/developmentally appropriate with an emphasis on counseling, education, and vocational training. Successful alternatives to confinement have focused on connecting them with employment and education to advance their development away from high-risk behavior and support transition into adulthood. Automatically charging a kid as an adult stifles their propensity to change, reform, and grow.

T Wallace-Bey, Baltimore City

Youth deserve to be treated fairly, and one element of that is understanding fundamental differences between youth and adults. Youth deserve to be brought through the juvenile system to give them access to professionals who best understand child/adolescent developmental processes and to evaluate where the youth should be served in the justice system. This bill gives youth access to a process that can best support them, rather than moving them immediately into an adult system that is not equipped to address their unique needs.

Christine Rovner, Montgomery County

Charging kids as adults isn't an effective mechanism to enhance public safety. Rather than increasing accountability or deterring crime, it can harm youths and hinder rehabilitation. Youths in the adult system are at risk of victimization and solitary confinement, and are less able to access needed age-appropriate services. Furthermore, an adult criminal record can permanently hurt a youth's odds of accessing education, housing and employment.

Carmen Daugherty, Prince George's County

We need to protect and teach our youth not isolate them.

Hope Clark, Kent County

They are not adults in any sense. [They] should be treated totally differently from adults!

Richard Leslie, Frederick County

It's only fair.

Sharon Ellison, Montgomery County

Youth need consideration for decisions that were made in their youth.

Tony Cho, Baltimore County

It doesn't make sense to me to charge a child as an adult. They are not legally an adult until the age of 18. Their brains aren't fully developed and shouldn't be treated like they are.

Tracey Katsouros, Charles County

It will keep our communities safer. Prosecutors and judges will have the discretion needed to help stop youth from becoming hardened criminals.

Barbara Jo Wuest, Baltimore City

It lacks deliberation and commitment to a child's welfare.

Amanda M. Wren, Baltimore County

We know that people's brains are not fully formed until they are at least 26 and charging a young person as an adult disregards that science. While they may know right from wrong, they are still not reasoning as adults. Also, this does not allow for rehabilitation when their education and their maturation is inhibited by incarceration. We lose the opportunity to have productive citizens in our community.

JoEllyn Fountain, Anne Arundel County

MD must do better to treat our kids and create a better future for everyone.

Frank Lostumbo, Montgomery County

No child should be automatically charged...due to their age and growth. Science has proven over and over that their brains are still growing and don't fully understand consequences long term. Kids also have the most likelihood, if given the chance, to not re-commit crimes if led in the right direction with the right support system. Kids are the future.

Rebecca Kelly, Montgomery County

We need to stop treating children like this - this will shape the lives of these people and our society in general.

Sabina Taj, Howard County

They deserve chances to redeem themselves.

Jean-Pierra Moundou, Montgomery County

Children do not belong in cages.

Amelia McDonell-Parry, Baltimore City

As a pediatrician I know that children struggle to fully understand the consequences of their actions, regardless of how much they may appear to be fully grown. Holding a child to the same level of culpability as an adult ignores decades of neuroscience research. Children require the presence of loving families and stable homes in order to mature into well adjusted adults. By depriving children of these basic human rights we are compounding their trauma and increasing the likelihood of recidivism. No child belongs in a cage!

Kate Eaton, Baltimore City

As a pre-K teacher I know that charging children as adults takes away the requirement to consider their developmental needs and to support them in returning to family and school where they can learn alternatives to criminal behavior. It's a disgrace that Maryland is the worst in the country for this.

Heidi Mordhorst, Montgomery County

Children are not adults, and shouldn't be charged as such - especially not automatically.

Tori Latham, Baltimore City

We must protect Black children.

Tamara Korolnek, Montgomery County

Children are not adults, and it's cruel to automatically charge them as if they were. The data of how we in Maryland treat children accused of unlawful acts compared to other states shows that we are failing the next generation. Children who are accused deserve to start the process in juvenile court to effectuate better outcomes for them and our communities at large.

Elise Desiderio, Baltimore City

Youth should be tried in juvenile court, and only prosecuted in adult court after the specifics of the charge against the person warrants a move to adult court. Automatic charging is arbitrary, and unjust. It is also costly and inefficient per current findings. In addition, it leads the youth who are charged as adults to commit more serious offenses, per studies of the issue.

Linda Murphy, Prince George's County

Kids should be treated like kids.

Nora Fakhri, Baltimore City

It is simple logic- if the law states that adulthood begins at 18 years old, prosecutors and courts should follow that very law. These policies effectively end children's lives.

Samantha Horn, Baltimore City

Stop the school to prison pipeline.

Edward Larkey, Baltimore City

Children should not automatically be treated as adults by the Justice system; their cases should start in the juvenile system, which has smaller caseloads, greater access to rehabilitation, and closer collaboration with families and schools.

Erin Nortrup, Prince George's County

Youth are youth and the State of Maryland has no legal power to magically make them adults, any more than it has the power to make a toddler a teenager. Stop this pointless punitive punishment and fully fund restorative justice for youth and those they have wronged.

Mary Hershberger, Prince George's County

I support ending automatic charging for youth because it is racist, counterproductive and unnecessary.

Maurice Levy, Baltimore County

The prison industrial complex is vicious and dehumanizes people, especially children. Children should be helped rather than punished.

Jo Jovel, Baltimore City

Kids should be treated like kids - it's the right thing to do and it will result in better outcomes for them and for us.

Melissa Goemann, Montgomery County

This sounds inefficient and harmful to youth. Young people need lots of opportunities for change, not automatic judgment.

Margaret Epps, Baltimore City

Charging children is both inappropriate and inhuman. It also brings endless traumas and social issues for them and for our society.

Marie-Jo Binet

I support ending automatic charging because we need an equitable system in Maryland that is fair for all persons, kids included.

Donna Martin, Baltimore County

Our children and youth need #CareNotCages. The trauma causes even the accusation to be debilitating for life. Give our children #EmpathyNotImprisonment!

Marlon Tighman, Baltimore County

It is outrageous to me that Maryland ranks worst in the country for protecting the rights of young people in the legal system. A major reason is that Maryland law requires some children to be automatically prosecuted in adult court for 33 offenses – putting us out of step with other states and international human rights law. Last year, Maryland sent more kids to adult court than California, Pennsylvania, Massachusetts, and Arizona combined. A staggering 81% of those children were Black. Maryland should join the 26 other states who have passed laws to treat kids like kids. Please pass SB 165/HB 294. It's past time to act.

Peta Richkus, Baltimore County

I support SB165/HB294, sponsored by Senator Carter and Delegate Crutchfield, to bring Maryland in line with 26 other states and so end the practice of automatically charging kids in adult court.

Sheldon Pitterman, Anne Arundel County

Too many children are in prison for far too long and the racial impact of these policies is horrific.
Holly Syrrakos, Montgomery County

Charging kids as adults is ineffective, biased, and harmful. It runs contrary to science and reason. The juvenile system, designed to emphasize rehabilitation over punishment, is better suited to meet youth's needs.

Alayna Trilling, Montgomery County

I think the phrase 'Maryland ranks worst in the country for protecting the rights of young people in the legal system' says it all. How did we get here, and why are we still in that place? To hold this much contempt for children is heartbreaking, and it has to stop. That we keep detaining kids in this manner is unforgivable, and it can be changed, if you want it to change. The question to our legislators is this: Do you want this to change, and if not, why not?

Nicole Dvorak, Howard County

As a former teacher, I know that children do not mature until their early 20s. It's unconscionable to charge them as adults.

Megan M. Berkobien, Baltimore City

With all we now know about brain development. Kids need to be first treated as kids, no adults. How can Maryland be so behind!

Shelley Balis, Montgomery County

I believe children should be treated like children. That's why we have a juvenile justice system. If a prosecutor believes a child should be treated like an adult, they should have to make the case. It should never happen automatically.

Nancy Haines, Baltimore County

Children should have their cases heard in juvenile court that is specifically designed to deal with adolescents and their still developing brains unless the prosecutor can prove special circumstances in a particular case require that a youth be tried as an adult. We don't want kids exposed to adult criminal court or incarceration unless absolutely necessary as this is totally counterproductive.

Stanley Balis, Montgomery County

Children are not treated as adults in any other capacity and that is because they lack the developmental awareness required to be held responsible as adults. Charging children as adults is simply one more tool in the mass incarceration toolbox, particularly for Black and brown children, and it needs to stop.

Joanna Silver, Montgomery County

Children should not be automatically charged. There are always extenuating circumstances. Research shows children's brains are still developing into their 20s. It is inhumane and wrong to automatically charge children when discretion is warranted.

Vita Larkin, Montgomery County