

**Senate Bill 165
Juvenile Court – Jurisdiction
Ending Automatic Charging of Youth as Adults
January 27, 2022
Support**

Dear Chairman Smith and Honorable Members of the Committee:

Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the child welfare and justice systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education, training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children’s unique developmental characteristics, and reflective of international human rights values. Since its founding, Juvenile Law Center has represented hundreds of young people and filed influential amicus briefs in state and federal cases across the country.

Juvenile Law Center supports Senate Bill 165. Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.¹ That is why Maryland ranks worst in the country for protecting the rights of young people in the legal system.² 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 93% of those were youth of color.

In Maryland, youth as young as 14 can be tried in adult court depending on what charge a police officer decides to levy against them. When young people are automatically charged in adult court, they are more likely to re-offend, sooner, with more violent crime than children who are charged in juvenile court. This practice undermines the purpose of the juvenile court system, pursues punishment rather than rehabilitation, and conflicts with what we know from developmental science. Furthermore, laws that allow youth to be tried in adult court reflect and reinforce the racial inequities that characterize the justice system in the United States.

¹ <http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Sentencing-Project-National-Trends-in-Charging-Children.pdf>

² <https://humanrightsforkids.org/national-state-ratings-report/>

The Justice System is Biased Against Youth of Color

Youth of color are overrepresented at every stage of the Maryland court system.³ Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested⁴, detained, sentenced, and incarcerated.⁵ These inequities persist even after controlling for variables like offense severity and prior criminal record. Research shows that youth of color receive harsher sentences than white youth charged with similar offenses.⁶ Youth of color are more likely to be tried as adults than white youth, even when being charged with similar crimes. In Maryland between 2017-2019, 93% of juveniles tried as adults were youth of color; 80% were Black.⁷

“Tough on Crime” Laws Criminalize Youth and Make Us Less Safe

Research shows that “tough on crime” policy shifts during the 1980s and 1990s have negatively impacted youth, families, and communities of color. These laws were fueled by high-profile criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that juvenile “super-predators” posed a significant threat to public safety. The general sentiment — not based on research or data — across the political spectrum was that treatment approaches and rehabilitation attempts did not work.

However, time has shown that harshly punishing youth by trying them in the adult system has failed as an effective deterrent. Studies have found higher recidivism rates among juveniles tried and sentenced in adult court than among youth charged with similar offenses in juvenile court.

We can and must treat our children better. Maryland should join the 26 other states who have passed laws to **treat kids like kids and end automatic charging**. Juvenile Law Center urges this committee to issue a favorable report on SB 165.

³ Hagan J, Shedd C, Payne MR. Race, ethnicity, and youth perceptions of criminal injustice. *American Sociological Review*. 2005;70(3):381-407. See also, DJS Data Resource Guide FY2021, 241.

https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf.

⁴ Monroe CR. Why Are “Bad Boys” always Black?: Causes of Disproportionality in School Discipline and Recommendations for Change. *The Clearing House: A Journal of Educational Strategies, Issues and Ideas*. 2005;79(1):45-50. doi:10.3200/TCHS.79.1.45-50

⁵ <https://goccp.maryland.gov/wp-content/uploads/juvenile-dmc-201101.pdf>

⁶ Soler M. Health issues for adolescents in the justice system. *Journal of Adolescent Health*. 2002;31(6):321–333.

⁷ Vera Institute, Preliminary Findings: Youth Charged as Adults in Maryland, Dec. 10, 2020.

<http://dls.maryland.gov/pubs/prod/NoPblTabMtg/CmsnJuvRefCncl/Preliminary-Findings-Youth-Charged-as-Adults.pdf>.