



SENATE BILL 165  
Juvenile Court – Jurisdiction  
Ending Automatic Charging of Youth as Adults

January 27, 2022  
POSITION: SUPPORT

Dear Chairperson Smith and Honorable Members of the Committee:

The Choice Program at UMBC supports Senate Bill 165 introduced by Senator Jill Carter. We urge the Senate Judicial Proceedings Committee to issue a favorable report on this bill.

The Choice Program at UMBC has served Maryland youth who are systems-involved for nearly 35 years. Presently, Choice works with young people and their families in Baltimore City as well as Baltimore, Howard, Prince George's, and Montgomery Counties. Young people often remind us that their past trauma—and worst mistakes—should not define them. In FY 21, we provided engaging programming, resource brokering and holistic case management to **656** young people who were under the supervision of the Department of Juvenile Services; we served **850** young people in total. Despite a year of Covid in which we offered remote services, Choice mentors contacted young people **24,455** times via video, text, phone calls for visits, goal setting activities, job searches, homework help, community service, games, and wellness checks. Choice serves as an alternative to the school-to-prison pipeline; our primary goal is to reduce the number of Black and Latinx young people who are entangled in the youth legal system. Our model seeks to dismantle racist structures and, instead, employs strengths-based approaches focused on positive relationships and their agency. We hold high expectations for youth and parents as well as high levels of support. These guiding principles are essential in addressing racial inequities at an individual and systemic level.

Maryland's legal system disproportionately ensnares Black and Latinx young people, limiting their life chances in education, vocation, civic engagement, and health and wellbeing. A punitive criminal justice system does not offer young people developmentally appropriate and culturally responsive interventions; it exacerbates stubborn inequities. And, it does not keep Marylanders safer. This session offers the chance to remake our youth legal system to reduce racial and ethnic disparities.

Maryland sends more young people per capita to adult court based on offense type than any other state except for Alabama.<sup>1</sup> That is why Maryland ranks worst in the country for protecting the rights of young people in the legal system.<sup>2</sup> 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.

### **Our Legal System is Biased Against Youth of Color**

Youth of color are overrepresented at every stage of the Maryland court system.<sup>3</sup> Rampant racial inequities are evident in the way youth of color are disciplined in school, policed and arrested<sup>4</sup>, detained, sentenced, and incarcerated.<sup>5</sup> 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.<sup>6</sup> 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 young people tried as adults were youth of color; 80% were Black.<sup>7</sup>

### **“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

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

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

<sup>3</sup> 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](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2021.pdf).

<sup>4</sup> 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

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

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

<sup>7</sup> 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>.

criminal cases involving youth, sensationalized coverage of system-involved youth by the media, and crusading politicians who warned that young “super-predators” posed a significant threat to public safety. Professor John Dilulio, the social scientist who coined this phrase, has disavowed it. 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**.

The Choice Program at UMBC respectfully urges this committee to issue a favorable report on SB 165.