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**Statement of Maryland Public Defender Natasha M. Dartigue
in Response to the Introduction of HB 814/SB 744.**

Approximately two years ago the General Assembly, under the leadership of Senate President Ferguson and Madame Speaker Jones, took the historic step to correct Maryland's rating as one of the worst human rights offenders for children in the criminal legal system. Data, research, and the science of youth development shaped Maryland's juvenile justice reform and resulted in passing the Juvenile Justice Reform Act (JJRA). Sponsored by Senator Jill P. Carter and informed by a council of experts and politicians from both sides of the aisle, the JJRA used an informed approach to combat juvenile crime by addressing the racial disparities and poor outcomes of overly punitive approaches. After less than a year and a half into the JJRA's enactment, it is alarming that leadership seeks to return Maryland to policies that failed for decades and theories which are disproved.

There will be more detailed analysis about HB 814/SB 744 by our agency and other criminal justice stakeholders over the coming weeks, but the evident overarching themes are to bring young children (10-12 year olds) into the juvenile court system rather than respond with social services; remove discretion in diverting children from arrest and prosecution; and increase reliance on probation and detention. Ultimately, the impact of these proposals will be to incarcerate more children, specifically Black and brown children who statistically are catapulted into the juvenile and adult criminal legal systems more than other children.

State's Attorneys and law enforcement have been loud and clear in their desire to imprison children for delinquent behavior, despite the fact science and data strongly indicate that community services and protective measures are the most effective tools to change behavior. The 2022 reforms recognized the need to shift from punitive centered approaches. A return to outdated "tough on crime" measures will not make communities safer especially where the underlying causes of crime remain unaddressed. OPD represents the vast majority of children who will be swept into the criminal legal system if these changes are adopted, and we are part of the communities who, while simultaneously seeking true solutions to violent crime, remain concerned about how our children are treated.

Communities concerned about safety do not want elementary and middle school aged children to be taken out of school, subject to responses that are not age appropriate, and denied access to rehabilitative services and educational opportunities. The reality of incarcerating children is that children lose their support systems and needed services for months and often years to come. Communities do not want to see Maryland's resources focused on filling detention facilities when proactive efforts to address the underlying causes of these behaviors are more effective, responsible, and humane.

Communities that truly care about safety want police officers to be educated on using all available solutions to children's behaviors rather than rely exclusively on arrest and detention; and they want individualized responses to minor violations that are calibrated to the noncompliant behavior.

All the evidence shows that incarcerating children makes them more likely to be arrested for new offenses, not less. Yet the legislation introduced today will see thousands more children, disproportionately from Black and brown communities, incarcerated every year. Meanwhile, it demands no accountability from a public safety system that has allowed community-based supports to dwindle and disappear over the past decade and is compromised by poor—or non-existent— inter-agency communication and cooperation.

The solution lies in establishing a Commission on Juvenile Justice Reform and Emerging and Best Practices, which with the proper balance of stakeholders is the logical continuation of the Juvenile Justice Reform Council that drafted the 2022 laws. Those serious about safety must allow such a commission to build on the progress made, identify where resources can be reallocated to reduce incarceration, and promote positive adjustment, rather than be forced to examine a continuing record of Maryland refusing to care for its children and promoting safety over punishment.