



NATASHA M. DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

**Statement of Maryland Public Defender Natasha M. Dartigue
in Response to
House Judiciary Committee Passage of HB 814 with Amendments.**

The passage of HB814 offers only a charade of safety and is alarmingly reminiscent of the detrimental “tough on crime” policies of the past. The House Judiciary Committee took a monumental step backward in its failing to put forth a balanced and evidence based approach that both addresses crime and ensures the wellbeing of Maryland’s children. In its current form, HB 814 lacks investment in front-end proactive solutions and is centered on punitive measures that have been proven ineffective and are contradicted by best practices, research and data.

Despite amendments, HB 814 remains a plague on Black and brown communities not a benefit that increases public safety. The bill will implement dangerous practices, including:

- Ensnaring 10-12 year olds into the criminal legal system for additional offenses, rather than mandating immediate service referrals without the court overseeing;
- Incarcerating a greater number of children pre-adjudication, despite abundant research indicating that detention produces negative results by increasing recidivism, causing poor educational outcomes, and impairing mental health long-term;
- Focusing responses to car theft on 10-12 year old children, despite data showing that the vast majority of all vehicle crimes are committed by adults;
- Requiring increased number of complaints to be forwarded to the Office of the State’s Attorney for potential prosecution, even when DJS finds a non-court alternative will be effective and appropriate to address the behavior as well as the underlying needs of the child;
- Extending probation to keep children court-involved for longer periods of time, despite mechanisms already exist that permit judges to extend probation in circumstances deemed necessary.

In 2022, the Maryland General Assembly took significant, positive action with the passage of the Juvenile Justice Reform Act (JJRA), which sought to address the over-reliance of incarceration for system-involved children. The JJRA was the result of expert deliberation and reliance on data-driven proven practices intended to redirect children who are system-involved, reduce recidivism and improve public safety. Passage of the JJRA ended Maryland’s distinction as among the nation’s worst human rights violators of children, supported the reduction in racial disparities that pervade the juvenile justice system, saved Maryland from loss of juvenile-related Federal funding and minimized the harm caused by court involvement. Any progress made since passage of the JJRA will be undone as HB 814 does not rely on evidence-based research, but is fueled by sensationalized media inaccurately portraying children as the primary instigators of crime.

House bill 814 harms children and squanders Maryland resources. Our children must not continue to bear the burden of societal ills, which include poverty, violence, discrimination, housing insecurity, poor education and inadequate healthcare. As the research and evidence tells us, the solutions to addressing delinquent behavior lie in services and interventions, and are also the most cost effective to the State. Expanding review and prosecution by state attorneys, and increasing incarceration are far more expensive than mandating diversions and providing supportive services. Expanding juvenile court jurisdiction under HB814 will require additional funding for all criminal justice stakeholders including the Office of the Public Defender. Funding is a crucial aspect for DJS, law enforcement, prosecutors and public defenders. Passage of HB814 requires adequate funding necessary to support the operations of OPD, including hiring and retaining qualified juvenile defenders and social workers, providing necessary resources to understand and address the needs of 10-12 year old children, and ensuring the effective representation of all clients.

OPD will continue to amplify the voices of marginalized communities, fight laws that have a disparate impact on Black and brown people, challenge systems that further strain and impact the quality of legal services that OPD provides, and seek solutions for safer communities that include dignity, justice and fairness for ALL.

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