

YOUTH JUSTICE WEEK OF ACTION

FEBRUARY 18-22, 2019
#KIDSAREKIDS

CALLING ALL
ADVOCATES!

WHAT'S GOING ON?

Maryland's youth justice advocates will be reaching out to community members and legislators to either support or oppose important legislation on youth justice reform. **The key day will be February 21st in which there will be 8 bill hearings.**

WHY SHOULD WE CARE?

This week will determine the future of our children as we proactively prevent system involvement and address helping teens make better choices.

HOW CAN I HELP?

Participants and supporters of the Week will **wear yellow** in solidarity when in Annapolis. Follow us on Twitter @MarylandACY by following #kidsarekids, #mdga2019.

February 18 —Twitter Tag Day. Tag members from Senate Judicial Proceedings and House Judiciary Committees in support of reform and encourage your neighbors and friends to wear yellow on February 21st in solidarity.

February 19—Legislative Action Alert Day. Email your legislators to support or oppose bills.

February 20—Here's My Story. Tell us about your experience in the youth justice system. Send your short story to info@acy.org with subject line, "Here's My Story."

February 21—Day of Action. Wear yellow in your homes, offices and in Annapolis to show solidarity for youth justice reform. This day is also when eight youth justice bills will be heard.

February 22—Thank You Day. Thank all legislators, those who testified or participated in the Week in their own way.

YOUTH JUSTICE DAY OF ACTION

BILLS TO WATCH: FEBRUARY 21, 2019

#KIDSAREKIDS

CALLING ALL
ADVOCATES!

WHAT'S GOING ON TODAY?

Today eight (8) bills will be heard on youth justice reform. Please wear yellow in solidarity. Here is a brief description of the bills we encourage you to support or oppose that are being heard in the House Judiciary Committee.

Can't be there? Follow us on Twitter @MarylandACY and use hash tags #kidsarekids, #mdga2019.

WE SUPPORT

No prison-like detention for very young children (HB659)—This bill protects very young children who are charged with offenses from being placed in prison-like detention with older youth.

A fair, unbiased hearing (HB418)—This bill will no longer allow a judge to use physical appearance or a previous charge as an adult to bias whether the youth should be tried as a juvenile or an adult.

A chance to get it right (HB495)—This bill will give judges the flexibility to determine the best course of corrective and rehabilitative action to help a youth rebound after an offense.

A fair time of probation (HB581)—This bill will provide reasonable, limited and purposeful probation

Creating a Juvenile Justice Reform Council (HB606)—This bill, with amendments, will create a team to take a comprehensive look at how to prevent system involvement, how to fix the youth justice system and how to effectively rehabilitate youth.

WE OPPOSE

Not allowing them to move on (HB867)—This bill puts students at risk of being stigmatized in a new school as the Department of Juvenile Services would be required to notify the new school principal of the student's case history.

Expanding offenses to charge more youth (HB555)—This bill will treat more 16 and 17 year olds as adults.

YOUTH JUSTICE DAY OF ACTION

BILLS TO OPPOSE : TALKING POINTS
#KIDSAREKIDS

HB555- EXPANDING CHARGES TO TREAT MORE 16 AND 17 YEAR OLDS LIKE ADULTS

Charging youth as adults is counterproductive to public safety. Youth in the adult system are 34% more likely to reoffend than youth treated in the juvenile system. In Maryland specifically, the three-year recidivism rate for individuals in the juvenile system is 26%, whereas the three-year recidivism rate for individuals in the adult system is 41%. This is because the adult system is focused on punishment, but the juvenile system is focused on preparing youth for reentering their communities.

Charging youth as adults saddles young people with criminal charges, creating collateral consequences that follow them long into adulthood. Immediately upon charging, youth have their adult record available for public view on state records (CaseSearch). If the young person is transferred by a judge to the juvenile system, this adult charge is eligible for expungement, but that process is not automatic and places a significant burden of time and costly legal assistance on youth themselves.

Youth charged as adults wait for long periods for their transfer hearings, which is the first time that a judge will hear the case, resulting in long separation from their families and schools. Maryland youth charged as adults wait for their transfer hearings for an average of four months. Alternatively, youth charged in the juvenile system wait 18 days for a judge to hear the case and determine a treatment plan. The longer separation for youth charged as adults means falling behind in school and losing opportunities for treatment in the community, setting youth further back from rehabilitation even before a transfer hearing.

Maryland's adult facilities are not equipped for the needs, safety, and protection of youth. Youth in Maryland's adult jails are in holding cells, without activities of any rehabilitative value. Their day-to-day life consists of sleeping, watching TV, or playing cards. Educational opportunities are sparse, perhaps twice per week, and youth can exercise once per week at most. Additionally, in Harford County for boys and Baltimore County for girls, youth are held on the same ward as adult inmates, resulting in their solitary confinement within their cells for 20 to 22 hours per day.

YOUTH JUSTICE DAY OF ACTION

BILLS TO OPPOSE : TALKING POINTS
#KIDSAREKIDS

HB867- NOT ALLOWING THEM TO MOVE ON

This bill puts students at risk of being stigmatized in a new school as the Department of Juvenile Services would be required to notify the new school principal of the student's case history.

This bill will directly interfere with the rehabilitation of youth in the juvenile justice system and creates barriers to youth having a fresh start in their new academic setting. Providing juvenile records to educators will also stigmatize youth in the educational setting.

There are already provisions in law that allow school principals to find out critical information about a youth's criminal history. This law will stigmatize youth for no reason.

YOUTH JUSTICE DAY OF ACTION

BILLS TO SUPPORT : TALKING POINTS
#KIDSAREKIDS

HB581- REASONABLE, PURPOSEFUL PROBATION

This bill will ensure that young people have limited, purposeful juvenile probation that is consistent with their rehabilitative needs and allows them to move on from their probation requirements in a reasonable amount of time.

Lengthy, undetermined probation holds youth back from school and career opportunities that contribute to their rehabilitation. Youth who are fulfilling probation requirements cannot work a full week due to probation officers' schedules. They also usually cannot attend universities that are outside of the towns or cities in which they were charged. Working and attending college would only benefit and contribute to youths' positive rehabilitative efforts, and lengthy, undefined probationary periods hold youth back from taking advantage of these opportunities.

Provides discretion for judges following the initial probationary period. According to the bill, after the initial one- or two-year probationary period, judges review the case again to determine if there is a rehabilitative need for an additional year of probation. Judges are well-suited to make these decisions: the law, if enacted, would provide an evaluation according to the young person's treatment and needs to the benefit of both the young person and public safety.

The focuses on the rehabilitative needs of youth, which is a critical lens when working with system-involved young people. By asking the judge to consider the youth's rehabilitative and treatment needs, House Bill 581 places the focus of probation correctly. In order to successfully reenter society without reoffending, youth need rehabilitative treatment and supports in place, not a punitive regimen. For best outcomes for the youth and for the public, the focus of probation must be on the rehabilitative needs of the youth, and House Bill 581 emphasizes this need.

YOUTH JUSTICE DAY OF ACTION

BILLS TO SUPPORT : TALKING POINTS #KIDSAREKIDS

HB495 A CHANCE TO GET IT RIGHT

This bill will ensure that young people have an additional opportunity to have their cases informally adjusted by the court, at the request of any party.

Informal adjustment allows a young person's case to be diverted from the formal court process and prosecution by a juvenile State's Attorney. Instead, young people fulfill the terms of their adjustment period and do not go on to have a record. Currently, an intake officer has the discretion to determine if a young person is a good candidate for informal adjustment. If s/he believes that the youth meets these requirements, the officer can forward this young person's to a case manager at the Department of Juvenile Services (DJS), and together DJS, the young person, and his/her family determine a case plan for the young person. If the young person meets the conditions of this case plan, DJS does not forward the case to the State's Attorney's office, and the young person does not have any kind of juvenile record. SB 401 / HB 495 would expand this opportunity by giving the judge the discretion to informally adjust the case.

Young people who have contact in the court system are more likely to continue in the system. An additional opportunity for informal adjustment helps to eliminate this continuation in the system. Studies show that one contact in the juvenile justice system is more likely to multiply into additional contacts; researchers theorize that this is because of real or perceived lack of access to resources following any system-involvement, and because young people subconsciously conform to social expectations, which after contact with the justice system, becomes expectations of "criminality." By diverting more youth from the formal processes of the juvenile justice system, we can ensure that young people meet terms and conditions set forth by DJS without suffering the collateral consequences of a formal juvenile record.

An additional opportunity for informal adjustment allows young people to remain with their families, in their communities, and enrolled in school wherever possible, which has positive benefits for the youth and thus, positive benefits for public safety. Youth who are separated from their schools, families, and communities, even for a short period of time, fall quickly behind in school. Upon returning to their communities, some young people who have spent time in juvenile facilities must take day and night classes to catch up because of structural differences in education between their home schools and the facility. This only harms their rehabilitation and reentry. It is in the public's best interest to ensure that any young person who can meet terms and conditions set forth by DJS in their own communities should be given that opportunity.

YOUTH JUSTICE DAY OF ACTION

BILLS TO SUPPORT : TALKING POINTS

#KIDSAREKIDS

HB418 A FAIR, UNBIASED HEARING

This bill will establish technical changes in the transfer process for youth charged adults; these changes would remove significant impediments for young people and ensure that they receive a fair and equitable transfer hearing.

Removes a judge's consideration of a youth's physical appearance in a transfer hearing, which improves standards towards a fair and unbiased hearing. Judges consider five factors in a transfer or waiver hearing to determine whether the young person's case should be moved to the juvenile court or to the adult court. Current law states that judges should consider "physical condition," or appearance, as one of the five factors, which clearly biases a judge against some young people based on appearance that the youth has no control over. This factor is more equitably considered by asking judges to factor behavioral health or physical disabilities, not appearance. House Bill 418 establishes this change.

Improves the waiver process and ensure that judges evaluate the case according to the merits of each case, not based on prior record or case history. Currently, youth who have been waived to the adult system for a previous offense can automatically be waived to the adult system for a subsequent juvenile offense, without a full and fair hearing. "Once an adult, always an adult" procedures are destructive to youth's rehabilitation outcomes and preclude valuable opportunities for treatment in the juvenile system. House Bill 418 would remove this ability, ensuring that judges make determinations based on current cases, not factoring in prior decisions.

Youth should not have to prove to the judge that they are youth and can benefit from services offered in the juvenile system. House Bill 418 would change the law so that the burden of proof falls on the State in a transfer hearing, not on the youth and his/her attorney. Currently, defense attorneys and the youth must prove to the judge that youth belong in the juvenile system, indicating Maryland law's failure to recognize the capacity of youth to grow, mature, and age out of crime. Changing the system so that the State must prove that the youth should not be transferred provides youth a fair hearing and ensures that the judge sees youth as they are: children, who are amenable to change and treatment in the juvenile system.

YOUTH JUSTICE DAY OF ACTION

BILLS TO SUPPORT : TALKING POINTS
#KIDSAREKIDS

HB659 PRISON-LIKE DETENTION NOT A PLACE FOR VERY YOUNG CHILDREN

This bill protects very young children who are charged with juvenile offenses by limiting the State's ability to place these children in prison-like detention. It does not change or limit the state's ability to process these children through the Juvenile Justice System

Maryland's detention centers generally house older youth starting at age 16. Detention centers are dangerous places for children who are smaller, weaker, and more psychologically vulnerable. Placing very young youth in detention forces them to interact with older youth who may have committed more serious offenses.

Young children in detention centers require significantly more time and resources to keep them safe. Facility administrators are forced to choose between two harmful options:

1. Place children in the general population with older youth which can result in bullying and increased negative behavior or
2. Isolate children which is proven to be psychologically damaging for children.

DATA

- We know alternatives to detainment work. Total placements decreased 63% between FY 2016 and FY 2018
- African American male children are most disproportionality affected group by this practice making up 84.9% of total detainments in FY2016 and 66.7% FY 2018

YOUTH JUSTICE DAY OF ACTION

BILLS TO SUPPORT : TALKING POINTS

#KIDSAREKIDS

HB606 CREATING A JUVENILE JUSTICE REFORM COUNCIL

The formation of the Juvenile Justice Reform Council is Maryland's opportunity to lead the nation in a **bold and innovative initiative that addresses how we proactively prevent system involvement through early intervention**. This Council can lead the way in how we rehabilitate youth while holding them accountable, repair the harm done to crime victims, and use our limited resources more wisely.

To make this scenario happen, there are couple of simple but necessary changes we need to make to the House bill (HB606). We need:

One table, many voices—Create only one Council with each member having an equal voice. There should be no separation between the advisory board and the Council as it must be one unit. To increase community support and buy-in, the Council should be comprised of Maryland residents, organizations and institutions that:

- i. Have the authority and discretion to influence statewide policies and practices;
- ii. Are local subject matter experts that understand the needs, behavior and thinking of children and youth;
- iii. Understand key components of the youth justice system—from the school-to-prison pipeline and diversionary programs to youth detention centers. Include former system-involved individuals and restorative justice professionals;
- iv. Best represent all areas of contact and support that youth currently have or may need to make wiser decisions to prevent system involvement or better decisions as they return to their communities; and
- v. Represent overly affected communities statewide and is racially diverse

Shared comprehensive goals—reform starts before system involvement and must include three types of strategies that are data-driven (i) proactive, (ii) system involvement and (iii) post-system involvement objectives. The goals will create an interconnected framework to address barriers and offer solutions. We run the risk of missing crucial considerations that will limit the Council's success when goals are not interconnected. The goals must address:

- i. Early interventions—the Council must focus on the root causes of system involvement such as poverty, poor education, unstable housing, food insecurity, adverse childhood experiences (trauma) and mentorship as a proactive way to prevent system involvement
- ii. System involvement—the Council must focus on fixing the current system and shifting from large institutions to specialized care/continuum of situations
- iii. Post System- Involvement—the Council must focus on previously system-involved youth and their successful reintegration to become self-sufficient contributing members of society.

A changed environment for a new perspective—remove the Council from the under the umbrella of the Governor's Office of Crime Control & Prevention of Maryland. This placement immediately frames youth as the primary drivers of crime instead of potential contributors to Maryland's thriving economy. The selection of the Chair should be elected by the Council and not by appointment.