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Testimony before the Judiciary Committee

In SUPPORT of House Bill 0659- Juvenile Law – Continued Detention- Minimum Age

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February 21, 2019**

Thank you for the opportunity to provide testimony on House Bill 0659- Juvenile Law – Continued Detention- Minimum Age. Advocates for Children and Youth (ACY) SUPPORTS this bill.

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

Juvenile facilities function as prisons for youth. The key difference between adult prisons and juvenile facilities is that the latter advocate for rehabilitation. Despite the rehabilitative efforts, the experience of being detained appears to have overwhelmingly negative consequences for young people. Once inside, youth are rarely in contact with their support systems, whether that be family, friends or other individuals. While some youth may have been removed from abusive situations at home, the high-threat environment of secure juvenile facilities is far from a rehabilitation-oriented setting.

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

Maltreatment is documented in youth detention facilities in most states. According to national research, 42 percent of youth in detention are afraid of being physically attacked, 45 percent report unneeded use of force by staff and 30 percent state that staff use isolation as discipline. Isolation, particularly during development, comes with a range of negative physiological and psychological reactions and is associated with the development of mood disorders, like depression and anxiety, and psychosis.

Under such stressful conditions, young brains have a difficult time learning or growing. Many youth in the juvenile justice system have experienced early life trauma like abuse and neglect, which can compound the negative effects of these already detrimental experiences.

Research shows that the more youth are involved with the juvenile justice system – from arrest to detainment to transfer to an adult court – the higher their chances are of early death, specifically a violent one. Going to juvenile detention also increases risk for poorer life outcomes in terms of educational attainment, relationships and gainful employment.

Further there is No 'magic number' or age that we should detain children. The international standards set forth by the United Nations Committee on the Rights of the Child is the specific reference to the age of 12 as the absolute minimum age of criminal responsibility. Clinicians and academics who support policy and developmental research nationally cite these international standards on juvenile justice as the reasons to adopt the age of 12 as the minimum age at which children can be sent to juvenile detention. Nationally these same groups advocate for higher ages, like 14-16 due to the developmental functions of children's brain as well as the experience incarceration has on the impact of brain development and behavior into adulthood to ensure that confinement is truly rehabilitative and developmentally appropriate.

We urge this committee to issue a favorable report on House Bill 0659