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**Testimony for the House Judiciary Committee
February 28, 2014**

HB 1295 Juvenile Law – Transfer of Cases to Juvenile Court

SUPPORT

The ACLU of Maryland supports HB 1295. This bill would expand the circumstances in which a case involving a child may be transferred to juvenile court. As recognized by many criminal justice organizations including the American Jail Association, the American Probation and Parole Association, and the Centers for Disease Control and Prevention, the adjudication of children in the adult system is misguided.¹ HB 1295 is a positive step toward reducing the number of Maryland's children that will be charged as adults.

Trying children as adults creates damaging and lasting collateral consequences

Children face severe and lifelong consequences as a result of being adjudicated in adult court instead of the juvenile court system. According to the Centers for Disease Control and Prevention, children whose cases are transferred from the juvenile court system to the adult criminal system are about 34% more likely to be re-arrested for violent or other crime.²

Additionally, children charged and sentenced as adults are marred with the stigma of an adult criminal record, which may exclude them from myriad educational opportunities, some forms of financial aid, as well as job prospects down the line. Educational and employment opportunities are crucial for young people hoping to restart their lives after entanglement with the criminal justice system.

The burden of an adult criminal record prevents many youth from pursuing legitimate careers by foreclosing a range of opportunities and may inadvertently incentivize further criminality.

Children of color are disproportionately adjudicated in adult courts

African American, Latino, and other children of color are disproportionately transferred to adult courts for adjudication, as compared with their White counterparts. African American children make up 62% of the children prosecuted in the adult criminal system; they are also nine times more likely than White children to receive an adult prison sentence.³ In Maryland, 60% of youth waived to adult criminal court are African-American.⁴ Nationally, Latino children are similarly disadvantaged: 43% are more likely than their White counterparts to be

¹ Campaign for Youth Justice, Fact Sheet on House Bill 217 (April 2013).

² Campaign for Youth Justice, Key Facts: Youth in the Justice System (April 2012). Campaign for Youth Justice, Critical Condition: African American Youth in the Justice System.

³ Campaign for Youth Justice, Critical Condition: African American Youth in the Justice System.

⁴ Just Kids, *Baltimore's Youth in the Adult Criminal Justice System*, (October 2010).

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transferred to adult court and 40% more likely to be sent to adult prisons.⁵ Native children are also disparately transferred to adult courts. Native children are 1.5 times more likely to be adjudicated in the adult criminal system than their White peers.⁶ It is therefore clear that children of color are disparately affected by the transfer of youth to adult courts. These children need support systems to enable them to lead promising lives, not the stigma of being charged as adults and having their lives derailed.

For the foregoing reasons, the ACLU of Maryland strongly urges a favorable report on HB 1295.

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⁵ National Council of La Raza, *Inequality Persists: Latest information on Latino Youth in the U.S. Justice System* (2009).

⁶ Center for Children's Law and Policy, Reducing Racial and Ethnic Disparities, see www.cclp.org/DMC.php.