



JUST KIDS: **Baltimore's Youth in the Adult Criminal Justice System**

**A Report of the Just Kids
Partnership to End the
Automatic Prosecution of
Youth as Adults**

JUST KIDS
PARTNERSHIP

EXECUTIVE SUMMARY

Just Kids: Baltimore's Youth in the Adult Criminal Justice System

A Report of the Just Kids Partnership

Maryland's 20 year experiment with the "tough on crime" approach of automatically sending youth into adult criminal courts, jails and prisons for certain offenses has failed. National studies show that youth who are sent to adult facilities go on to commit more—and more violent—crimes than those who received rehabilitative services in the juvenile system. This costs taxpayers much more in the long run. Automatically charging youth as adults has been politically popular. But the data shows that when their cases are individually considered, most cases in Baltimore are dismissed or sent back to the juvenile system, raising the question of whether they should have been put in the adult system in the first place. The Just Kids Partnership—formed by the Public Justice Center, Community Law In Action, Inc., and United Parents of Incarcerated Children and Youth—spent a year conducting research, interviewing stakeholders, and following the cases of over 100 youth to understand and assess the impact of Maryland's laws, policies and practices charging and prosecuting youth as adults. We urge Maryland policymakers to read the results of this research. Our communities deserve no less than thoughtful, data-driven policy rather than ill-informed and politically expedient rhetoric.

Maryland is currently planning to spend over 100 million state taxpayer dollars to build a new pre-trial facility ("jail") to lock up Baltimore youth who are awaiting their trials in adult criminal court. Given the fact that nearly 70% of the youth charged as adults and locked up in the current Baltimore City jail are either released outright or sent back to the juvenile system for treatment, this costly new facility is unnecessary and unwise.

Maryland officials have heard many of these warnings before but failed to take any meaningful action. In 2001, a legislatively appointed commission on juvenile court jurisdiction released a report making several recommendations for change. For example, the Commission recommended that the State assess

why Maryland's waiver laws have a disproportionate effect on African-American youth, but the State never completed such a study, and nearly 10 years later the State has made little or no progress on this and other concerns.

Research Results

Despite being admonished 10 years ago by a legislatively-appointed commission to do so, the State still collects very little information on the outcomes of its treatment of youth who are charged as adults. To fill this data void, the Just Kids Partnership followed 135 individual cases of youth charged as adults in Baltimore City and found, among other things:

- 68% of youth charged as adults are either transferred back to the juvenile system or have their cases dismissed outright;
- A youth will spend almost 5 months in adult jail before he has a hearing to consider whether he should be sent to the juvenile system;
- Only 10% of the youth charged as adults actually receive sentences of time in adult prisons;
- Thirteen of the 135 study sample cases that began between January and June of 2009 have yet to be resolved as of August 2010, meaning those youth have been held in adult jail for at least 16 months without having been convicted of a crime. Meanwhile, they are not required to receive rehabilitative services or other crucial support while in adult jail.

Findings

1. A child charged as an adult, more often than not, will have his case dismissed or returned to the juvenile system.

When judges and attorneys look at the cases of individual youth, the majority of the time they decide to send the child to the juvenile system or not to prosecute at all. However, youth face irreparable harm from the separation from their lives in the community while they endure pre-trial incarceration in adult jails and then must face the burden caused by having an adult criminal arrest record.



“Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of irretrievably depraved character than are the actions of adults.... It would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.”

– Justice Anthony Kennedy, United States Supreme Court in *Graham v. Florida* (2010)

2. Charging youth as adults does not reduce crime; rather, it makes crime worse.

A child in the adult criminal system is more likely to commit future crimes—and more violent crimes—than a child in the juvenile system. If anything, a youth in adult prison will become hardened by the experience. A child in adult prison is more likely to be raped, beaten, or commit suicide than if he was in a juvenile facility.

3. Providing rehabilitative services to youth reduces crime and costs less in the long run than charging youth as adults.

Experts have estimated that overall every \$1 spent on older teens in the juvenile justice system results in \$3 of savings in the criminal justice system.

4. Treating a youth like an adult is contrary to scientific evidence.

The part of the brain that deals with decision-making and risks and consequences is not fully developed in a youth. Once a child matures, he will likely age out of crime.

5. African-American youth are disproportionately impacted by laws charging youth as adults.

African-American youth are severely overrepresented among youth charged as adults. All other things being equal, an African-American youth is more likely to be charged and convicted as an adult than his white peer.

6. Adult court transfer hearings are untimely and judges’ decisions are based on unreliable and incomplete information.

Children spend *months or even years* in adult jails while they wait for the criminal court judges to make a decision about their cases. Frequently, judges who are not specially trained in child development or familiar with services available in the juvenile justice system make life-altering decisions in a young person’s case based on unreliable and inadequate information.

7. Maryland state and local agencies are not keeping track of crucial information about the effectiveness of its policy of charging youth as adults.

Recommendations

It is time for Maryland to abandon the failed “tough on crime” strategy of automatically charging youth as adults and, instead, move to a “smart on crime” approach. We must adopt policies that actually reduce crime committed by youth. Research shows that redemption is possible for many young people if they are given the help they need. The Just Kids Partnership recommends that the State improve the system in the following ways:

1. Reduce the inappropriate and unnecessary prosecution of youth in adult court.

A child should stay in the juvenile court system *unless and until* the State proves and a judge concludes that the youth is not going to be receptive to *any* rehabilitative intervention services.

2. End the placement of youth in adult jails while they wait for their trials.

Maryland should instead hold a youth charged as an adult in a juvenile facility while he waits for his trial.

3. Reduce court hearing and trial delays and ensure reliability of information presented to the judge during waiver and transfer hearings.

4. Ensure that treatment opportunities are available for older teens (17-20) in the juvenile system.

5. Ensure the safety of youth who are convicted as adults and are sent to adult prison.

6. Strengthen data collection efforts in order to determine the effectiveness of responses to youth crime.

The Just Kids Partnership is: Community Law In Action, Inc.; the Public Justice Center; and United Parents of Incarcerated Children and Youth (formerly known as the Eric R. Villines Advocacy Institute).

For the full report and additional information, visit www.justkidsmaryland.org

About the Just Kids Partnership

The Public Justice Center, Community Law In Action, Inc., and United Parents of Incarcerated Children and Youth are partners in the effort to gather information and promote the discussion of effectively addressing crime allegedly committed by Maryland youth. The goals of the Just Kids Partnership are to: reduce the number of youth who are charged and tried as adults; advocate for policies that transfer fewer youth to the adult criminal justice system; and increase the number of effective community-based programs and practices that serve youth who are accused of serious offenses.

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