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R STREET SHORTS NO. 76  
October 2019

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## MARYLAND: A CASE STUDY AGAINST AUTOMATICALLY CHARGING YOUTH AS ADULTS

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### INTRODUCTION

Children are uniquely risk-loving, adaptive and vulnerable to outside influences. Their minds and bodies are still developing, and their identity has yet to be firmly defined.<sup>1</sup> For these reasons, they are traditionally considered less culpable for poor decisions than adults and are more capable of behavior change as they mature. As one saying goes: “It is easier to build strong children than to repair broken men.”<sup>2</sup>

Yet, while our society broadly recognizes this truth—we mandate education, for example, and have a different system of justice for the young—we sometimes forget it when crafting policy. In Maryland, there is no clearer example of this than when youth are automatically charged in the adult system. Accordingly, this brief provides an overview of the current context of this issue in Maryland, as well as a short argument against the practice, and concludes with policy recommendations that can encourage positive change.

### MARYLAND AS A CASE STUDY

Prior to the 1990s (and still today), juvenile court judges could use their discretion and waive a young person’s case to be charged and prosecuted in the adult system.<sup>3</sup> While deciding whether or not to do so, judges must weigh factors such as the child’s age, mental and physical health, rehabilitation potential and the circumstances around the alleged offense.<sup>4</sup> As per Maryland law, juvenile court jurisdiction is not to be waived “unless [the court] determines, from a preponderance of the evidence presented at the hearing, that the child is an unfit subject for rehabilitation measures.”<sup>5</sup> Accordingly, waiver into the adult system is to be a carefully weighed exception, not the rule.

But in 1994 and the years following, the age of the “juvenile super-predator,”<sup>6</sup> the Maryland legislature followed the trend of policymakers everywhere and added new offenses to the list of crimes for which youth were to be charged as an adult.<sup>7</sup> Hereafter referred to as “statutory exclusions,” these laws greatly limited the number of cases being heard and disposed in the juvenile court system.<sup>8</sup> The legislature also passed a law adding a new “once an adult, always an adult” statute to the state code in 1998.<sup>9,10</sup> This new law meant that if youth had a felony offense in the adult system, future felony offenses would be automatically charged there also.<sup>11</sup> While the offenses listed under Maryland’s statutory exclusions were generally serious ones, the “once an adult, always an adult” statute meant youth accused of committing non-violent felony offenses could also face punishment as if they were adults.<sup>12</sup> Although many states, including most recently Oregon and Florida, have worked to reform or completely abolish such laws, most of them remain in place unamended in Maryland.<sup>13</sup>

### Current Mechanisms for Automatic Charging

Depending upon a youth’s age, there are over 30 circumstances enumerated in the Maryland code in which youth are to be charged as if they were adults.<sup>14</sup> Thankfully, some of these young people still have a chance of being held accountable in the youth system. For example, after a hearing before a judge, they could be granted a “reverse waiver” or be “transferred” back down into the youth system if the judge determines that such a transfer is in the best interests of the child or of society at large.

While this fail-safe can help ensure fewer youth are prosecuted as adults, judges are not allowed to transfer all youth. For example, those charged as if they were adults who have been “convicted in an unrelated case excluded from the jurisdiction of the juvenile court” are ineligible.<sup>15</sup> When originally passed by the legislature in 1998, this statute was even more all-encompassing and virtually eliminated second chances, as those who had been charged in the adult system only to

be transferred and adjudicated delinquent in the youth system were ineligible for transfer in any other cases in which they were charged as if they were an adult. Fortunately, this provision was stripped in 2014.<sup>16</sup>

## Recent Trends

Over the last two decades, these laws have affected the lives and outcomes of thousands of youth. For example, in the first six months of 2018, over 500 Maryland youth were arrested and charged as adults—79 percent of these were due to an exclusionary offense.<sup>17</sup> When looking at the demographic composition of the young people charged in this manner at this time, one finds that black youth, and particularly black males, are disproportionately represented. In fact, African-American youth made up 81 percent of youth charged as adults, while white youth made up only 17 percent.<sup>18</sup> In contrast, black youth made up approximately 31 percent of Maryland youth in 2018, while white youth made up about 42 percent.<sup>19</sup> Historically, these cases have been concentrated in the high-density areas of the state: Baltimore County, Baltimore City or in Prince George’s County.<sup>20</sup> Most youth charged in the adult system have been accused of robbery, handgun, firearm offenses or assault.<sup>21</sup> And, while this is a small segment of the total youth population, change is nevertheless necessary.

Fortunately, some is happening. In 2013, over 1,400 youth were charged as if they were adults, and 63 percent of these were charged in adult court due to a statutory exclusion.<sup>22</sup> By comparison, slightly over 680 youth were charged as if they were adults, with 79 percent charged with exclusionary offenses, in 2017.<sup>23</sup> Put simply, juvenile court judges today are using their discretion to waive young people up to the adult system less often.

On top of this, cases in which youth are initially charged as adults are being increasingly transferred back to juvenile court. In the first ten months of 2017, about 90 percent of youth charged as adults in Baltimore had their cases remanded to the youth system compared to an estimated 40 percent in 2014.<sup>24</sup> Some credit this trend to a new Baltimore City policy in 2013 that ended youth detention in adult jails (today, Baltimore youth are held in the DOC-operated Youth Detention Center)<sup>25</sup> and the passage of state legislation in 2015 that allowed many youth charged as adults and eligible for transfer to be held in youth detention facilities.<sup>26</sup> But, this change also could be due to the increasingly tenacious efforts of public defenders to provide judges with context that details the circumstances of these youths’ lives during transfer hearings. In any event, these policy changes mean hundreds of youth are at least temporarily protected from the harms of adult incarceration.<sup>27</sup> Following transfer, many are rehabilitated in the community: 40 percent of transferred cases statewide in fiscal year 2018 resulted in a commitment to the juvenile

system, 40 percent resulted in a term of probation and about 20 were dismissed or received some other outcome.<sup>28</sup> This suggests the atmosphere is changing in Maryland, however, the laws have not.

## REASONS TO KEEP KIDS IN THE YOUTH SYSTEM

### Its priority and specialty is youth rehabilitation

While there may be a few extraordinary cases in which a youth’s rehabilitation and the interests of public safety may be better served by prosecution in the adult system, they should always be originally charged and served within the juvenile one until they reach adulthood, if not longer.<sup>29</sup> At its core, the goal of the youth justice system is not to inflict permanently damaging punishment but to encourage accountability that restores. This motto is more befitting the science of adolescent development and reflects the reality that delinquency, including violent crime, decreases as individuals age and mature into adults.<sup>30</sup> Moreover, the youth justice system prioritizes providing youth individualized services according to their needs and risks, and promotes active family involvement in rehabilitative efforts, recognizing that strong pro-social relationships are a protective factor against future delinquency.<sup>31</sup> While these two priorities are also shared ideals in the adult criminal justice system, it lags farther behind on actually accomplishing such aims.<sup>32</sup>

### The adult system harms youth and hinders rehabilitation

Indeed, rather than helping youth, the adult justice system can pose substantial harm. For example, youth charged as if they were adults are at a particularly high risk of physical and sexual victimization by older incarcerated individuals and staff.<sup>33</sup> And, the smaller number of youth in the adult system combined with the federal requirement to keep them separated from the adult population by “sight and sound” often serves to further isolate young people.<sup>34</sup> In some instances, it may also result in solitary confinement.<sup>35</sup> In addition to doing little to promote the pro-social relationships that are so crucial to positive youth development, solitary confinement can harm physical and mental health, and puts youth at increased risk of depression, self-harm and even suicide.<sup>36</sup>

On top of this, youth in the adult system are generally less able to access quality, age-appropriate education and programming.<sup>37</sup> Even when such activities are available, the practical reality of being held in an adult jail or prison may interfere: half of a class may not make it to school because their unit is on lockdown or they are in solitary confinement.<sup>38</sup> On the other hand, youth in Maryland’s juvenile detention or treatment centers continue their education in the same way as a typical school week.<sup>39</sup> Making matters worse, youth charged as if they were adults will be saddled

with an adult criminal record; a reality known to hamper future employment opportunities and to restrict access to education and housing.<sup>40</sup>

Moreover, most youth charged as adults, even those convicted of the most serious offenses, will indeed return to our communities.<sup>41</sup> And, since research has generally found that youth transferred to the adult system are no less likely to return to crime than those who remain in the youth system,<sup>42</sup> the adult system fails to better promote successful reentry or to serve as an effective deterrent to future crime. Indeed, some research suggests youth may be even more likely to reoffend if punished as an adult.<sup>43</sup>

### Charging youth as adults wastes time and resources

Keeping youth in the juvenile court system is not just good for the young people involved. It also brings practical benefits to the court and system actors. Youth automatically charged as if they were adults can spend months in adult jails or juvenile detention facilities while awaiting a waiver or transfer hearing only to be later transferred to the juvenile court system and, in some cases, released into the community.<sup>44</sup> This disrupts their education, prosocial activities and separates them unnecessarily from their families and support systems. In fiscal year 2018, almost 400 cases involving a youth charged as an adult were transferred back to the juvenile court system statewide according to data from the Maryland Department of Juvenile Services.<sup>45</sup> In light of this, reinstating juvenile court jurisdiction and ending the practice of automatically charging youth as adults—even for just a few crimes—would most likely result in large time and resource savings.

## POLICY RECOMMENDATIONS

Given the importance of keeping youth in the system made for them, we recommend that Maryland policymakers consider the following policy changes.<sup>46</sup>

### Trim the list of statutory exclusions

Currently, youth in Maryland can be automatically sent to the adult system for 33 different offenses.<sup>47</sup> And, as recently as last session, some have tried to add more.<sup>48</sup> Rather than wasting court time and resources given the high rate of transfer, and undermining the discretion of juvenile court judges, policymakers should realize automatic transfer is simply poor policy for youth rehabilitation and that Maryland's interests are better served by removing some offenses from this list. Given that armed robbery and firearm-related offenses are among those for which reverse waivers are most common, they present a good starting point for such reform.

### Remove “once an adult, always an adult” statutes

The “once an adult, always an adult” statute also usurps juvenile court discretion, leaves no consideration for the individual factors of the youth's case and can easily promote disproportionate punishment. On top of this, the clause regarding youth previously convicted as an adult for an unrelated exclusionary offense prevents judicial discretion by barring judges from transferring some youth back to the juvenile court system. Removing these statutes would allow judicial actors to make use of their wisdom and knowledge when making individual determinations about which court is most appropriate to hold youth accountable.

### Expand opportunities for reverse waivers

Ideally, policymakers would allow more youth to be charged as youth in the first place. But those reluctant to do so can, at a minimum, expand the ability of judges to grant reverse waivers so young people's cases can be prosecuted in the correct system. Currently, there are two groups of youth who are ineligible for such transfer: (1) youth who were previously convicted of an offense excluded from the youth system in a separate case; and (2) youth charged with committing murder in the first degree as a 16 or 17-year-old.<sup>49</sup> These laws represent a blanket overreach of legislative authority and disallow judges from making a decision according to the facts of the case and the needs of the youth. This potentially undermines rehabilitation.

## CONCLUSION

When making juvenile justice policy, it is important to remember that kids are still kids, no matter the offense committed. Treating and punishing them like adults ignores developmental research so critical to effectively promoting the transformation of youth behavior and the preservation of public safety. It also restricts the ability of juvenile court judges to decide what form of accountability most fits an individual case. Policymakers in Maryland can change this by trimming statutory exclusions, removing “once an adult, always an adult” statutes and expanding opportunities for reverse waivers. Upon doing so, the state will be one step closer to living out the stated and well-known legal objectives for children in the justice system: namely, public safety, accountability and “competency and character development to assist children in becoming responsible and productive members of society.”<sup>50</sup>

### ABOUT THE AUTHOR

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## ENDNOTES

1. See, e.g., Richard Bonnie et al., eds., "Adolescent Development," in *Reforming Juvenile Justice: A Developmental Approach* (The National Academies Press, 2013), pp. 89-99.
2. This quote is often attributed to Frederick Douglass. However, recent investigative reporting lays doubt to the claim that these were Douglass's original words, although they may have been inspired by his earlier writings. See William Cheng, "The Radical Compassion of Frederick Douglass," *Pacific Standard*, Feb. 14, 2018. <https://psmag.com/education/the-radical-compassion-of-frederick-douglass>.
3. There are parameters as to which cases are eligible for judicial waiver to adult court. For one, a child must be 15 years or older unless the act for which he or she is charged "if committed by an adult, would be punishable by life imprisonment." Md Code Ann. Courts and Judicial Proceedings § 3-8A-06. [http://mgaleg.maryland.gov/2020RS/Statute\\_Web/gci/3-8A-06.pdf](http://mgaleg.maryland.gov/2020RS/Statute_Web/gci/3-8A-06.pdf).
4. Md Code Ann. Courts and Judicial Proceedings § 3-8A-06(e).
5. Md Code Ann. Courts and Judicial Proceedings § 3-8A-06(d).
6. The super-predator myth was built on the baseless fear that a new generation of remorseless youth would usher in a wave of violence. The now-infamous Princeton Professor John Dilulio described a super-predator as "a young criminal who is so impulsive, so remorseless, that he can kill, rape, and maim without giving it a second thought." See John Dilulio, "The Coming of the Super-Predators," *Washington Examiner*, Nov. 27, 1995. <https://www.washingtonexaminer.com/weekly-standard/the-coming-of-the-super-predators>. In fear, states across the country enacted laws to lock youth up with little attention paid to rehabilitation. See, e.g., Rachel Leah, "The 'superpredator' myth was discredited but it continues to ruin young black lives," *Salon*, April 21, 2018. [https://www.salon.com/2018/04/21/the-superpredator-myth-was-discredited-but-it-continues-to-ruin-young-black-lives](https://www.salon.com/2018/04/21/the-superpredator-myth-was-discredited-but-it-continues-to-ruin-young-black-lives/).
7. Jason Tashea and Al Passarella, "Youth Charged as Adults: The Use and Outcomes of Transfer in Baltimore City," *University of Maryland Law Journal of Race, Religion, Gender, and Class* 14:2 (2015), pp. 277-79. [https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as\\_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22).
8. *Ibid.*, p. 279.
9. S.B. 68 (1998). <http://mgaleg.maryland.gov/1998rs/bills/sb/sb0068e.pdf>.
10. Youth aged 16 or 17 who are charged with murder in the first degree are ineligible for a reverse transfer, as are youth "convicted in an unrelated case excluded from the jurisdiction of the juvenile court under § 3-8A-03(d)(1) or (4) of the Courts Article." See: *Ibid.*; and MD Code Ann. Criminal Procedure § 4-202. [http://mgaleg.maryland.gov/2020RS/Statute\\_Web/gcp/4-202.pdf](http://mgaleg.maryland.gov/2020RS/Statute_Web/gcp/4-202.pdf).
11. *Ibid.*; and MD Code Ann. Courts and Judicial Proceedings § 3-8A-03(d)(5).
12. For an overview of state trends around this issue and a specific history of juvenile transfer in Maryland, see, e.g., Jeree Thomas, "Raise the Bar: State Trends In Keeping Youth out of Adult Courts (2015-2017)," Campaign for Youth Justice, 2017, pp. 6-44. [http://cfyj.org/images/A-StateTrends\\_Report-Web.pdf](http://cfyj.org/images/A-StateTrends_Report-Web.pdf); and Tashea and Passarella, pp. 277-81. [https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as\\_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22).
13. S.B. 1008, Oregon Legislative Assembly – 2019 Regular Session. [olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB1008/Enrolled](https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB1008/Enrolled); H.B. 7125, Florida 2019 legislature. <https://www.flsenate.gov/Session/Bill/2019/7125/BillText/er/PDF>.
14. While youth as young as 14 may be charged as adults for offenses that would be punishable by death or life imprisonment if committed as an adult, for the remaining statutory exclusions, youth must be at least 16 years old to be automatically charged as an adult. See: MD Code Ann. Courts and Judicial Proceedings § 3-8A-03. [http://mgaleg.maryland.gov/2020RS/Statute\\_Web/gci/3-8A-03.pdf](http://mgaleg.maryland.gov/2020RS/Statute_Web/gci/3-8A-03.pdf).
15. *Ibid.*
16. M.D. S.B. 515 Maryland General Assembly 2014 Session Fiscal and Policy Note. [http://mgaleg.maryland.gov/2014RS/fnotes/bil\\_0005/sb0515.pdf](http://mgaleg.maryland.gov/2014RS/fnotes/bil_0005/sb0515.pdf); [http://mgaleg.maryland.gov/2014RS/amds/bil\\_0005/sb0515\\_19827901.pdf](http://mgaleg.maryland.gov/2014RS/amds/bil_0005/sb0515_19827901.pdf).
17. "Juveniles Charged as Adults in Maryland (1/1/2018 – 6/30/2018)," Maryland Governor's Office of Crime Control and Prevention, Dec. 12, 2018, pp. 2 and 7. <http://goccp.maryland.gov/wp-content/uploads/juveniles-charged-as-adults-201801-201806.pdf>.
18. *Ibid.*, p. 3.
19. See, e.g., "Child population by race," The Annie E. Casey Kids Count Data Center, August 2019. <https://datacenter.kidscount.org/data/tables/103-child-population-by-race#detailed/2/22/false/37,871,870,573,869,36,868,867,133,38/68,69,67,12,70,66,71,72/424>.
20. See, e.g., "Juveniles Charged As Adults and Held in Adult Detention Facilities: Trend Analysis and Population Projections," Maryland Governor's Office for Crime Control and Prevention, 2018, p. 5. <http://goccp.maryland.gov/wp-content/uploads/juveniles-charged-as-adults-201801-201806.pdf>; and "Youth Charged as Adults: Overview of Available Data (December, 2015)," Dept. of Juvenile Services, 2015, p. 1. [https://djs.maryland.gov/Documents/publications/Overview\\_Youth%20Charged%20as%20Adults\\_012716.pdf](https://djs.maryland.gov/Documents/publications/Overview_Youth%20Charged%20as%20Adults_012716.pdf).
21. *Ibid.*
22. "Juveniles Charged As Adults and Held in Adult Detention Facilities," p. 9. <http://goccp.maryland.gov/wp-content/uploads/juveniles-charged-as-adults-201801-201806.pdf>.
23. *Ibid.*
24. The 2017 estimate is based on partial data reported for the first 10 months of 2017, whereas the 2014 estimate reflects the entire year of data. See Chris Miller, "More Baltimore youths charged as adults are being sent to juvenile courts," *Capital News Service*, Oct. 13, 2017. <https://cnsmaryland.org/2017/10/13/more-baltimore-youths-charged-as-adults-being-sent-to-juvenile-courts>.
25. If a young person in Baltimore City is charged as if they were an adult and not moved to a juvenile facility, they will remain in the Youth Detention Center (YDC) run by the Division of Corrections (DOC) pretrial. If they turn 18 and are still awaiting transfer or a trial in the adult system, they will be moved to the adult population. Youth who are convicted in the adult system and sentenced to DOC time can serve the beginning of their sentences at YDC until they turn 18 and join the adult population. However, these youth still miss out on the services available to the young people able to remain in the youth system until 21.
26. See, e.g., "Juveniles Charged As Adults and Held in Adult Detention Facilities," p. 8. <https://djs.maryland.gov/Documents/publications/Juveniles%20Charged%20as%20Adult%20Population%20Forecast.pdf>; Chris Mill "More Baltimore youths moving from adult to juvenile courts," Associated Press, Oct. 13, 2017. <https://www.apnews.com/ecd810b9326249abaae6690b6d86c099>; and "More Baltimore youths charged as adults are being sent to juvenile courts." <https://cnsmaryland.org/2017/10/13/more-baltimore-youths-charged-as-adults-being-sent-to-juvenile-courts>.
27. The average length of stay (ALOS) estimate reflects the statewide average and varied incredibly by individual facility. For example, the Baltimore City Juvenile Justice Center boasted the longest ALOS at 136.3 days and Thomas J.S. Waxter's Children's Center had the shortest with an ALOS of 51.3 days. See "Data Resource Guide: Fiscal Year 2018," pp. 106 and 117. [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf).
28. This is not an entirely new trend in dispositions. In one assessment of 100 Baltimore City cases from 2009 to 2011 in which youth automatically charged as adults were transferred, scholars found that about half of cases remanded to the youth system resulted in a disposition of community supervision and a fifth were dismissed—mostly due to insufficient evidence or the state's failure to meet a burden of proof. Less than a third of cases resulted in a disposition that removed youth from their homes. See: "Data Resource Guide: Fiscal Year 2018," 2019, p. 117. [https://djs.maryland.gov/Documents/DRG/Data\\_Resource\\_Guide\\_FY2018\\_full\\_book.pdf](https://djs.maryland.gov/Documents/DRG/Data_Resource_Guide_FY2018_full_book.pdf); and Tashea and Passarella, pp. 293-95. [https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as\\_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22](https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1237&context=rrgc&=sej-redir=1&referer=https%253A%252F%252Fscholar.google.com%252Fscholar%253Fhl%253Den%2526as_sdt%253D0%25252C9%2526q%253D%252522youth%252Bcharged%252Bas%252Badults%252522%252B%25252B%252Brecidivism%2526btnG%253D#search=%22youth%20charged%20as%20adults%20%2B%20recidivism%22).
29. Even if certified as an adult, youth held pretrial or sentenced as an adult should never be held in adult justice facilities until they reach adulthood. Emerging adults may also benefit from being allowed to stay in youth justice facilities where they can receive age-appropriate services past the age of 18. See, e.g., "If not the Adult System, Then Where? Alternatives to Adult Incarceration for Youth Certified as Adults," Campaign for Youth Justice, 2019, p. 23. [http://cfyj.org/images/ALT\\_INCARCERATION\\_FINAL.pdf](http://cfyj.org/images/ALT_INCARCERATION_FINAL.pdf).



30. See, e.g., Charles Puzzanchera, "Juvenile Arrests, 2017," Office of Juvenile Justice and Delinquency Prevention, August 2019, p. 7. <https://www.ojdjdp.gov/pubs/252713.pdf>; Duzbayeva Bekbolatkyzy et al., "Aging out of adolescent delinquency: Results from a longitudinal sample of youth and young adults," *Journal of Criminal Justice* 60 (2019), pp. 108-16. <https://www.sciencedirect.com.proxy01.its.virginia.edu/science/article/pii/S0047235218302344>.
31. See, e.g., Anne Teigen and Sarah Brown, "Principles of Effective Juvenile Justice Policy," National Conference of State Legislatures, January 2018, pp. vi-vii. [https://comm.ncsl.org/productfiles/108957002/Juvenile\\_Justice\\_Principles\\_NCSL.pdf](https://comm.ncsl.org/productfiles/108957002/Juvenile_Justice_Principles_NCSL.pdf); Christina Sogar, "The influence of family process and structure on delinquency in adolescence—An examination of theory and research," *Journal of Human Behavior in the Social Environment* 27:3 (2017), pp. 206-14. <https://www.tandfonline.com/doi/abs/10.1080/10911359.2016.1270870>; Charles Fleming et al., "Relationships Between Level and Change in Family, School and Peer Factors During Two Periods of Adolescence and Problem Behavior at Age 19," *Journal of Youth Adolescence* 39:1 (2010), pp. 677-80. <https://link.springer.com/article/10.1007/s10964-010-9526-5>.
32. While family connections and individualized services are named as two goals of the adult system, national estimates show many family connections do not occur and that other needs such as drug treatment remain unmet. See, e.g., Emily Mooney and Nila Bala, "The Importance of Supporting Family Connections to Ensure Successful Reentry," *R Street Shorts* No. 63, October 2018, pp. 1-4. <https://www.rstreet.org/wp-content/uploads/2018/10/Final-Short-No.-63-1.pdf>; "Roadmap to Reentry: Reducing Recidivism through Reentry Programs at the Federal Bureau of Prisons," U.S. Dept. of Justice, April 2016, pp. 1-6. <https://www.justice.gov/archives/reentry/file/844356/download>; Jennifer Bronson et al., "Drug Use, Dependence, and Abuse Among State Prisoners and Jail Inmates, 2007-2009," Bureau of Justice Statistics, June 2017, p. 1. <https://www.bjs.gov/content/pub/pdf/dudaspi0709.pdf>.
33. "National Prison Rape Elimination Commission Report," National Prison Rape Elimination Commission, June 2009, pp. 69-71. <https://www.ncjrs.gov/pdffiles1/226680.pdf>.
34. See, e.g., "Youthful Inmate Implementation," National PREA Resource Center, 2019. <https://www.prearesourcecenter.org/training-technical-assistance/prea-in-action/youthful-inmate-implementation>.
35. Joy Lepola, "Juveniles charged as adults potentially face dangerous conditions at detention centers," Fox News Baltimore, Sept. 6, 2018. <https://foxbaltimore.com/features/operation-crime-justice/juveniles-charged-as-adults-potentially-face-dangerous-conditions-at-detention-centers>.
36. See, e.g., Allison Hastings et al., "Keeping Vulnerable Populations Safe under PREA: Alternative Strategies to the Use of Segregation in Prisons and Jails," National PREA Resource Center, April 2014, pp. 6 and 13. <https://www.prisonlegalnews.org/media/publications/Report%20on%20Use%20of%20Administrative%20Segregation%20Under%20PREA,%20National%20PREA%20Resource%20Center%202015.pdf>; Donna Ruch, "Characteristics and Precipitating Circumstances of Suicide Among Incarcerated Youth," *Journal of the American Academy of Child and Adolescent Psychiatry* 58:5 (2019), pp. 514-24. <https://www.sciencedirect.com/science/article/abs/pii/S0890856719300437>; "Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States," American Civil Liberties Union and Human Rights Watch, 2012, pp. 23-47. <https://www.aclu.org/files/assets/us1012web-cover.pdf>.
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41. Estimates from 2014-2015 suggest that most Maryland youth charged as adults will not ultimately be convicted and sentenced to jail or prison time, and even those who are sentenced to incarceration will only serve less than five years. On a national scale, previous estimates suggest the majority of youth in the adult system will return to the community prior to their 25<sup>th</sup> birthday. See, e.g., "Youth Charged as Adults—Calendar Year 2014 and 2015 Update," Maryland Dept. of Juvenile Services, Jan. 3, 2017, p. 3. <https://djs.maryland.gov/Documents/publications/Youth%20Charged%20as%20Adults%20-%202014%20and%202015.pdf>; Jason Ziedenberg, "You're an Adult Now: Youth in Adult Criminal Justice Systems," National Institute of Corrections, December 2011, p. 7. <http://biblioteca.cejamerica.org/bitstream/handle/2015/5434/025555.pdf?sequence=1&isAllowed=y>.
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