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End automatic youth transfers to adult system

If Maryland's goal is to rehabilitate young people, they should be kept away from older criminals

By Jason Tashea

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Between Jan. 1, 2009, and Dec. 31, 2011, not one youth under the age of 18 in Baltimore City advertisement got to vote in a local election, join the military or rent a car; however, 907 were charged and held as adults by our criminal justice system. Currently, in Maryland, there are 33 different offenses that if charged send a youth directly into adult criminal proceedings, no matter the circumstances. This needs to end.

In Maryland, if a youth — in some instances as young as 14 — commits one of 33 specified "exclusionary offenses," he or she is automatically excluded from juvenile proceedings and charged, held and processed through the adult criminal justice system. These 33 offenses include six misdemeanors. Once in the adult system, the youth has limited access to the dispositional and rehabilitative options (i.e. vocational training and psychological supports) offered by the juvenile system. Furthermore, these youths are held in adult facilities pending trial, putting them at risk of abuse.

In Baltimore City, we know that only 10 percent of youths charged as adults actually are actually sentenced to serve time in an adult facility, and that approximately two-thirds of youths charged as adults either have their cases dismissed or transferred into the juvenile system.

Advocates for Children and Youth completed a study, "Baltimore City Juvenile Court Review: Transferred Youth from Adult System and Their Outcomes," showing that between 2009 and 2011, 71 percent of youths in the sample who were charged as adults and who received a transfer to the juvenile court in Baltimore City either had their charges dismissed or received a community-based sanction releasing the youths back into their local community. All of which happens over an agonizing average of 189.5 days. That is the equivalent of an entire school year that these youths lose from being held until final disposition. This compares with the statutory limit of 60 days that it takes the juvenile courts to handle a case.

What does all of this mean for Baltimore and for Maryland?

If we want a more efficient justice system that rehabilitates kids, lowering the likelihood of their return to crime, we have to end the automatic transfer of youths in Maryland, as Illinois did earlier this year. The elimination of automatic transfers does not remove from the table the ability to prosecute a youth as an adult. However, it does remove the presumption that all youths who commit one of these 33 offenses deserve adult time. Our criminal justice system should not put the burden on kids to prove they are kids; our criminal system should have to prove why a youth needs to be prosecuted as an adult.

There are three major benefits for ending automatic transfers. First, in every jurisdiction (except for Baltimore City), there will be fewer youths held in adult detention facilities, where they are at a high risk for abuse. Second, studies show that youths held and adjudicated in the juvenile system are less likely to re-offend upon

their release. Third, the sanctions in the juvenile court will start sooner and allow for rehabilitation and reintegration into the community.

We need to do what makes sense: acknowledge that kids' brains are developmentally different from adult brains, and act accordingly. Our children need to learn from their bad choices but not in an environment with serious, adult offenders.

At the moment, we are perpetuating a policy that makes as little sense as staffing the Maryland National Guard with high school students or renting a car to a 16-year-old. Let's create the presumption that kids are kids and end the automatic transfer of youths in Maryland.

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