

# Keeping kids out of adult court

**Commentary:** // February 20, 2025

Maryland lawmakers are facing a lot of tough decisions this legislative session. At least one vote, however, should be easy for them to cast.

Sen. Will Smith, chair of the Judicial Proceedings Committee, has introduced a bill to reduce the number of

youth accused of crime who are automatically tried in the adult criminal justice system without first having a judge review the case. His commonsense bill, SB442, would improve community safety, free up taxpayer dollars that could be invested in prevention services for kids, and render the system a lot fairer for the young people it touches.

For these reasons, I and four other former leaders of the federal government's Office of Juvenile Justice & Delinquency Prevention have written a letter calling upon lawmakers to pass this important legislation.

SB442 would see more youth in conflict with the law processed in the juvenile system because it reduces the number of charges that automatically direct youths to be tried as adults. Should state's attorneys believe, however, that a particular young person belongs in adult criminal court, they can still make the case to a neutral juvenile court judge, who can balance arguments about where the youth should be tried.

This is the approach favored by the American Bar Association and the National Council of Juvenile and Family Court Judges, along with other former OJJDP administrators who've joined with me in calling for Maryland to support Smith's legislation.

Automatically placing young people in adult courts based on charges alone is a flawed strategy in three important ways: It increases rather than decreases recidivism by youth; it comes with high costs, hampering the state from funding programs that could help rehabilitate children; and it is highly racially disparate.

When I was administrator of OJJDP under President Joe Biden, my office examined the high quality research on the practice of trying and incarcerating youth as adults. Six large-scale studies conducted across five jurisdictions (Florida, New Jersey, New York, Minnesota, and Pennsylvania) had studied the deterrent effects of transfer laws. All six found higher recidivism rates among youth who had contact with the adult court.

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Commentary



Original article available at <https://thedailyrecord.com/2025/02/20/keeping-kids-out-of-adult-court/#:~:text=Automatically%20placing%20young%20people%20in,it%20is%20highly%20racially%20disparate>

The consistent implication of these findings across studies and jurisdictions could not have been clearer: Transferring youth to adult court does not reduce recidivism or improve community safety. Instead, it substantially increases recidivism.

Parents know that children are not the same as adults. Their instinct is backed by science. Research shows that teenagers are more impulsive, more susceptible to peer influence, and less able to assess long-term consequences compared to adults.

However, they also have a greater capacity for change and rehabilitation when provided with the right interventions. The juvenile justice system, designed specifically for young people, incorporates and applies this research on adolescent brain development and behavior.

OJJDP recently granted \$850,000 to the state of Maryland to examine the continuum of community programs available to keep kids on the right path. The governor and General Assembly have also increased the state's programming budget for the Department of Juvenile Services, specifically to help young people thrive and turn away from crime. Passing SB442 would make an additional \$17 million in savings available to be invested in ensuring that young people in DJS care can access the services they need to succeed.

Finally, the negative consequences of current automatic charging practices are far more likely to impact children of color compared to their white peers, especially Black youths. Nine out of 10 young people prosecuted as adults in Maryland are youth of color; more than 80 percent are Black.

In passing SB442, Maryland will align its youth justice policy with science, data, and proven solutions. The result will be improved public safety, a fairer and more efficient system overall, and more rehabilitation resources for young people.

At a time when so many other legislative decisions will be difficult to make, Maryland lawmakers should seize this comparatively easy and long-overdue opportunity.

*Liz Ryan served as Administrator of the federal Office of Juvenile Justice & Delinquency Prevention at the U.S. Department of Justice under President Joe Biden.*