



To: Committee Chair, Judicial Proceedings  
From: Ashley Devaughn, Youth Justice Policy Director  
Re: SB0314, Juveniles Charged as Adults - Confidentiality of Records  
Date: February 11, 2020  
Position: Support

Thank you for the opportunity to provide testimony on SB0314, Juveniles Charged as Adults - Confidentiality of Records. Advocates for Children and Youth (ACY) SUPPORTS this bill.

We urge this committee to issue a favorable report on SB0314.

Maryland is a great state and like this great nation has made mistakes or decisions that yielded extraordinary consequences. Senate President Bill Feguson said on Opening day "In moments of fear we have responded with incarceration being the solution and that hasn't worked." From 1994-2014 the Maryland legislature followed the national trend of policymakers in this country creating 33 exclusionary offenses in which we automatically charge youth as adults and as of last week this committee heard bills that would increase that list. These policies have not improved public safety and has created a web of unintended consequences ultimately incarcerating the most emerging adults or youth transitioning into adulthood than any other state.

According to the Maryland Department of Juvenile Services, during 2018, roughly 400 cases of youth charged as an adult were transferred back to the juvenile court system statewide and from 2012-2017 Baltimore City Judges transfer 88% of youth charged as an adult back to the juvenile court system. In 2017, of the 124 cases that were transferred back to juvenile court, 49.2 percent (61 youth) resulted in commitment to the Department of Juvenile Services, 27.4 percent received probation, and 23.4 percent were dismissed. Youth automatically charged as adults can spend months in adult jails or in 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.

As we work to reverse the dangerous policies of the past we must also protect youth from the ramifications of these policies. Currently, in Montgomery County no youth identification information is released to the media regardless of how the youth is charged. SB 0314 extends that County best practice statewide and would prevent the release of case and personal identifying details such as Name, Address or photo of youth charged as adults until a judge has heard the case in a transfer hearing to the media and on CaseSearch. The rise of social media and the global spread of information publicly across multiple news outlets that can be accessed by national and international audiences via the internet places youth offenders' identity in unprecedented danger. Minors in the criminal justice system should not suffer lifelong repercussions for youthful indiscretions. Current policy and practices breach the juvenile's right to privacy, undermine attempts at rehabilitation, and could deny reintegration back into the community.

Removing access to privacy imposes a secondary punishment of a youth beyond criminal charges and will hinder future opportunities such as education, employment, and even housing. Further, undue publicity leads to implicit biases causing Judges to assign greater culpability, prejudice towards guilt and adultification of the young person removing the ability to be seen as a youth offender.

Shielding a young person's case until a judge has heard it would have two positive benefits:

1. Ensures the youth have a right to a fair hearing
2. It preserves the positive benefits of a transfer hearing.

The juvenile's right to privacy must be protected at all stages in order to avoid harm being caused by undue publicity and labelling. We have some mechanisms in place in certain jurisdictions to expunge records but there no expungement of media exposure, and a potential employer or landlord simply Googling a name can set the individual back long after the case was transferred.

In conclusion, as we work to move towards evidence based juvenile justice policy, it is important to remember that kids are still kids, no matter the offense committed. Also, we most contend with youth charged as adults or in the juvenile system, even those convicted of the most serious offenses, will return to our communities. Treating or punishing them as adults does not improve public safety, ignores developmental research, and undermines the rehabilitation necessary to transform youth behavior and increase public safety.

**We urge this committee to issue a favorable report on SB0314.**

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Advocates for Children and Youth builds a strong Maryland by advancing policies and programs to ensure children of every race, ethnicity, and place of birth achieve their full potential.