



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

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.

In Maryland, youth 14- to 17-years old can be automatically charged as adults for one of 33 offenses. Judges are not involved in the charging decision. After being charged as adults, youth are usually detained in juvenile detention facilities pending a transfer hearing, in which a judge first hears the case to determine if the youth should remain in adult court or should be transferred to the juvenile system. This transfer hearing takes place, on average, 124 days (approximately 4 months) after a charge. When a young person is transferred to the juvenile system, their original adult charge is eligible for expungement. In Baltimore city, it is the public defenders' policy to automatically expunge this adult charge following a successful transfer.

During the period in which a transfer hearing is pending but has not yet happened, all information about the young person is publicly available. Since youth are almost always detained pre-transfer hearing, this has no impact on public safety. However, media outlets can publish all the youth's personal identifying information prior to the transfer hearing, including name, photograph / mug shot, physical address, and date of birth. Media outlets determine which charges are "story-worthy" enough to publish. Even if a young person is transferred to the juvenile system following media exposure, and even if his/her adult record is expunged, media coverage, especially on the internet, will never be erased.

This policy adversely impacts youth's employment prospects, since 77% of employers report running basic internet searches on potential employees, even though a judge determined that s/he should be transferred to the juvenile system. Such a policy increases the odds of the youth recidivating.

This critical legislation sponsored by Senator Sydnor and Senator Carter SB 341 ensures that youth photographs and videos are shielded from the public until a judge hears the transfer hearing. If the young person is transferred to the juvenile system, their personal information is protected by Maryland's strong juvenile confidentiality laws and information is not released, thus affording juveniles the full benefit of the judge's transfer decision.



Youth Voices for Community Change

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

1. It would level the playing field so that the young person has a better shot at being transferred to the juvenile system: when a judge sees a mug shot in the morning paper, he's as likely to be prejudiced towards guilt/adultification of the young person as any of us. Shielding the young person from the media prevents this issue and ensures the youth charged in "high-profile" cases receive the same right to a fair hearing as youth who are charged in lower-profile cases;
2. It preserves the positive benefits of a transfer hearing. Even a youth's case is expunged off CaseSearch after a successful transfer hearing, there's no expunging media exposure, and a potential employer or landlord simply Googling his/her name can set the individual back long after the case was transferred.

For the past two years, CLIA and ACY have worked with a young person named Zyshawn Bryan, who experienced this personally. He was charged with armed robbery, which was picked up all the local media outlets, but transferred to the juvenile system. His adult charge was expunged from CaseSearch, but simply Googling his name returns four articles showing all the details of his adult charge (at 17 years old), the collateral consequences have not at all been diminished.

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

Ryan Turner
Executive Director
520 West Fayette St., Suite 140
Baltimore, Maryland 21201
[410.706.3875](tel:410.706.3875)
[Facebook](#) / [Twitter](#) / [Instagram](#)
www.cliayouth.org