YOUTH JUSTICE
2020 LEGISLATIVE FOCUS
African American and Latinx youth are arrested and detained at much higher rates than any other racial groups. And when detained, are at particularly high risk of facing police interrogations and coercion. **No due process and increased system involvement.**

Judges do not have the flexibility to determine the best corrective or rehabilitation action to help youth rebound after an offense. The **options are limited and predetermined** even if there are mitigating circumstances or facts to warrant diverting a young person from the system.

Young people and their families are pulled further in the justice system for reasons unrelated to public safety but rather an inability to pay the fine or court costs. **When access to justice is contingent on a person's ability to pay, the disparities of class, race and ethnicity are magnified.**

If we want to see our youth make better choices, we have to change our approach and provide them with an opportunity to grow, mature and change. **Join the youth justice reform movement!**
Keeping Private Information Private: Shielding Personal Information of Minors

Youth encountering the adult justice system—specifically those youth cases that are sent back to the juvenile system have their personal information publicly available although they are minors. This unnecessary exposure of personal information threatens their ability to rebound and have a fresh start.

Impact: In Maryland, youth 14- to 17-years old can be automatically charged as adults for one of 33 offenses. Across the state of Maryland, 57 percent of youth charged as adults have their cases transferred to the juvenile system. In Baltimore, this figure is 67 percent. During the period in which a transfer hearing is pending, all information about the young person is publicly available.

Need for legislation: 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. 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.

What the legislation will do: This legislation will prevent prejudicial treatment caused by media exposure and increase the opportunity for a fair transfer hearing.

Ending the Practice of Fines, Fees and Costs

Juvenile courts charge young people and their families fines, fees, costs, and restitution without regard to children’s inability to pay. In juvenile courts, the consequences of such practices are detrimental as they are exacerbated by children’s financial dependence.

Impact: Children may feel pressure to waive their right to counsel if their legal representation imposes a financial burden on their families; and children and their families are pulled deeper into the court system for longer periods of time, for reasons unrelated to public safety. Further, when access to justice is conditioned on a person’s ability to pay fines, fees, and other costs to the courts, the disparities of class, race, and ethnicity are magnified.

Need for legislation: In Maryland, children can be kept under probationary supervision until fines and fees are paid making it difficult to get out of the youth justice system.

What the legislation will do: This legislation will stop the imposition of fines and fees on youth and families as well as end incarceration or detention of youth for non-payment of fees, fines, or financial obligations when the failure to pay stems from poverty, lack of income, or an inability to pay.

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Exercising Our Civil Rights: Having Legal Representation During Interrogation

Youth of all races commit offenses at roughly the same rates however, African American and Latinx, youth are arrested and detained at much higher rates than all other racial groups, and therefore are at particularly high risk of facing police interrogations and coercion.

Impact: Every day in Maryland, children entangled in the criminal justice system are questioned without a parent or attorney present. As a result, they face criminal charges, prosecution, and incarceration without the basic due process rights as adults. This practice is particularly dire for Black and Brown children, who are overpoliced.

Need for legislation: A law is needed to protect due process rights for children.

What the legislation will do: This law will codify the rights of children.

Giving Youth A Chance to Get it Right—Informal Adjustment

This bill gives judges the flexibility to determine the best course of corrective and rehabilitative action to help youth rebound after an offense. It extends the informal adjustment process from solely an intake practice to the judiciary realm and allows all parties including the Judge, Prosecutor, and Defense Attorney to request an informal adjustment at trial when more facts of the case are available which diverts young people from the system.

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