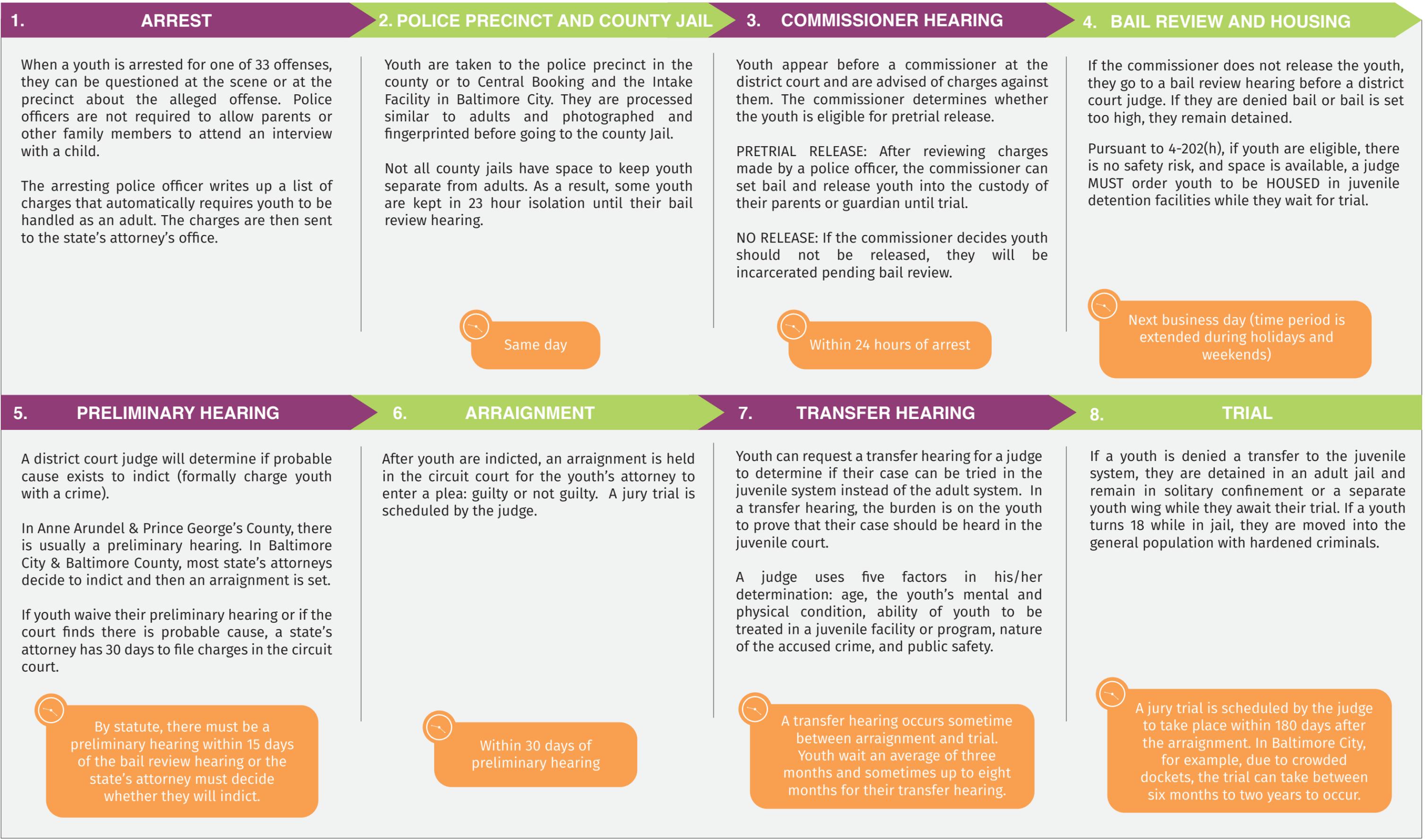




YOUTH IN THE ADULT SYSTEM: PROCESS CHART

The Just Kids Campaign is a statewide advocacy campaign working to stop the automatic prosecution of youth as adults in Maryland. CLIA, a Baltimore-based nonprofit, leads the Just Kids Campaign. For more information, visit www.justkidsmaryland.org



1. ARREST

When a youth is arrested for one of 33 offenses, they can be questioned at the scene or at the precinct about the alleged offense. Police officers are not required to allow parents or other family members to attend an interview with a child.

The arresting police officer writes up a list of charges that automatically requires youth to be handled as an adult. The charges are then sent to the state's attorney's office.

2. POLICE PRECINCT AND COUNTY JAIL

Youth are taken to the police precinct in the county or to Central Booking and the Intake Facility in Baltimore City. They are processed similar to adults and photographed and fingerprinted before going to the county jail.

Not all county jails have space to keep youth separate from adults. As a result, some youth are kept in 23 hour isolation until their bail review hearing.

Same day

3. COMMISSIONER HEARING

Youth appear before a commissioner at the district court and are advised of charges against them. The commissioner determines whether the youth is eligible for pretrial release.

PRETRIAL RELEASE: After reviewing charges made by a police officer, the commissioner can set bail and release youth into the custody of their parents or guardian until trial.

NO RELEASE: If the commissioner decides youth should not be released, they will be incarcerated pending bail review.

Within 24 hours of arrest

4. BAIL REVIEW AND HOUSING

If the commissioner does not release the youth, they go to a bail review hearing before a district court judge. If they are denied bail or bail is set too high, they remain detained.

Pursuant to 4-202(h), if youth are eligible, there is no safety risk, and space is available, a judge **MUST** order youth to be **HOUSED** in juvenile detention facilities while they wait for trial.

Next business day (time period is extended during holidays and weekends)

5. PRELIMINARY HEARING

A district court judge will determine if probable cause exists to indict (formally charge youth with a crime).

In Anne Arundel & Prince George's County, there is usually a preliminary hearing. In Baltimore City & Baltimore County, most state's attorneys decide to indict and then an arraignment is set.

If youth waive their preliminary hearing or if the court finds there is probable cause, a state's attorney has 30 days to file charges in the circuit court.

By statute, there must be a preliminary hearing within 15 days of the bail review hearing or the state's attorney must decide whether they will indict.

6. ARRAIGNMENT

After youth are indicted, an arraignment is held in the circuit court for the youth's attorney to enter a plea: guilty or not guilty. A jury trial is scheduled by the judge.

Within 30 days of preliminary hearing

7. TRANSFER HEARING

Youth can request a transfer hearing for a judge to determine if their case can be tried in the juvenile system instead of the adult system. In a transfer hearing, the burden is on the youth to prove that their case should be heard in the juvenile court.

A judge uses five factors in his/her determination: age, the youth's mental and physical condition, ability of youth to be treated in a juvenile facility or program, nature of the accused crime, and public safety.

A transfer hearing occurs sometime between arraignment and trial. Youth wait an average of three months and sometimes up to eight months for their transfer hearing.

8. TRIAL

If a youth is denied a transfer to the juvenile system, they are detained in an adult jail and remain in solitary confinement or a separate youth wing while they await their trial. If a youth turns 18 while in jail, they are moved into the general population with hardened criminals.

A jury trial is scheduled by the judge to take place within 180 days after the arraignment. In Baltimore City, for example, due to crowded dockets, the trial can take between six months to two years to occur.