

# FACE FORWARD 3 NEW GRANTEE ORIENTATION

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UNITED STATES DEPARTMENT OF LABOR  
EMPLOYMENT AND TRAINING ADMINISTRATION

# **Diversion, Expungement, Record Sealing**

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***What you need to know about  
diversion, expungement and  
record sealing***



# WHERE DO WE START?

- Adjudicated
- At-Risk and High Risk Youth
- Certificate of Relief
- Collateral Consequences
- Delinquent Youth
- Disproportionate minority contact
- Diversion (Juvenile)
- Expungement
- Graduated Sanctions
- Petition
- Post-Disposition Review
- Recidivism Rates
- Status Offender
- Summons
- Waiver (waive jurisdiction)
- Warrant
- Youth Justice

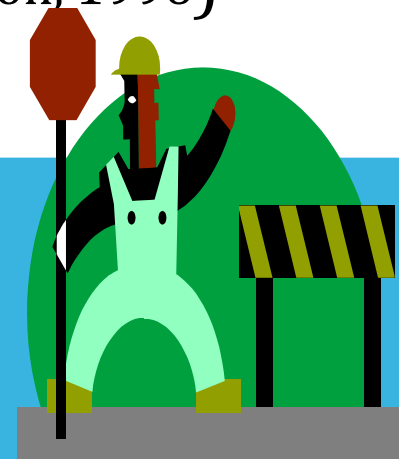


# DIVERSION


**The technical definition: In less serious offenses, and if agreed by the youth and parent/guardian, the case is handled through non-judicial alternative services.**

In theory, it is the belief that the juvenile justice system does more harm than good to youth who go through the system.


Diversion is “an attempt to divert, or channel out youthful offenders from the juvenile justice system.” – (Bynum and Thompson, 1996)



# DEFINING TERMS

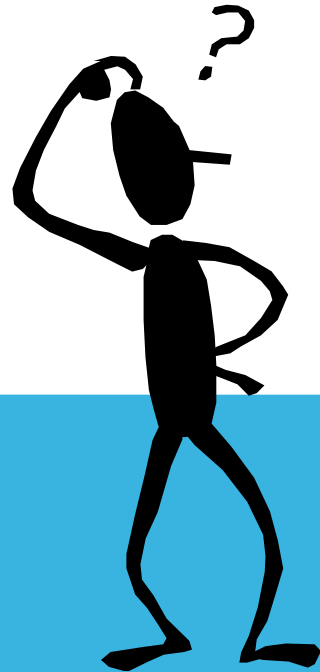
- **Adjudication hearing**- the legal process of settling a dispute. The Juvenile Delinquency Court judge/judicial officer determines that a juvenile is responsible for the offense that has been filed.
  - **Certificate of Relief , Good Conduct , Disabilities**- A legal presumption that you are rehabilitated for your convictions and they remove legal barriers to employment, licenses and public housing. Certificates are not pardons.
  - **Collateral Consequences** – A juvenile arrest or adjudication can result in negative consequences in an immediate impact on school attendance, driving privileges, military acceptance, and access to public housing. The severity differs by state . However, in general it does impact the juvenile’s school environment and allows the schools to discipline the individual in school for activities that occurred outside of school.
  - **Delinquent Youth** – a minor who has committed an act, which under the laws of the jurisdiction would be a crime if committed by an adult.
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# DEFINING TERMS (CONTINUED)

- **Disproportionate minority incarceration** – A disproportionate number of minority youth are adjudicated or held for detention versus other ethnic and racial groups. A greater propensity for minorities to be stopped and held
  - **Diversion** - Diversion is an attempt to divert, or channel out, youthful offenders from the juvenile justice system
  - **Expungement** – the permanent destruction of criminal history from public and court records.
  - **Petition** – the document that specifies the violation of law and state statute number described in the affidavit that the youth is alleged to have committed.
  - **Status Offender** – a juvenile who has committed an offense that would not be considered an offense if committed by an adult (i.e. truancy, runaway, etc.)
  - **Waiver (or Waive Jurisdiction)**- refers to the transfer of a youth from a Juvenile Delinquency Court to Criminal Court.
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## **QUICK QUIZ QUESTION**

**Is your program an approved diversion program by your Juvenile Justice system?**






# ELEMENTS OF AN EFFECTIVE DIVERSION PROGRAM AND PARTNERSHIP

- The Diversion Program must be realistic, appealing and sustainable to provide the proactive services to prevent future delinquency.
- Seek collaboration and partnership with the key stakeholders that share your goals and support your mission.
- Establish an advisory board that includes youth, juvenile justice, parents/guardians, education and community representatives.
- Manage your resources




# WHAT MAKES A FACE FORWARD AND DIVERSION PROGRAM EFFECTIVE

To be effective a Face Forward grantee's focus on diversion programming should include the following:

- Comprehensive assessment with a risk factor measuring tool
  - Motivational interviewing and trauma-informed programming that drive program service offerings
  - Extensive and integrated case management system
  - Individual, parental/guardian and family counseling
  - Cognitive behavior training by a certified instructor
  - Mentoring/ coaching activities
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# WHAT MAKES A DIVERSION PROGRAM EFFECTIVE (CONT.)

- Integrated program and supportive service offerings inconjunction with the Juvenile Justice System
  - Knowledge of the Written Findings and Orders for all adjudicated youth in your program
  - Education system buy-in/elimination of collateral consequences
  - Established aftercare support system
  - Mentoring/coaching
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# HOW TO INSTITUTE AN EFFECTIVE DIVERSION STRATEGY

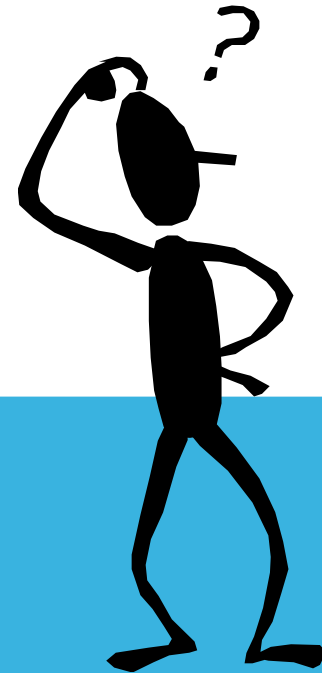
- Meet them where they are – cultural competency
- Design your program’s mission and services to support a transformative approach versus a prescriptive for success.
- Incorporate the belief that every youth has something good inside of them into your daily operations.
- Give the participants a voice via a mutually agreement of roles and responsibilities that lead to a successful future. Use the ICP tool beyond career planning.
- Incorporate “record sealing” into your program offerings.
- Establish a strong, effective mentoring component



## QUICK QUIZ QUESTION

A sealed juvenile record is automatically expunged when a juvenile becomes an adult.

True or False



# QUICK QUIZ ANSWER

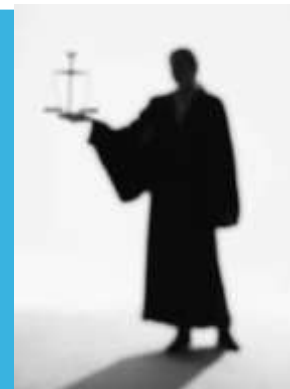
**False.** Each state has different rules regarding sealed juvenile records.

A general rule of thumb is:


Sealing removes the record from the main record file and secures it in a separate file available only to a restricted group of readers. Sealed juvenile records can still be used by judges in later criminal cases against the same person, even after the person becomes an adult.

If the police or a court asks about the record of a person whose record has been sealed, they are told that the person has a "sealed delinquency record over 3 years old." All other people that ask about the record are told that the person has "no record."

**Grantees must KNOW the laws of their State when designing their program services.**



# QUICK QUIZ QUESTIONS - JUVENILE RECORDS

- What constitutes a juvenile record?
  - How long does a juvenile charge remain in the system?
  - What does it mean to seal a record?
  - Are all juvenile offenses eligible to be sealed?
  - Can a sealed record be opened? If so, when?
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# EXPUNGEMENT

Expungement refers to the process of sealing arrest and conviction records. Almost every state has enacted laws that allow people to expunge arrests and convictions from their records. Although the process and details are state-specific, most states rulings are that once a record is expungement it does not have to be reported to anyone; with the possible exception of law enforcement.

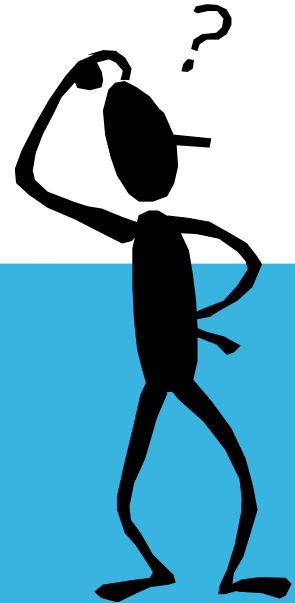




# QUICK QUIZ QUESTION

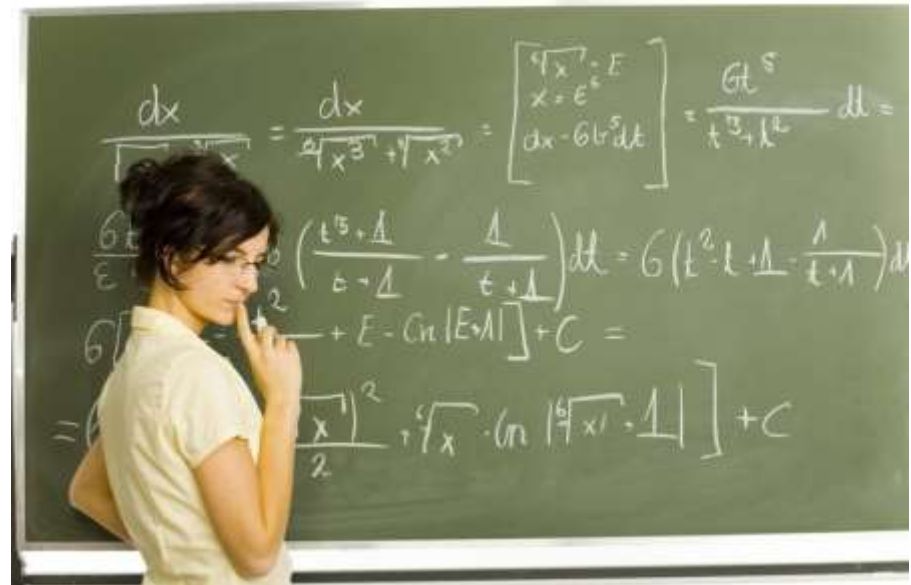
What is a better strategy for your program service offerings and retention?

Expungement or Sealing a Juvenile Record




# QUICK QUIZ ANSWER


The answer is State and program-specific.



# NEED TO KNOW

- Age at which expungement application process can begin
  - Waiting period before expungement application can be submitted
  - What crimes can or cannot be expunged
  - Number of expungements an individual can have in that State
  - Cost of all legal fees
  - Is juvenile record sealing a better choice
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## KEY FACTORS FOR ESTABLISHING AN EFFECTIVE EXPUNGEMENT OR RECORD SEALING PROGRAM COMPONENT

- Working knowledge of state requirements
  - Budgeting for expungement costs
  - Dedicated staff person as a SME
  - On-site legal representative co-located with you whenever possible
  - Solid partnership with a judicial champion
  - Realistic expectations are presented to the participants during recruitment and enrollment
  - Working partnership with parent(s)/guardians
  - Follow-up with all parties involved
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# EXPUNGEMENT CHALLENGES

- Maintaining a “**crime-free**” individual during the required waiting period
- Knowledge of all arrests and adjudications that an individual might have
- Lengthy process
- Legal fees
- Not necessarily acceptable/attractive to all parties involved



# EXPUNGEMENT VS. RECORD SEALING AND DIVERSION

## EXPUNGEMENT

- Permanent elimination of juvenile history for most **CRIMES**
- Waiting period can be long and participants may not be inclined to stay in your program
- Legal process that may become a deterrent to your participants

## DIVERSION

- Immediate action and results
- Successful diversion program coupled with juvenile record sealing may be an effective program retention strategy
- Removes negative perception of oneself if the program is effectively administered

Questions



# RESOURCES

[WWW.OJJDP.GOV](http://WWW.OJJDP.GOV)

[WWW.NOLO.COM](http://WWW.NOLO.COM)

[WWW.CRIMINALDEFENSELAWYER.COM](http://WWW.CRIMINALDEFENSELAWYER.COM)

[WWW.RESEARCH.LAWYERS.COM](http://WWW.RESEARCH.LAWYERS.COM)

[WWW.PAPILLIONFOUNDATION.ORG](http://WWW.PAPILLIONFOUNDATION.ORG)

[WWW.EXPUNGEMENTGUIDE.COM](http://WWW.EXPUNGEMENTGUIDE.COM)





**FOR MORE INFORMATION**

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**THANK YOU!!!**

