

LESSONS FROM LUZERNE COUNTY: EXPUNGEMENT

It is a common misconception that juvenile offenses are immediately erased from one's record at the age of eighteen. Contrary to common belief, records of juvenile crime—regardless of how minor or severe—are often *not* automatically expunged and can follow an individual throughout his or her life. These records can have far-reaching consequences for youth, impeding their ability to join the military, pursue higher education, or obtain employment. **All of the youth in the Luzerne County corruption scandal will have their adjudications vacated and their records expunged, but many continue to face barriers to pursuing educational or career goals, greatly hindering their ability to become productive adults.**

The collateral consequences of juvenile records should be reduced.

- Too many people equate teenage misbehavior with adult criminal behavior, and fail to appreciate that adolescence can be an unpredictable, sometimes volatile stage of life—a stage in which some teens might have an encounter with the legal system. Research shows that adolescent brains are not fully developed, especially the frontal lobe where critical thinking, forethought and understanding of long-term consequences is formulated. It is for this reason that teens are considered less culpable than adults. It is also the reason why they are more capable of change than adults—maturity often brings stability. Unfortunately, juvenile records can leave permanent and damaging scars.
- Juvenile records can greatly affect employment opportunities at all stages of life. Many employers equate a juvenile adjudication of delinquency, no matter how minor, with a criminal conviction. Although employers are technically only supposed to use information regarding a young person's juvenile record when it is related to the job requirements, employers have broad discretion and often deny employment.
- The American Bar Association recently adopted a policy on collateral consequences, recommending that juvenile offenses no longer serve as barriers to education and vocational opportunities. The Pennsylvania General Assembly should amend the Juvenile Act so it is consistent with this policy.

Barriers to expunging records should be eliminated.

- Current law places the burden of filing a petition for expungement on the youth, who is often completely unaware of the process or the consequences. This all but ensures that expungements rarely occur. Additionally, the process is cumbersome, and varies from county to county.
- Juvenile Law Center recommends that local counties designate one unit of government—either the court clerk, juvenile probation office, or public defender office—to take responsibility for notifying youth of their eligibility for expungement, alerting them of the potential consequences, and providing assistance in filing petitions.

Juveniles charged and convicted of a summary offense should be eligible for swift expungement.

- Many juveniles are charged and convicted of summary offenses, such as underage drinking, curfew violations, and disorderly conduct. Because summary offenses are adult criminal convictions and not juvenile adjudications, the records of these convictions are fully available to the public, including employers.
- Under current law, summary offenses are not eligible for expungement until five years after conviction. Juveniles should be eligible for expungement of a summary offense after discharge from court supervision.