

I. 2020 DRAFT JJPOC RECOMMENDATIONS IN BRIEF

		Requirement
INCARCERATION WORK GROUP RECOMMENDATION 1	<p>It is recommended that JJPOC:</p> <ol style="list-style-type: none">1. Propose legislation providing for the automatic erasure of certain juvenile records, and eliminating the petition requirement that exists in current law which youth and families rarely avail themselves of. Specifically, this proposal would do the following:<ol style="list-style-type: none">a. It would provide for automatic erasure of juvenile records after the existing statutory waiting period of two years, for any juvenile offense that is not a serious juvenile offense.b. It would still require youth with serious juvenile offenses to petition to have their records erased after the existing required four year waiting period.c. It would not impact the ability to petition earlier by requesting a hearing for good cause for any youth with a record.	<p>Propose a legislative amendment to existing statute Conn. Gen. Stat. § 46b-146 which would remove the petition requirement for youth who have met the waiting periods</p>

BACKGROUND

Connecticut's juvenile justice system is intended to be rehabilitative and give youth a second chance. However, records of juvenile delinquency, though confidential, still serve to negatively impact youth in Connecticut. They are often accidentally or inadvertently, reported, resulting in negative outcomes and the exclusion of these youth from educational or employment opportunities that would otherwise be open to them. Although the majority of youth who are involved in the juvenile justice system do not enter the criminal adult system, the impact of juvenile offenses follows them with negative collateral consequences, often interfering with their opportunity to pursue the military, government positions, certain classes of employment and higher education.

Current law requires youth to affirmatively petition to have their record erased. Many youth and families are unaware of this procedure and simply do not access it. By providing for automatic record erasure, youth who have been involved with the juvenile justice system will be protected from any disclosure that could cause future harm. It is important to note that under Connecticut law, youthful offenders, who have

committed crimes that are more serious in nature, mandating adult court involvement, already have the benefit of automatic erasure of their record from adult court when they reach the age of 21 years old, if they have not subsequently been convicted of a felony.

States such as Illinois and Colorado provide for automatic expungement of similar juvenile offenses with shorter waiting periods (60 business days or one year or less, respectively); Iowa provides for automatic sealing of any misdemeanor adjudications by a juvenile, which is similar to expungement, but may be opened only by court order.¹

DATA

Given the confidential nature of the records at stake, data on disclosure is not readily tracked or available. However, here are real life examples from two youth whose records negatively impacted their future.

- John had always had the dream of become a member of the armed forces. In corresponding and speaking with a recruiter, the recruiter discovered John has been arrested as a younger teen. This led him to asking John to take him to the juvenile court to check on the status of his records there; John wanted to be forthright with the recruiter and felt he had no option but to accompany him to the juvenile court where his records would be disclosed.
- Andrew was arrested at 17 on adult charges through some unfortunate associations with older youth. While locked up, he was considered for transitional supervision (TS), to be released into the community prior to end of his sentence. He had always been compliant while incarcerated and had no disciplinary tickets against him. However, his juvenile record involving an arrest in a school related conflict and misunderstanding when he was in the eighth grade was found by DOC and used to deny him TS. Andrew was understandably confused – he had been advised by his attorney this information would be confidential and that he could represent that it didn't happen.

These youth would not have had these unfortunate impacts on their futures, if these they had had the benefit of automatic erasure.

POTENTIAL IMPACT

The current structure within the court support services division would require only minor adjustments to the existing system. The potential benefit of such a change far outweighs the cost, and would continue to put Connecticut at the forefront of juvenile justice reform nationally.

¹ For more information, see the *Clean Slate Clearinghouse* online found at: <https://cleanslateclearinghouse.org/compare-states/>