

No Big Deal?
Hidden
Consequences
of
Youth Arrests
and Citations

Rhonda L. McKitten, Esq.



What are
your goals
for students
who have
discipline
violations?



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What are your goals for students with behavior problems?

Does police involvement achieve these goals

- Access to Services
- Accountability/Fairness
- Learn from Mistake
- Stop Behavior
- School Safety
- Become successful students and happy people

Is Police Involvement/ Arrest the best way to Achieve those Goals?



What kinds of records are created from a police involvement?

- **School record**
- **Arrest record**
- **Petition/ Charging Record**
- **Factual finding** re: delinquent conduct (judge not jury)
 - Not Guilty
 - Dismissed
 - Guilty (after admission (plea) or adjudicatory hearing (trial))
- **Adjudication of delinquency = Juvenile Record**
 - Finding of delinquency + need for Treatment, Rehabilitation and Supervision by the Court
- **Adult Records: Summary Citation, Summary Conviction**

Juvenile
adjudications
are not
criminal
convictions..

But they are
often treated
that way



**Myth:
Juvenile
Records Are
Not Open
to the
Public**

Schools

**Law
enforcement**

Employers

**And anyone
else who want
to know!**





A CLEAN SLATE

Juvenile Records NEVER automatically go
away

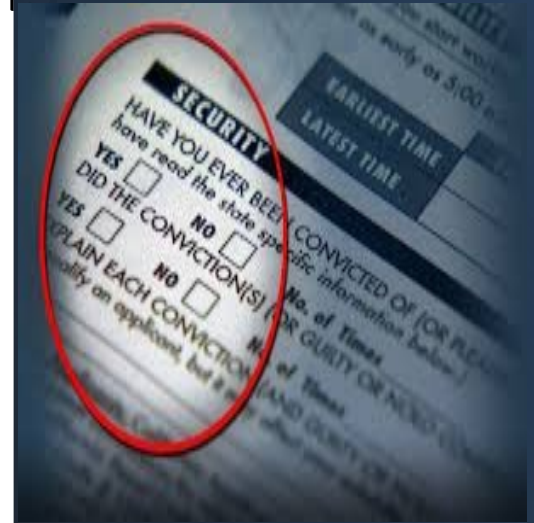
Juvenile Arrests and Adjudication Limit Job Opportunities and Military Service

Civilians

- "Ban the Box" only applies to the first level of employment application
- Juvenile adjudications can affect professional licensing
- Even when employers only ask about convictions, juvenile adjudications may appear in a background check

Military

- The Army treats delinquency adjudications as criminal convictions
- Other branches of the military decide on a case by case base
- Military recruiters sometimes assist with getting juvenile records expunged



Families can lose public housing- even if the offense didn't happen there.



**COUNTY OF SAN FRANCISCO
DEPARTMENT OF HOUSING**


EVICTIION NOTICE

CASE NO. _____

WE DO NOT REGRET TO INFORM YOU BUT TECHIES AND OTHER OCCUPANTS ARE HEREBY ORDERED TO LEAVE SAN FRANCISCO'S BAY AREA DUE TO THE UNJUST DISPLACEMENT OF WORKING CLASS FAMILIES.

PLEASE TAKE ALL OF YOUR BELONGINGS, WHICH INCLUDE: TECH BUSES, STUPID ASS APPS, EXPENSIVE BOUTIQUE STORES, CONDOS, AND RACIST EATERIES.

F.T.P. **EFFECTIVE IMMEDIATLEY**



A juvenile adjudication for certain offenses, including possession of drugs, can result in deportation for non-citizens





Driving Privileges will
be suspended for 90
days to 1 year for

- **Terroristic threats on school property or at a school activity**
- **Truancy**
- **Possession, sale or delivery of a controlled substance**
- Purchasing, drinking or possessing alcoholic beverages
- Carrying false identification
- Racing or careless driving
- Driving to avoid arrest

Youth who are adjudicated (and even those who are diverted) have to pay court fees and sometimes restitution...





Juvenile adjudications are considered in adult sentencing - and can result in longer sentences



DNA is taken from ALL youth adjudicated of felony offenses-
and the DNA record is not destroyed even if the juvenile record
is expunged

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**your VOTE
is your VOICE**

Juvenile adjudications do not prevent a person
from voting or from serving on a jury

- To expunge a record, a motion must be filed with the court- usually by an attorney
- Records of adjudication can't be erased until FIVE YEARS after supervision has ended. DNA is never destroyed
- Many people think that juvenile records go away at 18 or 21- this is simply not true.

Expungement

Expungement- No Quick Fix

When are cases eligible?

5 years- adjudicated delinquent or deferred adjudication

6 months after successful diversion

Immediately if found not guilty

BUT

Expungement is not automatic – it takes time and requires a motion to the court from a lawyer. By the time the request is considered, opportunities can be lost



THE PENNSYLVANIA JUVENILE JUSTICE TASK FORCE



REPORT & RECOMMENDATIONS

June 2021

PA Juvenile Justice Task Force Findings and Recommendations

“Most cases eligible for expungement are not expunged, including 76 percent of cases that were dismissed or withdrawn and 96 percent of eligible adjudicated cases”

“Records associated with a youth’s juvenile justice system involvement do not automatically disappear in adulthood, even if a youth’s case is dismissed or withdrawn. In Pennsylvania, those records can affect access to education, employment prospects, occupational licensing, military enlistment, family housing, ability to receive a driver’s license, public benefits, and credit, among other potential consequences. Youth must wait five years—often well into their 20s—to be eligible for expungement.” P23

Recommendations

“Ensure that young people who have completed their obligations to the court are not held back from successful transition into adulthood by records of juvenile justice system involvement” p.39

Implementation requires legislation and/or rule changes (pending) and will require process development to track cases and ensure that records are truly expunged everywhere that they are located (including private background search companies)

Recommendation 23: Create a standardized statewide expungement process We recommend that the Pennsylvania Rules of Juvenile Court Procedure and the Juvenile Act be amended to provide that the chief juvenile probation officer shall immediately notify the court and the court shall initiate the expungement process.

- Immediately upon dismissal or withdrawal of case
- Upon eligibility for expungement after successful diversion (6 months from completion)
- After two years have elapsed since the final discharge of the youth from supervision after a misdemeanor adjudication if no subsequent adjudications or convictions (or open cases) for a misdemeanor or felony

Summary Offenses:

No Big Deal?

Summary offenses, often called “non-traffic citations” include:

- Loitering
- Harassment
- Disorderly Conduct
- Littering

Typical Sentence: Fines, sometimes community service. Not designed for treatment or services.,

PA DEPARTMENT OF TRANSPORTATION CITATION
NON-TRAFFIC CITATION P86832
12-1-09 10-1337-10
15466578
Name
Address
TREASURER PA 17
OFFENSES
 Disorderly Conduct Driving Without License Traffic Offense Driving Without License
 Harassment Public Intoxication Blocking Traffic Driving Without License
 Road Block Furnish, Consume, Possess or Transportation of Liquor in Motor Vehicle Driving Without License
 Litter Other
DEFENDANT CONTROL
CONDOMS ~~AND~~ IN GARAGE AND 5503 (A)
THEY GAVE THEM TO UNIDENTIFIED
WOMEN WHO WERE OFFENDED
WHEN THEY DISCOVERED THE
CONTENTS
9-21-10 1245 7th HARRISBURG PA 17101 22
DUPONT PA 17101 22
X- PLEASE MAIL INFORMATION - 9-21-10
PLEASE MAIL INFORMATION - 9-21-10

A summary offense usually starts with a citation- which may seem like a traffic ticket



But is an ADULT CRIMINAL OFFENSE

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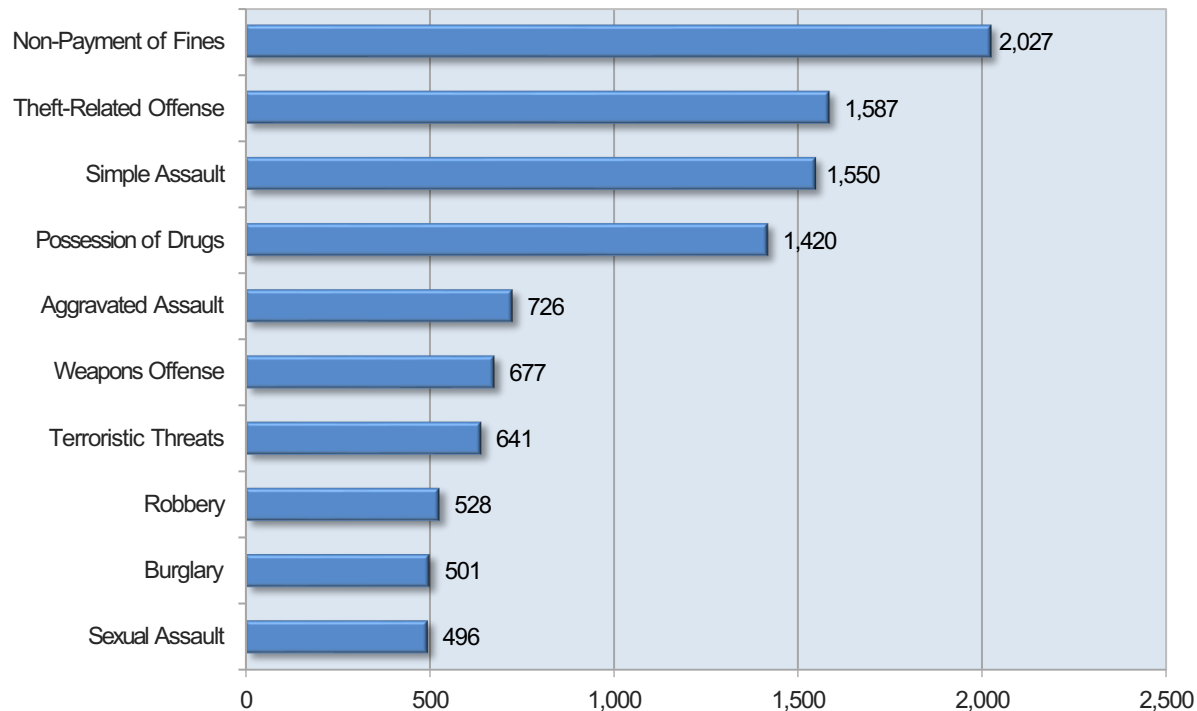
Summary Trials

- No right to a lawyer
- Trial in absentia
- Right to Appeal (but no lawyer provided to request an appeal)
- Sent to Juvenile Court if doesn't comply with sentence/ pay fines

Most Frequent Alleged Offense Categories in PA Juvenile Courts 2020



Most Frequent Alleged Offense Categories, 2020



Juvenile Summary Record

Unlike adult summary convictions, juvenile summary offenses are not open to the public

BUT

Juveniles must disclose summary convictions if asked on a job or college application



Expungement of Summary Citations

6 months after 18th birthday IF all
conditions of sentence are completed

Expungement motion must be filed with
the court

No one can see or use an expunged record



Automatic Sealing of Summary Convictions: Clean Slate Act

Summary convictions will be sealed after 10 years if the person has a clean record.

Sealing doesn't destroy the record- law enforcement can still see it.



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Do Juvenile Arrests and Summary Citations Accomplish Our Goals for Youth?

Access to Services

- Can take months, if services are put in place at all
- Other avenues to services offer more consistency without stigma

Accountability/ Fairness

- Double punishment with school discipline:
- Justice system is slow

Learn from Mistake

- Restorative Justice and other EBP

Stop Negative Behavior in Schools

- Adolescent Brain Development- future punishment not best deterrent
- Arrested students return to schools
- Putting low risk youth into the justice system increases the likelihood of future delinquent behavior



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