

MYTH: Access to juvenile criminal records is strictly limited.

FACT: Privacy of juvenile court records has eroded over the years. In many cases criminal justice professionals – and in some cases others – can access information about an individual stored in state repositories.

Data collection systems are designed to collect, record, and report information on each felony and serious misdemeanor arrest that occurs in a state, as well as the court's response to the arrest. These records may be used for many purposes, mostly for background checks including identification, employment, security, adoption, immigration/international travel/visa, licensing, assistance in developing suspects in a criminal investigation, and for enhanced sentencing in criminal prosecutions. This information is accumulated into what is commonly known as a "RAP Sheet" (Record of Arrest and Prosecution). This information is linked to a person through fingerprints.

Some state repositories collect information on juvenile arrests and some do not. **Some states with juvenile information report this information when it is requested by a criminal justice entity (e.g., law enforcement, prosecution) and some do not. When a potential employer requests criminal history information on a juvenile applicant, some states will provide some or all of the recorded juvenile information, and some do not.**

Sealing of juvenile court records means placing them in a separate file or other repository that is not accessible to the public.

Expungement refers to court records that are considered to have never existed or the destruction of those records. Destruction of such records, however, does not always mean actual destruction, but rather placing a juvenile's records in a separate file where only certain parties can access them, usually with a court order.

The fact is that the privacy of juvenile court records has eroded over the years. **Persons interested in juvenile justice issues should know the policies and practices of their state's criminal history repository.**

As technology advances, it is likely that the contents of each state repository will grow to include more and more information on juvenile matters. Given that the information will be collected and stored, the concerns for juvenile justice should focus on the repository's retention and dissemination policies, especially dissemination to potential employers. The questions to ask are:

- Should any juvenile records be reported when a request is made by a potential employer?
- Should reporting be limited to only those matters in which the youth was adjudicated delinquent?
- Should there be criteria established to expunge juvenile information housed in a repository after a certain period of time?
- If a court expunges or seals the juvenile court records on a youth should (and is) the information housed in the state criminal history repository also be expunged or sealed?
- How can juveniles determine if their information is in a repository --- and if it is accurate?

For More Information:

ABA's Juvenile Collateral Consequences Database

<http://www.beforeyouplea.com>

Can Sealed Juvenile Court Records ever be Unsealed or Inspected?

http://www.ncij.org/PDF/Snapshots/2010/vol15_no5_Sealedrecordsth_atcanbeunsealed.pdf

Protecting Youth from Self-Incrimination when Undergoing Screening, Assessment, and Treatment in the Juvenile Justice System

<http://www.ilc.org/files/publications/protectingyouth.pdf>

What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets primarily intended to clarify federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to: www.nationalreentryresourcecenter.org/reentry-council