

DIVERSION OR EXPUNGEMENT

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Welcome

WHERE DO WE START?

Defining terms:

- Adjudicated -
- Certificate of Relief -
- Collateral Consequences -
- Disproportionate minority incarceration
- Diversion -
- Expungement -



WHERE DO WE START?

Some Defining Terms:

- **Adjudicated** – The legal process of settling a dispute. The judge’s decision about a youth’s action.
- **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 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.
- **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 process of sealing, removal and destruction of criminal history from public and court records.

DIVERSION

Diversion is an attempt to divert youthful offenders from the juvenile justice system.

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



WHAT MAKES A DIVERSION PROGRAM SUCCESSFUL

To be effective, a diversion program must offer the following:

- Comprehensive assessment with a risk factor measuring tool
 - Motivational interviewing
 - Extensive case management system
 - Individual, parental and family counseling
 - Cognitive behavior training
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WHAT MAKES A DIVERSION PROGRAM SUCCESSFUL (CONT.)

- **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
 - Throw-out the notion that they are “bad kids” who need a second chance
 - Incorporate the belief that every youth has something good inside of them
 - Eliminate any personal bias and the thought that you are there to rescue them
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HOW TO RUN AN EFFECTIVE DIVERSION PROGRAM

- **Establish an advisory board that includes youth, juvenile justice, education and community representatives**
 - **Operate your organization/program in an MBO**
 - **Manage your resources**
 - **Seek collaboration and partnership with the key stakeholders**
 - **Make it realistic, appealing and sustaining**
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EXPUNGEMENT

Expungement refers to the process of sealing arrest and conviction records. Most 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 expunged, it does not have to be reported to anyone, with the possible exception of law enforcement.



EXPUNGEMENT

- **Know your state requirements**
 - **Budget for expungement costs**
 - **Have a legal representative co-located with you whenever possible**
 - **Have a judicial champion**
 - **Set realistic expectations**
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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**
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EXPUNGEMENT VS. 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

RESOURCES

WWW.NOLO.COM

WWW.PAPILLIONFOUNDATION.ORG

WWW.EXPUNGEMENTGUIDE.COM



FOR MORE INFORMATION

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