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JUVENILE DETENTION ALTERNATIVES INITIATIVE — JDAI

NAVIGATING THE EXPUNGEMENT PROCESS

The following is the story of a young Dakota County woman’s journey through the criminal records expungement process, which can be long and frustrating but—if all goes well— rewarding. Ellie (not her real name) was first adjudicated delinquent at age 14. Now, at age 20, Ellie has graduated from high school, has been steadily employed, and is volunteering with the Juvenile Advisory Council. She wants to run her own business one day. In order to do so, however, she needs to seal her records and, as she says, “let my mistakes stay in the past so I can move forward and continue to contribute to my community.” Ellie told her story to Manda Lillie, a Community Corrections volunteer, who provided the transcript.

“At first, I didn’t know that expungement was something I needed to consider. I figured that since my offenses were committed when I was a juvenile, I wouldn’t need to deal with my record. But when I was fired from my job due to my criminal record, I had to appeal that decision with my employer and begin the process of expungement.

I met with an attorney who said that certain charges were not worth the process and others were the reason I lost my job and may prevent me from getting jobs in the future, too.

The most important part of the process was collecting the documents I needed for the expungement, for example, police records, a letter of disposition from my probation officer, letters of recommendation from family, coworkers, employers, or others, and any other documents that could help with my case. I originally thought

I had the right paperwork until the attorney informed me that the paperwork I had was for a different county and that the judge would not take my case if the paperwork was filed under a different county.

This attorney is one of several people who can help you in the process of expungement. She works with Southern Minnesota Regional Legal Services. Other places to go are the Neighborhood Justice Center, and the Minneapolis Criminal Expungement Clinic. After gathering all the documents, I started to work on the form, which is probably the easiest part of the process.



When preparing to hand over the form to the judge, I was given great advice. The judge knew nothing about me, my case, or my past. It’s important for me to share what I believe is true about my case and myself. Mentioning what I do in my spare time, having a positive impact on the community, and how I did on probation are important to helping the judge understand that I’ve rehabilitated myself.

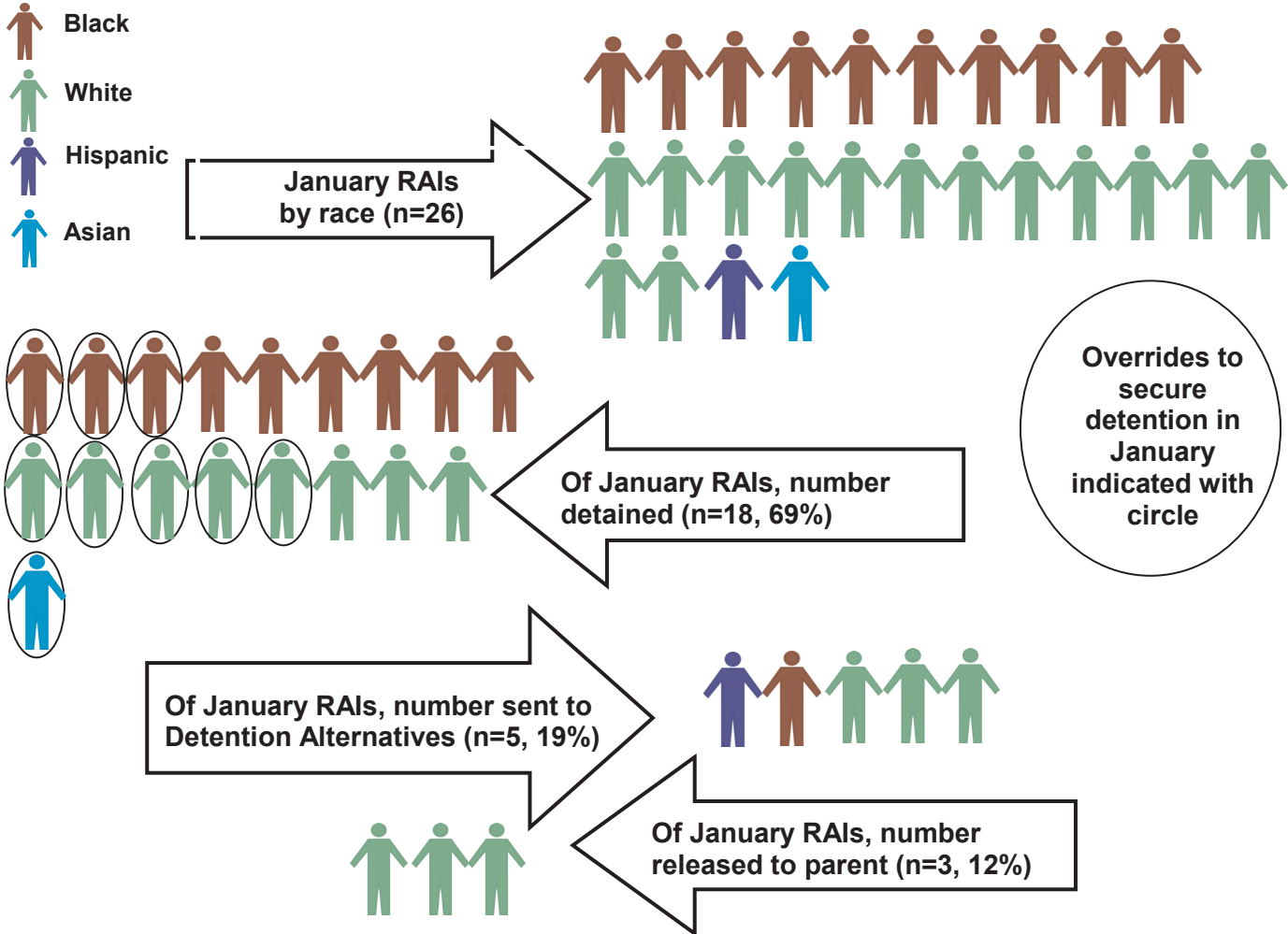
Also, I made sure to tell about my mindset during the offenses and my situation. As a teenager, my brain was still developing and I couldn’t fully understand the consequences of my actions.

The filing fee for each charge is \$324, which can be pretty expensive. That’s why it was important to know which charges are the ones preventing me from moving forward and need to be expunged. The fee can be waived if I’m unable to pay. That is up to the judge.”

(cont. on pg. 3...)

Risk Assessment Instrument (RAI): January Screening Results

Dakota County's Risk Assessment Instrument (RAI) is the product of collaboration of Community Corrections, local law enforcement, the County Attorney's Office, and public defenders. According to Minnesota state law, secure detention can only be used between the time of arrest and first court appearance if a juvenile is a risk to public safety, and/or at risk of failing to appear for his/her first court hearing. The RAI uses objective criteria to determine a juvenile's risk level. Juveniles who pose low levels of risk are released to their families. Those who pose moderate risks may be sent to detention alternatives such as a shelter or foster care, while juveniles who pose the highest risks are held in secure detention at the JSC. RAI results may be overridden under certain circumstances by a judge or a JSC supervisor.



PLACEMENT DECISIONS BY RACE: 2016 YEAR-TO-DATE

Outcome	White	Black	Hispanic	Am. Indian	Asian	Total
Released to ATD*	3	1	1	0	0	5
- Shelter	3	1	0	0	0	4
- GPS	0	0	0	0	0	0
- House Arrest	0	0	1	0	0	1
Released to Parent/Guardian	3	0	0	0	0	3
Held in Secure Detention	8	9	0	0	1	18
Total	14	10	1	0	1	26

* Alternative to Detention

(Navigating the Expungement Process... cont. from pg.1)

“Once I’m accepted for the expungement, knowing who has access to my records is very important. Then I can serve the right courts, government agencies, and others who might have my record on file with the motions to seal it.

Someone 18 or older has to serve the paperwork for me within 63 days of the scheduled hearing date. That way if someone would like to appeal the expungement they have time to do so.

I was frustrated at the beginning because I had worked on it for a while and wasn’t getting much done. But after figuring out the reasons I needed the expungement, I was more motivated to work hard and reach out for help to get this done. If you have a clear goal in mind of what you want for your future, you can do it too. Proving that the decisions you made in the past don’t decide the person you can become.”



Beginning with the End in Mind – Re-Entry Thinking

The National Juvenile Justice Network (NJNJ) is an affiliation of state groups supporting juvenile justice system reform. NJNJ’s clearinghouse, the Juvenile Justice Resources Hub, curates a collection of research and practice-based materials to support change efforts. This piece is an excerpt from the Resource Hub’s e-publication **Snapshot**.

“It’s never too early to begin thinking about re-entry. Focusing on helping youth to successfully re-enter the community starting from the time they first become involved in the juvenile justice system, or a ‘think exit at entry’ philosophy, can help to positively guide juvenile justice decisions...”

“Due to the harmful impact of confinement on youth — including increased rates of recidivism, harm to healthy youth development, reinforcement of negative peer associations, and isolation of youth from their family and communities — a focus on re-entry at every stage of the system encourages juvenile justice stakeholders to strive to confine youth only as a last resort and to limit confinement to higher-risk offenders....”

“Risk assessment tools are considered to be a critical element of re-entry because they can both reduce the number of youth in out-of-home placement and help to more appropriately tailor interventions to youth in placement and back in the community... The National Council on Crime and Delinquency recommends the use of risk assessments, screening instruments, and other tools to help systems shift youth to the lowest form of supervision needed to meet their needs and, in some cases, to divert youth from the system entirely.... [Editor’s note: Dakota County uses the Youth Level of Service/ Case Management Inventory, a nationally respected objective tool, as its primary risk assessment tool.]”

“Over half the youth in the justice system have been found to suffer from mental health or substance use disorders, with that number rising to 64 percent for youth committed to secure facilities. Using re-entry thinking would necessitate screening for and assessing disorders and then providing appropriate treatment in the least restrictive setting possible so that these youth can successfully re-enter their communities...”

For more information, click on this link: <http://jjie.org/hub/reentry/>

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