



Oregon Juvenile Department Directors' Association

Representing Oregon's County Juvenile Departments

www.ojdda.org

- Joe Ferguson, President
- Jim Goodwin, President Elect
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OJDDA
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OJDDA Supports Juvenile Expunction Reform

The Oregon Juvenile Department Directors' Association (OJDDA) supports efforts to reform laws pertaining to the expunction of juvenile delinquency records.

According to our state's juvenile code (ORS 419C), the juvenile justice system "is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community." Current juvenile expunction laws undermine this vision by creating barriers to youth becoming productive members of society, such as limited access to higher education, employment, occupational licenses, and public housing. Statutes also create barriers to expunction such as lengthy waiting periods and confusing processes.

OJDDA supports automatic expunction in specific limited circumstances, including referrals that the district attorney determines to be legally insufficient and charges in which jurisdiction is not found and time for appeal has expired. We believe the record of a youth who has never been adjudicated should be automatically expunged upon the youth's 18th birthday.

OJDDA supports reducing the statutory waiting period for mandatory expunction. Current law requires a five-year waiting period prior to mandatory expunction. We support 18-year-olds who are not involved with the juvenile or criminal court, or subject to a pending law enforcement investigation, being eligible for expunction.

OJDDA supports changing the application process. Presently, the individual or the juvenile department must apply for expunction. This requirement creates a barrier to initiating the expunction process, and results in a missed opportunity for many individuals who would be eligible for expunction.

OJDDA supports judicial discretion for expunction of juvenile records. Current law prohibits the expunction of many offenses, regardless of the individual's reformation and rehabilitation. We believe judges should have the ability to grant an application for expungement within certain statutory parameters.

While we support reforms aimed at improving public safety by removing barriers to juvenile expunction, *OJDDA does not support the expunction prior to the age of 18 for cases that the juvenile department handles informally.* Expunction of these records would result in the loss of the important information of the case, including youth and family history, treatment and other services provided and completed, and the response to those services. Furthermore, the data necessary for tracking recidivism rates would be lost, as would essential information that informs the risk assessment instrument utilized by county juvenile departments to make decisions about appropriate case handling for future criminal referrals.

OJDDA also values victim restoration. We believe consideration must be given to the fulfillment of restitution obligations prior to expunction being granted, but also seek resolutions that do not unfairly disadvantage youth from lower socioeconomic circumstances from being eligible for expunction.

Finally, OJDDA hopes that Senate Bill 420 and Senate Bill 975 will be considered as part of a work group focused on juvenile expunction. These bills create procedures for adults with qualifying marijuana convictions to file a motion requesting the court to enter an order setting aside the conviction, but do not afford the same opportunity to juveniles. We believe youth who have been adjudicated for drug-related offenses that have been reduced to a violation should be given the same consideration.

For Further Information Contact

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