

**Juvenile Assessment Center
of Lee County**
2117 Dr. Martin Luther King Blvd.
Fort Myers, FL 33901
(239) 344-5100
www.swfjac.org

January 2008

The JAC Perspective



The Juvenile Assessment Center of Lee County ... assisting youth and their families to seek the treatment and programs they need to lead productive, crime free lives.

CALENDAR

Juvenile Sanctions Team

January 3
12:00 p.m.
Joseph P. D'Alessandro
Office Complex (formerly known as
Regional Service Center)
2295 Victoria Ave., Room 165

Lee County Juvenile Justice Council

January 3
1:30 p.m.
Joseph P. D'Alessandro
Office Complex (formerly known as
Regional Service Center)
2295 Victoria Ave., Room 165

Prevention Network

January 11
10:00 a.m.
Lee County Human Services
2440 Thompson Street

Circuit 20 Juvenile Justice Board

January 16
1:30 p.m.
Southwest Florida Workforce
Development Board
9530 Marketplace Rd., Ste. 104

**Law enforcement
should call ahead to**

**344-5161
or 344-5171**

**when bringing an ar-
rested youth
to the JAC.**

Juvenile Criminal Records: Do They Go Away?

“Will my child’s juvenile record go away as soon as he/she becomes an adult?”

It is a question echoed by many parents of arrested youth and a subject for which misinformation is often circulated among youth. The short answer is “no,” at least not right away. For the long answer, there are several factors that determine if and when a juvenile criminal record is expunged. In most cases, the Florida Department of Law Enforcement (FDLE)



retains a youth’s criminal history record until the youth is 24 years old. At that time, the juvenile record is expunged. However, there are exceptions. If the minor is classified as a serious or habitual offender, FDLE retains the criminal history record until the youth turns 26. If a person over 18 years old is charged with a forcible felony, and that person’s juvenile records have not

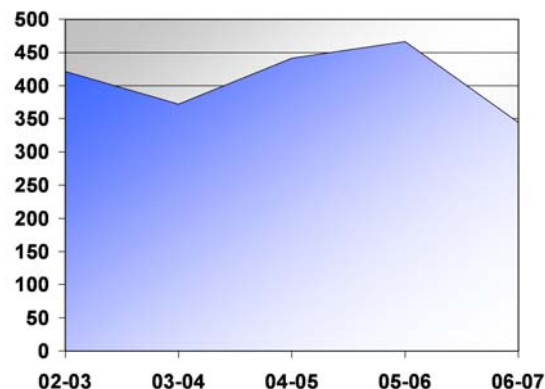
been destroyed, their juvenile record is merged with their adult record. If youth under 18 are adjudicated as adults for a forcible felony, their juvenile record is merged with their record as an adjudicated adult. Beginning July 1, 2007, for youth who are adjudicated for an offense that qualifies them under Florida Statute 943.0453 as a sexual offender, their juvenile records may not be destroyed and must be merged with their adult criminal history record.

Can a juvenile criminal record be sealed or expunged? Again, the short answer is, “It depends.” Florida Statute 943.0582 provides for expunction of records for youth who have successfully completed a pre-arrest or post-arrest diversion program. This option only applies when the minor was arrested for a (continued page 2)

Progress Made in Reducing Delinquency Commitments

In 2005-06, the rate at which Lee County sent youth to state-run residential commitment facilities was one of the highest in the state. That same year, local juvenile justice stakeholders identified that Lee County had few community-based services available for delinquent youth. Stakeholders advocated to local and state legislators for more effective, community-based services. Legislators listened. In 2006-07, five new community-based programs (continued page 2)

Delinquency Referrals Committed



Source: 2006-07 Delinquency Profile - Department of Juvenile Justice

Juvenile Criminal Records *(cont.)*

non-violent misdemeanor that would not qualify as an act of domestic violence. The youth also must not have any previous criminal offenses or comparable ordinance violations. The youth’s parent or legal guardian (or the youth if age 18) must submit an application to FDLE no later than six months after completion of the diversion program. A \$75 processing fee and a statement from the state attorney certifying that the youth has successfully completed the diversion program must accompany the application. The criminal history record of a youth whose record is expunged under this option can still be made available to criminal justice agencies to determine if the youth would be eligible for a diversion program if subsequently arrested, if the record is requested as part of a

criminal investigation, or if the youth is a candidate for employment with a law enforcement agency. The sealing or expunction of juvenile records is more limited for youth who have not participated in a diversion program. To be eligible, the youth cannot have been adjudicated delinquent for committing the acts stemming from the arrest being petitioned. Prior to the date of the petition, the youth cannot have been adjudicated delinquent for committing any felony or one of the misdemeanor charges specified in Florida Statute 943.151(3)(b). Certain traffic violations are also classified as criminal and would



disqualify a youth. A youth who has previously had a criminal history sealed or expunged is also not eligible. Prior to petitioning the court to expunge a criminal history record, a person seeking to do so must first apply to FDLE for a Certificate of Eligibility for Expunction. The FDLE website at www.fdle.state.fl.us/expunge/ provides additional information. It outlines the eligibility requirements, the process for getting a juvenile criminal record sealed or expunged, required forms and instructions, and a checklist of required documents that must accompany an application.

Progress Made in Reducing Delinquency Commitments *(cont.)*

were implemented through state or county funding including Functional Family Therapy, Contracted Conditional Release Supervision, Domestic Violence Diversion, Trauma Counseling for Victimized Youth, and Substance Abuse Diversion. In 2006-07, the same year that new community-based programs were implemented, Lee County’s delinquency commitments decreased



26% compared to an 11% decline statewide. Why should this matter to the average citizen? The average cost to taxpayers to send a youth to a residential commitment facility is \$34,669, compared to the average cost for the five newly funded community-based programs of \$1,652 per

youth/family. In the present economic climate, it will be more important than ever for decision-makers to consider what works in reducing recidivism and the cost benefits in allocating declining resources. It is estimated that the cost benefit to taxpayers in reducing Lee County’s delinquency commitments by 26% in 2006-07 was \$3,362,868.*

Civil Citation Expanded

The civil citation program has been expanded to accept petit theft charges within the Lee County Sheriffs Office’s jurisdiction. Civil citation serves as an alternative to arrest, providing timely sanctions for youth committing minor crimes. Youth issued a civil citation are required to perform community

service hours and/or a service learning project. The civil citation option had previously been available only for school-based offenses. For more information or to sign up to become a community service work site, contact Deputy Scott Thompson, Civil Citation Coordinator, at 344-5115.



The JAC of Lee County is operated by the Lee County Sheriff's Office in partnership with the Lee County Board of County Commissioners and the Department of Juvenile Justice.

*Calculated from average cost savings of reduced commitments minus costs of new state and county funded community-based programs.