

## EXPUNGEMENT SUBCOMMITTEE MEETING

SEPTEMBER 16<sup>th</sup>, 2013

### Attendees:

Kim Dvorchak – Executive Director, Colorado Juvenile Defender Coalition

Benita Martin – Director, Denver District Attorney Juvenile Diversion

Shawn Cohn – Chief Probation Officer, Denver Juvenile Probation

Tamara Nowakiwsky – Deputy State Public Defender

Sarah Erickson – Deputy District Attorney, 18<sup>th</sup> Judicial District

Sterling Harris- Chief Deputy Director, COVA

### SUMMARY OF EXPUNGEMENT DISCUSSION

1) Streamlining the process for juveniles once eligible for expungement, especially in cases where juveniles received deferred prosecution (Juvenile Diversion Program or a Deferred Adjudication). Perhaps looking at an automatic expungement process by which the court expunges a juvenile's record if there are no objections from the DA, Probation, or the Police Department. Since legislation has changed making expungement easier for specific juveniles, the actual process for expungement needs to be streamlined as well. Additionally, there is no clear consistency amongst judges on expungement hearings. Some require a juvenile to be present at the hearing, other do not.

2) With Diversion or DJ Sex Offense cases, current legislation allows juveniles the opportunity to expunge their record immediately upcoming completion of the program. In some cases, the supervising agency would like to implement a waiting period before a record can be expunged. Additional legislation should be amended to include juveniles in this category.

3) There are concerns about who has access to records following expungement and how much information is accessed by the general public and employers. Understanding Law Enforcement agencies have an on-going need for access to the information, are there ways to limit the ability of other parties to easily access information?

4) Victim Notification on VRA cases upon petition for expungement. Should victims receive notification that a juvenile has petitioned the court to have his/her record expunged and if so, what statewide process should be implemented in making sure victims receive notice? In some jurisdictions, the victim is given a choice on whether or not they would like to be notified during key points in the criminal justice process. Is this protocol universal statewide and should additional legislation be introduced to address this area?

### CONCLUSION

Key professionals statewide will need to be present in order to adequately address legislative changes related to expungement practices. Kim Dvorchak sits on the Juvenile Justice Task Force of the CCJJ and will recommend that they take up the expungement discussion. This will include focus on the above areas as well as a discussion of the immediate outcomes of the newly implemented HB 13-1082. Through the Juvenile Justice Task Force, additional time can be devoted to potential amendments to expungement legislation.