

Summit on School Policing

ACLU
Pennsylvania

Students and the Justice System - Collateral Consequences

Contact between students and police can have long-lasting negative consequences. Students enter the justice system in one of two ways: by being arrested and placed in the juvenile justice system or by receiving a summary citation in adult court, usually without being arrested.

Administrators and teachers should be informed about the impact that student contact with the justice system can have on students' short and long-term opportunities. That way school officials can make decisions about the most appropriate ways to discipline students that protects school safety, the well-being of students at large, and the interests of the student subject to discipline while minimizing system contact.

Arrest and Entry into the Juvenile Justice System

In most cases, a school-related arrest results in a referral to the juvenile justice system. Once a case is referred to the juvenile system, juvenile probation officers or prosecutors will make a decision about whether to charge the student with a delinquent offense (an offense that would be considered a crime for an adult).

If students are charged in the juvenile system, their cases may be resolved with an adjudicatory hearing (a trial before a judge), an admission of guilt (similar to a guilty plea) or through diversion services in programs like Youth Aid Panels, Informal Adjustment or Reporting Consent Decrees. If found guilty of a juvenile offense, and adjudicated delinquent (found guilty), they will have a juvenile record. They may be placed on probation or sent to a residential placement facility.

Juvenile arrests and adjudications can also have long-term consequences far beyond the actual "sentence." Here are some of the ways young people may be affected¹:

Juvenile records are not always kept private: Juvenile records are open to the public if a student is 12 or 13 years old and adjudicated delinquent of a very serious offense, or if a student is 14 years or older and adjudicated delinquent of *any* felony offense.



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Juvenile records do not automatically disappear: Many people believe that juvenile records are automatically sealed (removed from the public access) or expunged (destroyed) at the student's 18th or 21st birthday. In Pennsylvania, this is not the case. If a juvenile case is eligible to be expunged, a motion must be filed with the court in order to request expungement, even if the case was dismissed or the juvenile was found not guilty.

Juvenile records may eventually be expunged, with some effort: Adjudication of delinquency (except for certain sexual offenses) may be expunged five years after court supervision has ended, under certain circumstances. Expungement does not occur automatically. In nearly every PA county, the student must file an expungement motion with the court, which can be difficult and confusing without an attorney.

Fines, Court Costs and Restitution: Students who are adjudicated delinquent are required to pay fines and court costs, and may be ordered to pay restitution. Failure to meet these financial obligations can result in longer court supervision, residential placement, or civil judgments.

DNA samples: Students who are adjudicated delinquent of any felony, misdemeanors of the first degree, as well as certain misdemeanors of the second degree, (including simple assault, theft, and some other charges), are required to submit a DNA sample to the state. The DNA sample is never destroyed, even if the student's record is expunged.

Lost employment opportunities: A juvenile record can hinder future employment opportunities. Juvenile records may be disclosed in background checks and can also prevent an individual from entering certain professions as an adult, such as nursing or education, because of licensing issues.

Homelessness: Juvenile adjudications can affect access to public housing.

College Access: Delinquency adjudications do not prevent access to federal financial aid, but students may be asked about them on college applications, potentially affecting admissions decisions. If applicants are asked about juvenile adjudications, they must be disclosed.

Military Service: Delinquency adjudications can bar admission to the military in many instances.

Immigration Status: A delinquency adjudication can affect a student's immigration status.

Driver's License: Drivers' licenses may be suspended for certain drug or alcohol related offenses. Licenses also may be suspended for juvenile adjudication of terroristic threats on school property.

Voting and Jury Duty: Juvenile adjudications do not prevent a young person from voting or serving on a jury.



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Minor Offenses with Major Consequences – Summary Offenses

Low level offenses, such as harassment, disorderly conduct, retail theft of small value items, and possession of alcohol may result in a juvenile receiving a summary charge.

Summary offenses may be initiated by citation (similar to a traffic ticket), a written complaint, or arrest with a warrant. In most cases, the student is not arrested, but receives a ticket from a police officer (sometimes in the mail) compelling an appearance before a judge in adult court to respond to charges. *These citations may be issued even when police are not involved in the incidents leading to the charge.*

While these citations may feel (and look) like a traffic ticket, and seem like no big deal, they can carry long-term consequences for young people.

Summary charges are adult criminal offenses: They are not subject to juvenile court jurisdiction, unless the student fails to comply with the terms of the adult summary sentence. As such, these young people are not provided a lawyer.

A student receiving a summary citation may be tried in absentia: If the student fails to appear for the summary trial listed on the citation, the trial may be conducted without the student's presence. The student may appeal for a new trial within 30 days. Most of these young people do not have legal counsel appointed to assist them in the appeal process because summary charges do not carry the right to counsel in Pennsylvania, whereas, youth in the juvenile system automatically have a right to free counsel.

A student may end up in juvenile court: If the student fails to comply with the conditions of a summary criminal conviction, the adult court may refer the case to juvenile court, where a petition may be filed for failure to complete the terms of a summary conviction. The juvenile charge would be an addition to the original adult conviction. The vast majority of summary cases referred to juvenile court are resolved through informal diversion, which generally involves reduced fines or community service in lieu of fines. However, Pennsylvania's Juvenile Act does not preclude young people from being put on probation or placed in a facility for a summary offense violation if they fail to comply with the conditions set in juvenile court.



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What Happens to a Young Person's Records After an Incident at School?

The records of young people regarding school-related incidents tend to affect their lives longer than most members of the public might imagine. The vast majority of states make at least some juvenile law enforcement and court records available to the public, and many juvenile records can be shared with schools, law enforcement, employers, and others who want to know. In Pennsylvania, the records of involvement with the justice system do not automatically go away. They must be “sealed” or “expunged.”

The key difference between expunging a person's criminal record and sealing it is that a sealed record still exists in both a legal and physical sense, while expungement results in the deletion of any record that an arrest or criminal charge ever occurred. Records won't be sealed unless all fines and fees are fully paid.

Juvenile Records

Juvenile adjudications are not automatically expunged at age 18 or 21. To expunge a record, a motion must be filed with the court, usually by an attorney. These records of adjudication cannot be erased until five years after a youth has been adjudicated delinquent (if all conditions have been met), six months after successful diversion, or immediately if found not guilty. However, even when a record is expunged, there is no guarantee that private organizations (criminal background check companies) will then erase juvenile records. In addition, DNA samples are kept by police even when a record is expunged.

Summary Offense Records

If a student under 18 is found guilty of a summary offense, records of the conviction are not open to the public – they are sealed. The Pennsylvania Clean Slate Law, which went into effect in 2020, will seal summary convictions after 10 years if the person has a clean record. When sealed, the record is not viewable by the general public, but it will still be available to police and other law enforcement agencies. A student also will still have to disclose any unexpunged summary convictions if asked about convictions on a school or job application, including applications to join the military.

¹ Adapted from the “[The Pennsylvania Juvenile Collateral Consequences Checklist](#),” Pennsylvania Juvenile Indigent Defense Action Network (PA-JIDAN).