

Ensuring Los Angeles Sheriff’s Department Compliance with Juvenile Record Sealing Law

On January 1, 2022, Welfare and Institutions Code 827.95 went into effect in California, outlining requirements for juvenile record sealing and giving justice-impacted youth a second chance. The law mandates that law enforcement agencies in California automatically seal juvenile police records for certain youth who have had past contact with the criminal-legal system. In this context, a record is defined as information related to the custody, temporary custody, or detention of a minor. Youth who qualify for their records to be automatically sealed fall into one of three categories: 1) they have been released and the case has not been referred to Probation or the District Attorney, 2) they do not fall within the juvenile delinquency court’s jurisdiction (for example, they are a child under the age of 12), or 3) they have been diverted by police to a community-based provider and successfully completed their diversion program. The third opportunity - for youth who completed diversion - has the potential to impact many young people who come into contact with the legal system in Los Angeles County (County). In these cases, the law requires that law enforcement agencies redact police reports to remove identifying information about the youth, and then submit the California Department of Justice petition

MOTION

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form to seal the youth's record. Law enforcement agencies are also required to inform the diversion provider (if applicable) and the youth in writing that their police record has been sealed.

Since the law's passage, law enforcement agencies across the County, including the Los Angeles Sheriff's Department, have begun implementing the statutory requirements. However, despite these early efforts, the statistical data does not yet support consistent implementation across law enforcement agencies throughout the County. As the County moves towards the vision of Youth Justice Reimagined, there have been efforts by the Probation Department and the Department of Youth Development (DYD) to bolster youth development opportunities in the community, reduce youth interactions with law enforcement, and provide pathways toward diversion for arrested youth. Over the last few years, the County has vastly expanded its Youth Diversion and Development (YDD) program by partnering with various law enforcement agencies, including LASD, who have agreed to offer diversion to youth who qualify. As of summer 2022, DYD and LASD have expanded the program to all LASD stations. A recent evaluation of the County's YDD program showed that it is incredibly effective at reducing recidivism: only 5% of youth who enrolled in the program had future contacts with law enforcement, compared to 20% of youth who did not participate.

Alongside helping youth avoid recidivism and build socio-emotional skills, a key benefit of completing a youth diversion program is that a young person's police record will be sealed after participation. Youth diversion in and of itself interrupts the court process and decreases the chance of future youth involvement in the criminal-legal system, while sealing records after the completion of a diversion program makes it so that there is no

discoverable record of arrest. This has the power to impact the futures of many young people in LA County who participate in youth diversion. Record sealing opens up employment and housing opportunities for people, potentially impacting their long-term stability and professional success. Record sealing can also continue to help reduce recidivism; without a police record, people have greater opportunities to contribute meaningfully to their communities and stay away from the criminal-legal system altogether. Youth who qualify to get their records automatically sealed through this law may not be aware of their rights, and it is ultimately the responsibility of law enforcement agencies to follow the Welfare and Institution Code and proactively seal records for all youth who qualify.

For youth who are referred to diversion programs by law enforcement agencies post-booking, a police record associated with their booking is created prior to their participation in the diversion program. Then, per WIC 827.95, the youth's police record must be sealed upon program completion by the law enforcement agency. Pre-booking diversion is an alternate option that would minimize the need to seal police records. With pre-booking diversion, most youth would still be cited, but the citation is held by the agency while the youth participates in the diversion program. If the youth substantially completes the program, then the citation is closed, and there is no additional record of the contact in a database that is discoverable on a background check. The Sheriff's Department should not only adhere to their legal obligations by automatically sealing the records of youth who qualify under WIC 827.95, but they should also develop a protocol that makes pre-booking diversion for youth the prioritized model. Without the burden of police records, more young people in the County can experience the opportunities that

come with being given a second chance.

WE, THEREFORE, MOVE that the Board of Supervisors:

Request the Sheriff's Department, in collaboration with the Department of Youth Development, do the following:

1. Report back in 90 days with a plan to develop a department-wide record-sealing protocol and enforcement mechanism for youth who qualify, including youth who have successfully completed diversion programs, in compliance with Welfare and Institutions Code (WIC) section 827.95. The report should include, but not be limited to:
 - a. Plans to update Los Angeles County Sheriff's Department policies to reflect the requirements of WIC section 827.95;
 - b. Plans to conduct trainings for both new hires and current employees on the law, in collaboration with the Department of Youth Development and relevant community stakeholders, and on the Sheriff's Department's updated policies; and
 - c. Strategies for internal enforcement.
2. Report back in 60 days with a plan for the Los Angeles County Sheriff's Department to prioritize pre-booking diversion, whenever legally permissible, for youth diversion. This report should include the following:
 - a. A plan to update the Diversion Directive policy to prioritize pre-booking diversion when applicable, including steps needed to confirm whether there is any record created by taking a young person into custody that requires record sealing procedures.

- b. A plan to amend the Field Operations protocols to incorporate the procedure for diversion, including the prioritization of pre-booking diversion whenever possible.
- c. A plan to ensure all Field Operations staff and patrol deputies are trained in the diversion procedures and know to prioritize pre-booking diversion. The training plan should consider rolling out the trainings starting with stations that have lower pre-booking diversion numbers.
- d. A plan to analyze other law enforcement agencies that use pre-booking diversion for youth as their default model, to explore ways that the Los Angeles County Sheriff's Department can move toward making pre-booking youth diversion the default model, whenever legally permissible.
- e. Initial data on current diversion rates, including the number of youth arrested compared to the number of youth diverted, and whether diversion occurs pre or post-booking, and then quarterly data thereafter submitted to the Board of Supervisors, the Civilian Oversight Commission, and the Probation Oversight Commission.

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