



Clean Slate

Advocacy Toolkit

Prepared by **Community Legal Services and
Center for American Progress**
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Center for American Progress



Executive Summary

Clean Slate is a policy by which certain criminal records are automatically sealed by the state, without any action required by a petitioner. This solves a major hurdle facing those who want to stem the collateral consequences of a criminal record: there are currently more than 100 million adults with criminal records in the United States. The current system requires virtually all eligible individuals to affirmatively petition to expunge or seal their record; some states require a separate petition for each offense the petitioner seeks to seal.

This is an untenable system. Only 367,157 cases were filed in the entire federal court system in the year ending in June 2017¹, but there are over 100 million people with records. Any system that requires manual petition filing to stem the collateral consequences of a stale criminal record will fail because of the sheer volume of the problem. Even if there were a way to file so many petitions, the courts would be overwhelmed by this process, only exacerbating the problem.

Clean Slate provides an opportunity to achieve powerful policy reform by relying on the computerized databases that store the criminal record system in many states. By relying on an automated query that can identify cases that qualify for sealing, a state can achieve the policy goal of sealing virtually all qualifying electronic records immediately without simultaneously overwhelming the courts. In fact, if Clean Slate successfully passes, the courts should have a reduced caseload, both because they will no longer have to process and hear expungement cases, and because cleaner records should lead to more job opportunities should lead to fewer arrests.

This toolkit is an organized collection of documents that were produced or collected over the course of the now two year campaign to pass a Clean Slate statute in Pennsylvania. These documents will hopefully provide models for people engaging in similar campaigns in other states. As many of these documents as possible are available in word editable format on our website, so that you can quickly repurpose them to your state's needs.

It is important that before you begin a Clean Slate campaign, you acknowledge that Clean Slate is not the be-all and end-all of criminal justice reform. It is a limited tool that has the power to be extraordinarily effective, but not necessarily capture all of the reform with respect to criminal records that are needed.

By its nature, Clean Slate is a policy that seeks the lowest common denominator of agreement between advocates, policymakers, the courts, and the criminal justice system in what cases are proper for sealing. Necessarily, there will be a diversity of opinion on which cases should be sealed. Clean Slate focuses on the cases upon which all stakeholders in a state can agree. Cases that are deemed to be more marginal can be left to a judicial review process that can weigh more individual factors.

¹ http://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0630.2017.pdf

As well, Clean Slate’s power lies in its automated nature: A state can only implement a Clean Slate policy if it has automated records, either in one system or in multiple systems that can be made to communicate. If a state’s electronic records aren’t comprehensive—for example perhaps they do not cover the most minor of offenses—it is worth tailoring your state’s Clean Slate policy to match what does exist in electronic form. You can’t separate the Clean Slate program that you implement from the electronic landscape that exists (or will exist in the near future). In Pennsylvania, for example, we removed all sub-misdemeanor offenses from our legislation as there were not good centralized electronic records of those cases.

Finally, it bears mentioning that the research we did and materials we produced internally were far wider than what is in this document. We looked at what types of offense Clean Slate would seal in Pennsylvania to make sure that we weren’t walking into a political minefield with our proposals; we discussed strategies and worked through different iterations of the bill internally. These documents were invaluable to our campaign, but are too specific to share. We hope that what we have provided is valuable for others.

This document is aimed at advocates, but includes some basic source material giving background on Clean Slate and the research that backs up the policy. We have included the following:

- A basic article on the need for Clean Slate and a general outline of the policy
- Some social science research to back clean slate (coming in a later version)
- PA’s 2017 version of the Clean Slate bill
- Model documents created in PA to support our Clean Slate bill
- A White Paper on putting Clean Slate into production in PA
- Selected client stories from PA
- A media toolkit with articles, sample op-eds, etc...

Please reach out to the Clean Slate team at Community Legal Services and the Center for American Progress if you have any additional thoughts or questions!

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What is Clean Slate?

Clean Slate emerged as a policy recommendation from a December 2014 paper written by Sharon Dietrich of Community Legal Services and Rebecca Vallas of the Center for American Progress. The article, *One Strike and You're Out*, follows.



One Strike and You're Out

How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records

By Rebecca Vallas and Sharon Dietrich December 2014

Introduction and summary

Between 70 million and 100 million Americans—or as many as one in three—have a criminal record.¹ Many have only minor offenses, such as misdemeanors and nonserious infractions; others have only arrests without conviction. Nonetheless, because of the rise of technology and the ease of accessing data via the Internet—in conjunction with federal and state policy decisions—having even a minor criminal history now carries lifelong barriers that can block successful re-entry and participation in society. This has broad implications—not only for the millions of individuals who are prevented from moving on with their lives and becoming productive citizens but also for their families, communities, and the national economy.

Today, a criminal record serves as both a direct cause and consequence of poverty. It is a cause because having a criminal record can present obstacles to employment, housing, public assistance, education, family reunification, and more; convictions can result in monetary debts as well. It is a consequence due to the growing criminalization of poverty and homelessness. One recent study finds that our nation's poverty rate would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration and the subsequent criminal records that haunt people for years after they have paid their debt to society.² Failure to address this link as part of a larger anti-poverty agenda risks missing a major piece of the puzzle.

It is important to note that communities of color—and particularly men of color—are disproportionately affected, and high-poverty, disadvantaged communities generate a disproportionate share of Americans behind bars. As Michelle Alexander argues in her book *The New Jim Crow*, mass incarceration and its direct and collateral consequences have effectively replaced intentional racism as a form of 21st century structural racism.³ Indeed, research shows that mass incarceration and its effects have been significant drivers of racial inequality in the United States, particularly during the past three to four decades.⁴

Moreover, the challenges associated with having a criminal record come at great cost to the U.S. economy. Estimates put the cost of employment losses among people with criminal records at as much as \$65 billion per year in terms of gross domestic product.⁵ That's in addition to our nation's skyrocketing expenditures for mass incarceration, which today total more than \$80 billion annually.⁶

The lifelong consequences of having a criminal record—and the stigma that accompanies one—stand in stark contrast to research on “redemption” that documents that once an individual with a prior nonviolent conviction has stayed crime free for three to four years, that person's risk of recidivism is no different from the risk of arrest for the general population.⁷ Put differently, people are treated as criminals long after they pose any significant risk of committing further crimes—making it difficult for many to move on with their lives and achieve basic economic security, let alone have a shot at upward mobility.

The United States must therefore craft policies to ensure that Americans with criminal records have a fair shot at making a decent living, providing for their families, and joining the middle class. This will benefit not only the tens of millions of individuals who face closed doors due to a criminal record but also their families, their communities, and the economy as a whole.

President Barack Obama's administration has been a leader on this important issue. For example, the Bureau of Justice Administration's Justice Reinvestment Initiative has assisted states and cities across the country in reducing correctional spending and reinvesting the savings in strategies to support re-entry and reduce recidivism.⁸ The Federal Interagency Reentry Council, established in 2011 by Attorney General Eric Holder, has brought 20 federal agencies together to coordinate and advance effective re-entry policies.⁹ And the president's My Brother's Keeper initiative has charged communities across the country with implementing strategies to close opportunity gaps for boys and young men of color and to ensure that “all young people ... can reach their full potential, regardless of who are they are, where they come from, or the circumstances into which they are born.”¹⁰ Additionally, states and cities across the country have enacted policies to alleviate the barriers associated with having a criminal history.

While these are positive steps, further action is needed at all levels of government. This report offers a road map for the administration and federal agencies, Congress, states and localities, employers, and colleges and universities to ensure that a criminal record no longer presents an intractable barrier to economic security and mobility.

Bipartisan momentum for criminal justice reform is growing, due in part to the enormous costs of mass incarceration, as well as an increased focus on evidence-based approaches to public safety. Policymakers and opinion leaders of all political stripes are calling for sentencing and prison reform, as well as policies that give people a second chance. Now is the time to find common ground and enact meaningful solutions to ensure that a criminal record does not consign an individual to a life of poverty.

The Center for American Progress is a nonpartisan research and educational institute dedicated to promoting a strong, just, and free America that ensures opportunity for all. We believe that Americans are bound together by a common commitment to these values and we aspire to ensure that our national policies reflect these values. We work to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is “of the people, by the people, and for the people.”

Center for American Progress



Pennsylvania's Clean Slate Bill – SB 529

The following is Pennsylvania's Clean Slate bill, as proposed in 2017 and passed by the Senate. As of the writing of this document, it is pending in committee in the house.

SB 529 is quite different than the original version, introduced in the previous legislative session. The previous version of the bill underwent an extensive amendment process as it moved through the PA Senate. The amendment process was very helpful: it allowed Community Legal Services and their partners to work with the various stakeholders like the State Police, the District Attorneys Association, the Chamber of Commerce, the Courts, etc... to make the bill both technologically and politically feasible. The final product was a stronger bill and was introduced in the next legislative session as SB 529.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 529 Session of 2017

INTRODUCED BY WAGNER, WILLIAMS, GREENLEAF, RESCHENTHALER, LEACH, TARTAGLIONE, BARTOLOTTA, FONTANA, HAYWOOD, WARD, McGARRIGLE, BREWSTER, WHITE, AUMENT, VOGEL, BLAKE, SCAVELLO, COSTA, YUDICHAK, STREET, LAUGHLIN, KILLION, HUGHES, MENSCH, SCHWANK, STEFANO, SCARNATI AND BOSCOLA, MAY 19, 2017

REFERRED TO JUDICIARY, MAY 19, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in dissemination of criminal history
3 record information, further providing for general regulations
4 and for order for limited access, providing for clean slate
5 for convictions of misdemeanors and for charges not leading
6 to convictions, for effects of expunged offenses and offenses
7 provided limited access and for employer immunity from
8 liability and further providing for use of records by
9 licensing agencies; and imposing duties on the Pennsylvania
10 State Police and the Administrative Office of Pennsylvania
11 Courts.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 9121(b) and (b.2) and 9122.1(a) of Title
15 18 of the Pennsylvania Consolidated Statutes are amended to
16 read:

17 § 9121. General regulations.

18 * * *

19 (b) Dissemination to noncriminal justice agencies and
20 individuals.--Criminal history record information shall be
21 disseminated by a State or local police department to any

1 individual or noncriminal justice agency only upon request.

2 Except as provided in subsection (b.1):

3 (1) A fee may be charged by a State or local police
4 department for each request for criminal history record
5 information by an individual or noncriminal justice agency,
6 except that no fee shall be charged to an individual who
7 makes the request in order to apply to become a volunteer
8 with an affiliate of Big Brothers of America or Big Sisters
9 of America or with a rape crisis center or domestic violence
10 program.

11 (2) Before a State or local police department
12 disseminates criminal history record information to an
13 individual or noncriminal justice agency, it shall extract
14 from the record the following:

15 (i) All notations of arrests, indictments or other
16 information relating to the initiation of criminal
17 proceedings where:

18 (A) three years have elapsed from the date of
19 arrest;

20 (B) no conviction has occurred; and

21 (C) no proceedings are pending seeking a
22 conviction.

23 (ii) All information relating to a conviction and
24 the arrest, indictment or other information leading
25 thereto, or relating to an arrest not leading to a
26 conviction, which is the subject of a court order for
27 limited access as provided in section 9122.1 (relating to
28 order for limited access)[.] or which is automatically
29 provided limited access under section 9122.2 (relating to
30 clean slate for convictions of misdemeanors and for

1 charges not leading to convictions).

2 (3) A court or the Administrative Office of Pennsylvania
3 Courts may not disseminate to an individual, a noncriminal
4 justice agency or an Internet website any information
5 relating to a conviction, arrest, indictment or other
6 information leading to a conviction, arrest, indictment or
7 other information, which is the subject of a court order for
8 limited access as provided in section 9122.1 or which is
9 automatically provided limited access under section 9122.2.

10 * * *

11 (b.2) Additional exceptions.--Subsection (b)(2)(ii) and (3)
12 shall not apply if the request is made [by a State agency to be
13 used only as authorized under section 9124 (relating to use of
14 records by licensing agencies).]:

15 (1) Pursuant to a court order in a case brought under 23
16 Pa.C.S. Ch. 53 (relating to child custody) or 61 (relating to
17 protection from abuse). All information made available to the
18 court under this exception shall also be made available for
19 examination by the parties.

20 (2) To verify information provided by an applicant where
21 Federal law, including rules and regulations promulgated by a
22 self-regulatory organization that has been created pursuant
23 to Federal law, requires the consideration of an applicant's
24 criminal history for purposes of employment.

25 (3) By an employer against whom a claim of civil
26 liability has been brought as described under section 9122.4
27 (relating to employer immunity from liability) for purposes
28 of defending against a claim of civil liability.

29 (4) To verify information provided to the Supreme Court,
30 or an entity thereof, in its capacity to govern the practice,

1 procedure and the conduct of all courts, the admission to the
2 bar and the practice of law and the administration of all
3 courts and supervision of all officers of the judicial
4 branch.

5 * * *

6 § 9122.1. Order for limited access.

7 (a) General rule.--[The following shall apply:

8 (1)] Notwithstanding any other provision of this
9 chapter, upon petition of a person who has been free of
10 [arrest or prosecution] subsequent conviction following
11 conviction or final release from confinement or supervision,
12 whichever is later, for a period of 10 years, the court of
13 common pleas in the jurisdiction where the conviction
14 occurred may enter an order that criminal history record
15 information maintained by any criminal justice agency
16 pertaining to a conviction for a misdemeanor of the second
17 degree, a misdemeanor of the third degree or an ungraded
18 offense which carries a maximum penalty of no more than two
19 years be disseminated only to a criminal justice agency or a
20 government agency as provided in section 9121(b.1) and (b.2)
21 (relating to general regulations).

22 [(2) Except when requested or required by a criminal
23 justice agency, or by and for the official use of a
24 government agency described in section 9121(b.1) or 9124(a)
25 (relating to use of records by licensing agencies), no
26 individual shall be required nor requested to disclose
27 information about the person's criminal history records that
28 are the subject of a court order for limited access granted
29 under this section.]

30 * * *

1 Section 2. Title 18 is amended by adding sections to read:

2 § 9122.2. Clean slate for convictions of misdemeanors and for
3 charges not leading to convictions.

4 (a) Declaration of policy.--The General Assembly finds and
5 declares as follows:

6 (1) Individuals with charges not leading to convictions
7 may be inherently harmed by the maintenance of that record
8 and have a constitutional presumption of innocence.

9 (2) Individuals convicted of crimes in this Commonwealth
10 shall serve their sentences as ordered by the courts of this
11 Commonwealth.

12 (3) After less violent individuals convicted of their
13 crimes have served their sentences and remained crime free
14 long enough to demonstrate their rehabilitation, their access
15 to employment, housing, education and other necessities of
16 life should be fully restored.

17 (4) The Commonwealth shall provide a clean slate remedy,
18 as set forth under this section, to:

19 (i) create a strong incentive for avoidance of
20 recidivism by offenders;

21 (ii) provide hope for the alleviation of the
22 hardships of having a criminal record by offenders who
23 are trying to rehabilitate themselves; and

24 (iii) save the Commonwealth money that must be spent
25 in the administration of criminal justice when offenders
26 recidivate.

27 (5) The clean slate remedy should be implemented without
28 cost to the former offender of filing a petition with a
29 court.

30 (b) Misdemeanor conviction.--The following shall apply:

1 (1) Except as provided under paragraphs (2) and (3),
2 criminal history record information of all convictions of
3 misdemeanor offenses shall automatically receive limited
4 access when completion of the court-ordered financial
5 obligations of the sentence has occurred and 10 years have
6 passed since the most recent misdemeanor or felony conviction
7 in any court of the unified judicial system.

8 (2) Limited access under this subsection shall not be
9 granted to misdemeanor convictions of the following offenses:

10 (i) Offenses under Article B (relating to offenses
11 involving danger to the person).

12 (ii) Offenses under Article D (relating to offenses
13 against the family).

14 (iii) Offenses under Chapter 61 (relating to
15 firearms and other dangerous articles).

16 (iv) Offenses that require registration under 42
17 Pa.C.S. Ch. 97 Subch. H (relating to registration of
18 sexual offenders).

19 (v) A violation of section 3127 (relating to
20 indecent exposure).

21 (vi) A violation of section 4915.1 (relating to
22 failure to comply with registration requirements).

23 (vii) A violation of section 5122 (relating to
24 weapons or implements for escape).

25 (viii) A violation of section 5511 (relating to
26 cruelty to animals).

27 (ix) A violation of section 6301 (relating to
28 corruption of minors).

29 (3) Limited access under this subsection shall not be
30 granted to misdemeanor convictions when there is a felony

1 conviction in the same case.

2 (c) Charges not leading to conviction.--Criminal history
3 record information of charges with a final disposition other
4 than conviction shall automatically receive limited access 60
5 days after entry of the disposition and payment of any court-
6 ordered obligations.

7 (d) No court petition required.--The following shall apply:

8 (1) Except as provided under paragraph (3), limited
9 access of criminal proceedings under subsections (b) and (c)
10 shall be performed by criminal justice agencies within 30
11 days of the eligibility of such proceedings, without the
12 requirement of a court order.

13 (2) Nothing in this section shall preclude the filing of
14 a petition for limited access of criminal proceedings
15 eligible for limited access under subsections (b) and (c) if
16 limited access has not been provided by criminal justice
17 agencies without a petition.

18 (3) On a monthly basis, the Administrative Office of
19 Pennsylvania Courts shall transmit to the Pennsylvania State
20 Police central repository any case eligible for limited
21 access under this section. If the Pennsylvania State Police
22 central repository determines through a validation process
23 that a case transmitted is not eligible for limited access
24 relief or does not match data held in the repository, it
25 shall notify the Administrative Office of Pennsylvania Courts
26 of this determination within 30 days of receiving the
27 information. Upon the expiration of the 30-day period, the
28 Administrative Office of Pennsylvania Courts shall remove
29 from the list of eligible cases any case for which it
30 received a notification of ineligibility or nonmatch with

1 repository data. Thereafter, each court of common pleas shall
2 issue monthly an order granting limited access to any case in
3 its judicial district for which no notification of
4 ineligibility was received by the Administrative Office of
5 Pennsylvania Courts.

6 (4) The Pennsylvania State Police may object to a case
7 as not eligible for limited access under paragraph (3) in
8 which the defendant:

9 (i) was convicted of a misdemeanor or felony in a
10 court of the unified judicial system during the
11 applicable period of time under subsection (b) that must
12 elapse before a case becomes eligible for limited access
13 relief;

14 (ii) was convicted of a misdemeanor and a felony
15 within the same case; or

16 (iii) has not completed all obligations of the
17 sentence or been discharged from court supervision.

18 (e) Elimination.--If an individual's case receives limited
19 access not in accordance with this section or an individual
20 receiving limited access is subsequently convicted of a
21 misdemeanor or felony, the district attorney of the county in
22 which the underlying or subsequent conviction took place or the
23 Office of Attorney General if it obtained the conviction for the
24 underlying conviction shall have standing to challenge the
25 limited access granted by the court. If the court that granted
26 the limited access sustains the challenge, the court and the
27 Pennsylvania State Police shall undo the limited access.

28 § 9122.3. Effects of expunged offenses and offenses provided
29 limited access.

30 (a) Disclosure.--The following shall apply:

1 (1) Except when requested or required by a criminal
2 justice agency, the Supreme Court or entity thereof, or
3 pursuant to an order under section 9121(b.2) (relating to
4 general regulations), no individual shall be required or
5 requested to disclose information about the individual's
6 criminal history records that have been expunged or provided
7 limited access under section 9122.1 (relating to order for
8 limited access) or 9122.2 (relating to clean slate for
9 convictions of misdemeanors and for charges not leading to
10 convictions). An individual required or requested to provide
11 information in violation of this section may respond as if
12 the offense did not occur.

13 (2) This subsection shall not apply where Federal law,
14 including rules and regulations promulgated by a self-
15 regulatory organization that has been created pursuant to
16 Federal law, requires the consideration of an applicant's
17 criminal history for purposes of employment.

18 (b) Disqualification by law.--An expunged offense or an
19 offense provided limited access under section 9122.1 or 9122.2
20 may not be considered a conviction that would prohibit the
21 employment of a person under any law of this Commonwealth or
22 under Federal laws that prohibit employment based on state
23 convictions to the extent permitted by Federal law.

24 § 9122.4. Employer immunity from liability.

25 An employer who employs or otherwise engages an individual
26 whose criminal history record has been expunged or provided
27 limited access under section 9122.1 (relating to order for
28 limited access) or 9122.2 (relating to clean slate for
29 convictions of misdemeanors and for charges not leading to
30 convictions) shall be immune from liability in a civil action

1 based, in whole or in part, upon damages suffered to a person or
2 property as a result of criminal or other unlawful conduct of
3 the individual employee when the portion of the criminal history
4 record that has been expunged or provided limited access is
5 related to the criminal or other unlawful conduct and the
6 individual's suitability for employment in the position for
7 which the individual was hired or engaged.

8 Section 3. Section 9124(b) of Title 18 is amended to read:

9 § 9124. Use of records by licensing agencies.

10 * * *

11 (b) Prohibited use of information.--The following
12 information shall not be used in consideration of an application
13 for a license, certificate, registration or permit:

14 (1) Records of arrest if there is no conviction of a
15 crime based on the arrest.

16 (2) Convictions which have been annulled [or],
17 expunged[.] or provided limited access under section 9122.1
18 (relating to order for limited access) or 9122.2 (relating to
19 clean slate for convictions of misdemeanors and for charges
20 not leading to convictions).

21 (3) Convictions of a summary offense.

22 (4) Convictions for which the individual has received a
23 pardon from the Governor.

24 (5) Convictions which do not relate to the applicant's
25 suitability for the license, certificate, registration or
26 permit.

27 * * *

28 Section 4. The following apply:

29 (1) The Pennsylvania State Police and the Administrative
30 Office of Pennsylvania Courts shall process the backlog of

1 existing cases in which the provisions of this act are
2 applicable within one year from the effective date of this
3 section.

4 (2) Petitions for limited access of criminal proceedings
5 eligible for limited access under 18 Pa.C.S. § 9122.2(b) and
6 (c) may be filed beginning 90 days after the effective date
7 of this paragraph.

8 Section 5. This act shall take effect as follows:

9 (1) Section 4(2) of this act shall take effect
10 immediately.

11 (2) This section shall take effect immediately.

12 (3) The remainder of this act shall take effect in 270
13 days.

Advocate/Partner Bill Summary and Talking Points

Because Clean Slate was such a radical departure from past practice in Pennsylvania and because there were a wide array of advocates pushing for Clean Slate, CLS and its partners put together several different versions of bill summaries and talking points to distribute.

The talking points were written in clear and simple language that both described the bill, described its basic value to the state, and described the benefits that Clean Slate would provide to the Commonwealth. The talking points also emphasized the wide diversity of partners from both the left and right, to show that Clean Slate is truly bipartisan.

The third and fourth documents were focused on specific constituents of the bill. The CLS FAQ was written in response to questions posed by legislators, the “How Courts Will Benefit” document was written to try and bring the courts on board with the legislation. In many ways, the courts are the lynchpin of the whole process—as one of two central repositories of criminal record information (the state police are the other) and the locus of all expungement activity, their support holds a lot of weight and their objections could sink the bill. By showing the courts that they stood to save enormous amounts of resources in not having to process petitions, hold hearings, etc... was a very compelling argument, especially in light of the fact that the courts would also be losing out on filing and processing fees.



Pennsylvania Clean Slate Talking Points

What is Clean Slate?

Clean Slate (SB 529, HB 1419) is a bill that provides for automatically sealing certain criminal records so that they are not available to the public, but can still be accessed by law enforcement.

Under Clean Slate, the following are automatically sealed when people have remained free of misdemeanor and felony convictions for a set period of time:

- Misdemeanor convictions (except for violent and sex offenses) → 10 years
- Charges that did not result in convictions → 60 days

Clean Slate also expands sealing in PA to first-degree misdemeanors.

Any offenses sealed under Clean Slate need not be reported to employers, landlords, or others. They also cannot be used to deny state occupational licenses.

Why Do We Need Clean Slate?

One in three Pennsylvanians has some kind of criminal record. Half of our children have at least one parent with a criminal record. Because criminal records are now so easily accessible, they are a leading source of unemployment, and can also impact access to housing, higher education, and more.

With Clean Slate, Pennsylvanians who have shown rehabilitation will be able to move on with their lives and access better opportunities for themselves and their families.

What is Unique about Clean Slate?

Clean Slate is a novel and smart policy: it reduces the financial burden on courts who currently deal with thousands of expungement petitions a year. It also creates a streamlined process to provide relief to the many Pennsylvanians facing barriers due to criminal records.

Clean Slate is supported by a broad bipartisan coalition of legislators and organizations. The lead sponsors of Clean Slate are strange bedfellows: Sen. Scott Wagner (R-York), Sen. Anthony Williams (D-Philadelphia), Rep. Sheryl DeLozier (R-



Cumberland), and Rep. Jordan Harris (D-Philadelphia). More than half of the Senate have signed on as cosponsors; there are 40 cosponsors in the House.

Clean Slate is supported by the U.S. Justice Action Network, which includes organizations as diverse as Americans for Tax Reform; the Center for American Progress; FreedomWorks; the ACLU; Right on Crime; the NAACP; and the Faith & Freedom Coalition.

Why is Clean Slate Good Public Policy?

- ***It will help many of the 30% of Pennsylvanians who have a criminal record*** (and who are parents of about half of our state's children) to move on after showing rehabilitation by desisting from crime.
- ***It will improve public safety***, by providing hope to offenders for a fresh start if they avoid future convictions.
- It will ***save money for the Commonwealth***, by reducing criminal justice supervision costs, decreasing public benefits support needed by people unable to get jobs because of their criminal records, and increasing tax revenues when these people are able to work.
- It will ***reduce the burden on courts***, which currently handle thousands of petitions a year, but still cannot begin to process all of the cases that are eligible for expungement or sealing.

What is the Current Status of Clean Slate?

Clean Slate was introduced in the Pennsylvania Senate on May 19, 2017 (SB 529). It was introduced in the House on May 24, 2017 (HB 1419).

SB 529 passed the Senate unanimously on June 29, 2017. HB 1419 remains in the House Judiciary Committee.

Updated, 9/27/2017



All Pennsylvanians Will Benefit from a Clean Slate Policy for Minor Criminal Records

June 22, 2015

Between 70 million and 100 million—or 1 in 3 Americans—have some type of criminal record.¹ In Pennsylvania, this translates into nearly 3 million of the commonwealth’s citizens.² Many have only minor records, such as misdemeanors, summary offenses, or arrests without conviction. Nonetheless, even a minor criminal record can present lifetime barriers to opportunity, putting jobs, housing, education, and more out of reach. Enabling Pennsylvanians with minor criminal records to earn a clean slate would make it possible for them to get past these barriers, get to work, and provide for their families—while strengthening the economy and enhancing public safety.

What is a clean slate?

- **A clean slate allows minor nonviolent cases to be automatically sealed** after time has passed without subsequent conviction of a felony or a misdemeanor. This means they are only available to law enforcement, but not the public. For misdemeanors, that period is 10 years. For arrests that did not result in a conviction, there is no waiting period apart from processing time.*
- **A clean slate is an agreement with the person with the criminal record.** If you remain crime-free for the required period of time, your case will be sealed. No petition for sealing or court order is needed.

Why does a clean slate policy make sense?

- **People with nonviolent misdemeanor convictions** who do not commit another crime within four to seven years are no more likely to commit a crime in the future than the general population.³
- **People who have redeemed themselves are trapped by lifetime barriers.** For instance, nearly 9 in 10 employers,⁴ 4 in 5 landlords,⁵ and 3 in 5 colleges⁶ use criminal record background checks, putting employment, housing, and higher education out of reach for many. To help alleviate these barriers, 23 states and Washington, D.C., have expanded their record-clearing laws since 2009.⁷

“Since the time of my conviction, I have come to realize that one wrong decision can cause a lifetime of pain. I realize that society is not as forgiving and that because of my actions, I am not able to utilize the educational knowledge that I have gained ... I have applied for and been offered many prominent job opportunities. However, when my criminal background comes back, I lose the chance and nothing I can say will make any difference.”

Ronald Lewis, Philadelphia⁹

- **A clean slate is automatic.** Individuals do not need to file record-clearing petitions one by one. This reduces a burdensome workload for the courts and makes it easier for those trying to find employment, housing, and other basic needs for their future success.

Who benefits from a clean slate policy? All Pennsylvanians!

- **People with criminal records will be able to move on with their lives**, provide for their families, and become productive members of society.
- **Families and children of people with criminal records** will benefit as their incomes increase, their housing improves, and other obstacles to family economic security are eliminated.
- **The criminal justice system will not be burdened** with the transactional costs of many thousands of record-clearing petitions each year.
- **The commonwealth will save money** as a result of reduced incarceration.
- **Pennsylvania's economy will benefit** from not shutting qualified jobseekers out of the labor force, which costs the national economy \$65 billion a year in lost gross domestic product, or GDP.⁸
- Most importantly, **communities will be safer** as a result of lower recidivism rates due to reduced barriers to successful reentry.

For CAP's full set of recommendations to remove barriers to economic security and mobility for people with criminal records, see "One Strike and You're Out" by Rebecca Vallas and Sharon Dietrich¹⁰

***Update, June 5, 2017:** This fact sheet has been updated to reflect the new language of Pennsylvania's clean slate bill.

Endnotes

- 1 Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility," (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/poverty/report/2014/12/02/102308/one-strike-and-youre-out/>.
- 2 Rebecca Beitsch, "States Try to Remove Barriers for Ex-Offenders," Pew Charitable Trusts, June 18, 2015, available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/6/18/states-try-to-remove-barriers-for-ex-offenders>.
- 3 Alfred Blumstein and Kiminori Nakamura find that the risk of recidivism drops sharply over time. Specifically, they find that the risk of recidivism for individuals who have a prior conviction for a property offense drops to no different than the risk of arrest in the general population three to four years after the individual has remained crime free. Likewise, they find that the risk of recidivism for individuals with a drug conviction is no different than that of the general population after four years. For people with multiple convictions, they suggest a more conservative estimate of 10 years. See Alfred Blumstein and Kiminori Nakamura, "Redemption in the Presence of Widespread Criminal Background Checks," *Criminology* 47 (2) (2009): 331.
- 4 Society for Human Resource Management, "Background Checking—The Use of Criminal Background Checks in Hiring Decisions" (2012), p. 2, available at <http://www.shrm.org/research/surveyfindings/articles/pages/criminalbackgroundcheck.aspx>.
- 5 David Thacher, "The Rise of Criminal Background Screening in Rental Housing," *Law & Social Inquiry* 33 (1) (2008): 5, 12. Single-family rental firms also commonly screen tenants based on criminal history, and, in some cases, applicants can be turned away based on a criminal conviction. See, for example, Invitation Homes Rentals, "Resident Selection Criteria," available at <http://invitationhomesrentals.com/Chicagorentalcriteria11.2012.pdf/> (last accessed November 2014).
- 6 Center for Community Alternatives, "The Use of Criminal History Records in College Admissions Reconsidered."
- 7 Ram Subramanian and Rebecka Moreno, "Relief in Sight?: States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014" (New York: Vera Institute of Justice, forthcoming), p. 13.
- 8 Melissa Kearney and Benjamin Harris, "Ten Facts About Crime and Incarceration in the United States" (Washington: The Hamilton Project, 2014), available at http://www.hamiltonproject.org/papers/ten_economic_facts_about_crime_and_incarceration_in_the_united_states/.
- 9 Ronald Lewis, interview with author, Philadelphia, Pennsylvania, November 24, 2014.
- 10 Vallas and Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility."



Clean Slate Frequently Asked Questions

Q1 What is Clean Slate?

A1 SB 529 and HB 1419 provide for automatic sealing, by computer and without the filing of petitions, for most nonviolent misdemeanor convictions when more than 10 years has passed without another felony or misdemeanor conviction and for cases that concluded without conviction. The bills also expand eligibility for sealing to first-degree misdemeanors.

SB 529 passed the Senate unanimously on June 29, 2017. HB 1419 remains in the House Judiciary Committee.

Q2 It was just last year that the General Assembly enacted Act 5 of 2016, providing for sealing of 10-year old misdemeanor convictions. Why is something more needed so soon?

A2 Act 5 was so narrowly written that only 186 cases have been sealed as of the end of July, 2017. Clean Slate expands on the eligibility of 10-year-old misdemeanor convictions to be sealed, most notably adding nonviolent first degree misdemeanors.

In addition, Act 5 requires Pennsylvanians with old misdemeanors to know that they might be eligible for sealing and to retain a lawyer to help them. Clean Slate will allow eligible misdemeanors to be sealed without the red tape. It will also save resources by automatically sealing cases ending without conviction.

Q3 Clean Slate requires that only Pennsylvania cases are checked when determining whether an individual has been free of felony or misdemeanor convictions for 10 years to qualify for automatic sealing. Why aren't out-of-state cases checked?

A3 Logistically, Pennsylvania does not have data available on whether an individual has cases in one of the other 49 states in order to make that check. But this unavailability of data is not a reason to reject the benefits of Clean Slate. At most, an individual gets a 10-year-old misdemeanor sealed. If that person has a more recent case in another state, the newer case will not be affected by Clean Slate will probably come up in a background check, alerting employers and others to more recent, and therefore more relevant, criminal activity. And because the misdemeanor is sealed rather than expunged, Pennsylvania law enforcement continues to have access to the information, if needed.

Q4 Under Clean Slate, most occupational licensing agencies would not have access to the sealed misdemeanors, which is a change from Act 5. Is this a good idea?

A4 Yes. Many professions, from accountants to beauticians and barbers to nurses to veterinarians, require occupational licenses to be able to work. If an old misdemeanor conviction is held against an individual when he seeks a license, its absence from a background check makes little difference. Ten-year-old misdemeanors have little value for establishing that an individual is an employment risk, whether that assessment is being made by an employer or a licensing board.



Pennsylvania's Courts Will Benefit from a Clean Slate Law for Minor Criminal Records

December, 2015

Between 70 million and 100 million—or 1 in 3 Americans—have some type of criminal record.¹ In Pennsylvania, this translates into nearly 3 million of the commonwealth's citizens.² Many have only minor records, such as misdemeanors, summary offenses, or arrests without conviction. Nonetheless, even a minor criminal record can present lifetime barriers to opportunity, putting jobs, housing, education, and more out of reach. Enabling Pennsylvanians with minor criminal records to earn a clean slate would make it possible for them to get past these barriers, get to work, and provide for their families—while strengthening the economy and enhancing public safety. Sealing these records automatically would preserve scarce court resources in cases that do not warrant judicial oversight.

What is a clean slate?

- **A clean slate statute allows minor nonviolent cases to be automatically sealed** after time has passed without subsequent conviction of a felony or a misdemeanor. Automated sealing generally will be accomplished through database queries, eliminating the need for court action. Sealed cases are only available to law enforcement, but not the public. For misdemeanors, that period is 10 years. For summary offenses, it is 5 years. For arrests that did not result in a conviction, there is no waiting period.
- **A clean slate is an agreement with the person with the criminal record.** If the person remains crime-free for the required period of time, his or her case will be sealed. No petition for sealing or court order is needed.

Why would a clean slate law help the courts?

- **The courts' budgets are under enormous pressure.** PA courts have operated with \$58 million less funding over the last seven years, resulting in the reduction of the number of judges, not

¹ Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility," (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/poverty/report/2014/12/02/102308/one-strike-andyoure-out/>.

² Rebecca Beitsch, "States Try to Remove Barriers for Ex-Offenders," Pew Charitable Trusts, June 18, 2015, available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/6/18/states-try-to-remove-barriers-for-exoffenders>.



filling vacancies, renegotiating leases and contracts, increasing health care cost sharing and limiting merit and cost-of-living increases. Cutting workload would be very beneficial in this environment.

- **The underfunded courts are increasingly burdened by growing numbers of expungement petitions.** According to the Administrative Office of PA Courts, 79,210 criminal cases were removed by expungement from October 2014 through September 2015. This annual number will only increase as the General Assembly expands record-clearing to sealing of some misdemeanor convictions and as the people with minor records increasingly seek these remedies.
- **Most petitions require little judicial scrutiny.** Generally, when statutory criteria for expungement are met, little or no judicial consideration is required. By automated sealing of the cases in which former defendants present the least risk for reoffending, judicial resources are saved for more difficult cases.
- **Transactional costs would be saved.** In addition to preserving the time of judges, a clean slate law would reduce time required by clerical staff to handle petitions and orders and by trial commissioners to facilitate the process. Prosecutorial resources required to review petitions would also be saved.

Why does a clean slate policy make sense?

- **People with nonviolent misdemeanor convictions** who do not commit another crime within four to seven years are no more likely to commit a crime in the future than the general population.³
- **People who have redeemed themselves are trapped by lifetime barriers.** For instance, nearly 9 in 10 employers,⁴ 4 in 5 landlords,⁵ and 3 in 5 colleges⁶ use criminal record background checks, putting employment, housing, and higher education out of reach for many. To help

³ Alfred Blumstein and Kiminori Nakamura find that the risk of recidivism drops sharply over time. Specifically, they find that the risk of recidivism for individuals who have a prior conviction for a property offense drops to no different than the risk of arrest in the general population three to four years after the individual has remained crime free. Likewise, they find that the risk of recidivism for individuals with a drug conviction is no different than that of the general population after four years. For people with multiple convictions, they suggest a more conservative estimate of 10 years. See Alfred Blumstein and Kiminori Nakamura, "Redemption in the Presence of Widespread Criminal Background Checks," *Criminology* 47 (2) (2009): 331.

⁴ Society for Human Resource Management, "Background Checking—The Use of Criminal Background Checks in Hiring Decisions" (2012), p. 2, available at <http://www.shrm.org/research/surveyfindings/articles/pages/criminalbackgroundcheck.aspx>.

⁵ David Thacher, "The Rise of Criminal Background Screening in Rental Housing," *Law & Social Inquiry* 33 (1) (2008): 5, 12. Single-family rental firms also commonly screen tenants based on criminal history, and, in some cases, applicants can be turned away based on a criminal conviction. See, for example, Invitation Homes Rentals, "Resident Selection Criteria," available at <http://invitationhomesrentals.com/Chicagorentalcriteria1.2012.pdf/> (last accessed November 2014).

⁶ Center for Community Alternatives, "The Use of Criminal History Records in College Admissions Reconsidered."



alleviate these barriers, 23 states and Washington, D.C., have expanded their record-clearing laws since 2009.⁷

- **A clean slate is automatic.** Individuals do not need to file record-clearing petitions one by one. This reduces a burdensome workload for the courts and makes it easier for those trying to find employment, housing, and other basic needs for their future success.

Who else benefits from a clean slate policy? All Pennsylvanians!

- **People with criminal records** will be able to move on with their lives, provide for their families, and become productive members of society.
- **Families and children of people with criminal records** will benefit as their incomes increase, their housing improves, and other obstacles to family economic security are eliminated.
- **The commonwealth** will save money as a result of reduced incarceration.
- **Pennsylvania's economy** will benefit from not shutting qualified jobseekers out of the labor force, which costs the national economy \$65 billion a year in lost gross domestic product, or GDP.⁸
- **Most importantly, communities** will be safer as a result of lower recidivism rates due to reduced barriers to successful reentry.

For CAP's full set of recommendations to remove barriers to economic security and mobility for people with criminal records, see "One Strike and You're Out" by Rebecca Vallas and Sharon Dietrich.⁹

⁷ Ram Subramanian and Rebecka Moreno, "Relief in Sight?: States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014" (New York: Vera Institute of Justice, forthcoming), p. 13

⁸ Melissa Kearney and Benjamin Harris, "Ten Facts About Crime and Incarceration in the United States" (Washington: The Hamilton Project, 2014), available at http://www.hamiltonproject.org/papers/ten_economic_facts_about_crime_and_incarceration_in_the_united_states/.

⁹ Vallas and Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility."



We Urge You to Support Clean Slate (SB 529/HB 1419)

Clean Slate is a bipartisan solution that automatically seals older, minor criminal records so that they are not available to the public, but can still be accessed by law enforcement.

Why do we need Clean Slate?

- **1 in 3 Pennsylvanians has a criminal record**; half of Pennsylvania's children have at least one parent with a criminal record.
- **9 in 10 employers, 4 in 5 of landlords, and 3 in 5 colleges use criminal background checks.** A criminal background has become a virtual lifetime sentence, even for charges that never led to conviction.
- **Our communities will be strengthened** by providing hope to offenders for a fresh start if they avoid future convictions

What does Clean Slate do?

- **Using the electronic criminal record databases** held by the State Police and the Pennsylvania Courts, **eligible cases will be automatically sealed** using technology.
- **Arrests** that did not lead to conviction will be **sealed within 60 days.** **Non-violent misdemeanor convictions** will be sealed after the defendant has gone **10 years** without further conviction.
- **Cases will be sealed without burdening local courts** and judges with thousands of petitions for old and minor cases.
- **The Commonwealth will save money**, by reducing criminal justice supervision costs, decreasing public benefits support, and increasing tax revenues by allowing people with old records to find good employment.
- **Offenses sealed** under Clean Slate will be **hidden from employers, landlords, and the general public** but will **available to law enforcement** and the courts.

Pass Clean Slate Now!

For more information, contact Michael Hollander (mhollander@clsphila.org)

Updated, 10/19/2017

Clean Slate Will Help Prevent Homelessness in Pennsylvania

Talking Points, August 2017



In Pennsylvania, homelessness is getting worse

- On any given day, 15,000 Pennsylvanians experience homelessness.
- Rates of homelessness in Pennsylvania have increased, especially among veterans, families, and young people.
- The number of young Pennsylvanians who do not have shelter has increased by a third.

Criminal records contribute to homelessness

- Approximately 4 out of 5 landlords conduct criminal record background checks on prospective tenants, and even a minor criminal record can serve as a barrier to both public and private housing.
- Nearly 1 in 3 people released from incarceration expect to go to a homeless shelter due to a lack of housing options.
- People with records struggle to secure adequate employment which makes being able to afford housing a significant challenge.

Clean Slate can prevent homelessness

- Clean Slate would use technology to automatically seal from public view arrest records after charges are dropped, as well as certain minor conviction records after 10 years.
- Sealed records would no longer be available to the public, meaning that landlords and property managers would not be able to view and hold these records against people seeking housing.
- Moreover, employers would no longer be able to view these records, allowing individuals and families to secure income needed to afford necessities like housing.
- Pennsylvania's Clean Slate legislation is the first of its kind in the nation, enjoys support from both Republicans and Democrats, and passed unanimously in the PA Senate last May. Now, the PA House must vote to give people with minor records a second chance.

Clean Slate will prevent minor criminal records from lurching young people and families into homelessness. It's a simple solution to a huge problem.

Encourage your representative to support Clean Slate so it can pass the House of Representatives and get signed into law.

Why We Should All Support Clean Slate: Increased Access to Housing & Employment

Omar's Story

Omar Coates is a 21-year-old young man with a bright future. He graduated from high school and worked with a job-training program to gain employment. Omar applied to live at a private apartment complex, but the complex ran a background check that revealed a single arrest that did not result in a conviction. Omar was told that he could not live there unless he could get his record expunged.

Omar faced homelessness, couch surfing with friends while he awaited confirmation of his expungement to show to the apartment complex.

Clean Slate would automatically seal arrest records shortly after charges are dropped so that people like Omar do not have to experience homelessness while awaiting a lengthy process to get their record cleared.

Alexa's Story

Alexa Rowe, a twenty-year-old high school graduate, became homeless when she could not find a job that would enable her to afford housing. With nowhere else to go, she ended up at a youth homeless shelter. When Alexa visited a legal clinic at the shelter, she learned that a minor arrest record for which she was not convicted was still showing up. She had been denied so many jobs, and never understood why.

Ultimately, after about six months, Alexa was able to get the arrest record expunged, find employment, and leave the shelter. However, she unnecessarily experienced over a year of homelessness because of this minor arrest record.

Clean Slate would ensure that people like Alexa do not unknowingly lose out on critical opportunities because their minor records are available to the public.

Clean Slate will prevent minor criminal records from lurching young people and families into homelessness. It's a simple solution to a huge problem.

Encourage your representative to support Clean Slate so it can pass the House of Representatives and get signed into law.

Clean Slate is a Game-Changer for Pennsylvania Families

Talking Points, August 2017



In Pennsylvania, nearly 1 in 3 – or three million – people have a criminal record.

- Many have only minor convictions, while others have been arrested but never even convicted of a crime.
- Because of the rise of technology and background-checking, even a minor record can now cause lifelong barriers to opportunity.
- Records negatively impact individuals, families, communities, and the economy.

Criminal records are a major cause of poverty.

- Having even a minor criminal record can serve as a barrier to nearly all basic necessities including employment and housing. Records can also stop people from furthering their education and advancing in their careers.
- Nearly 9 in 10 employers, 4 out of 5 landlords, and 3 in 5 colleges do criminal record background checks.
- Our nation's poverty rate would have dropped by 20 percent over the past several decades if not for the barriers caused by incarceration and criminal records.

Pennsylvanians need a “Clean Slate”

- People with old and minor criminal records are no more likely to commit future crimes than people without records. We all make mistakes, but only some are punished forever because of them. Clean Slate would change that.
- Pennsylvania's Clean Slate legislation is the first of its kind in the nation, enjoys support from both Republicans and Democrats, and passed unanimously in the PA Senate last May. Now, the PA House must vote on it.
- Clean Slate would use technology to automatically seal certain minor criminal records from public view after 10 years. Sealed records would not be available to the public, including employers, landlords, and schools.
- Clean Slate means more people can clear their records, with less cost to the Commonwealth.

Clean Slate will prevent minor criminal records from trapping people in poverty for life. It's a simple solution to a huge problem.

Encourage your representative to support Clean Slate so it can pass the House of Representatives and get signed into law.

Why We Should All Support Clean Slate: People Who Need Second Chances

Ronald's Story

More than ten years ago at age 25, Ronald Lewis was convicted of drug possession and retail theft, both misdemeanors. Now, at age 38, he is a different person. He is a family man. He freely gives his time to mentor kids in the neighborhood, trying to keep them off the streets and out of trouble. He is a hard worker who has struggled to advance in his career.

After completing vocational training to become a skilled building engineer, Ronald found the door to building engineer jobs was being slammed in his face. Numerous good job offers were retracted when his criminal record came back. Despite repeated heartbreaking disappointments, Ronald does not give up. When he gets discouraged, his children remind him that he has no alternative but to keep trying until he succeeds. Clean Slate would allow thousands of Pennsylvanians like Ronald to live up to their full potential and contribute positively in their communities.

Joselyn's Story

Joselyn Brown is 30-year-old mother of two children. In 2016, she was wrongly accused and arrested for an assault that someone else committed. Once the District Attorney's office realized the error, they did not bring the case to court. But because Joselyn was fingerprinted, she still had a record.

In 2017, Joselyn began seeking work in the home health care field, but was denied jobs because of the arrest record, leaving her to support her two children with only a small amount of public assistance. Joselyn was determined to work and sought help to get the record expunged, but the process can take up to a year and Joselyn was left with few prospects while she waited. Clean Slate would ensure that people like Joselyn who were wrongly arrested can get their records sealed quickly so that they do not lose out on crucial opportunities to better support their families.

Clean Slate will prevent minor criminal records from trapping people in poverty for life. It's a simple solution to a huge problem.

Encourage your representative to support Clean Slate so it can pass the House of Representatives and get signed into law.

White Paper on Putting Clean Slate into Production

Clean Slate is simple conceptually, but implementation can be complicated. In order to think through the complexity, determine the feasibility of Clean Slate in Pennsylvania, and to propose to a potential implementation solution, Community Legal Services drafted the following paper.

The paper starts by discussing the various records that would need to be sealed under Clean Slate. It then proposes a solution for identifying the records electronically and how each agency will seal those cases. Finally, the paper identifies a number of potential problems and solutions to those problems. These include cases without grades, cases that are in one central repository, but not the other and data mismatches between the database.

Ultimately the implementation plan that the state has compiled is somewhat different than what CLS proposed, however it was enormously helpful to have already thought through implementation when approaching various legislators and state agencies about the process.



Operationalizing Clean Slate in Pennsylvania Prepared by Community Legal Services, Inc.

What record keepers would be required to seal records under Clean Slate?

The same agencies that currently are required to implement expungement orders. They are:

- 1) The Pennsylvania State Police (the PSP);
- 2) The Administrative Office of Pennsylvania Courts (AOPC);
- 3) The County Courts of Common Pleas;
- 4) The Minor Courts (Municipal Court in Philadelphia; Magisterial District Courts elsewhere);
- 5) Law enforcement (local law enforcement or the Attorney General's office);
- 6) Probation and Parole.

In addition, the PSP passes its expungement results to the Federal Bureau of Investigation (the FBI). AOPC passes its expungement results to its bulk data purchasers (thereby communicating with the background screening industry at large).

As discussed below, there are two different kinds of records that are implicated by sealing: (1) electronic records; and (2) paper records. ***Sealing electronic records is much more important than paper records, because the former are generally used in compiling criminal background checks.*** Therefore, we suggest different procedures below for the two types of records.

Because the PSP and AOPC criminal databases are the ones primarily used for civil matters (like employment screening), properly removing their data from public from public view will accomplish the primary goals of Clean Slate.



How could Clean Slate be implemented?

STEP ONE: The lead agency generates a list of cases to be sealed by running a data query.

In general, cases would be identified by database query, not examination of records individually. Although AOPC could run this query in its database, we suggest that the PSP play this role. The PSP data fields include a State Identification Number (SID), which allows it to pull together all cases connected to an individual, which makes the query easier.

We believe that the query could be constructed as follows.

To identify misdemeanor convictions that should be sealed, start with the pool of all cases within a repository.

- 1) Find all cases where there was a conviction in the last ten years.
- 2) For each defendant associated with a case in #1, eliminate all cases in the system associated with that defendant. Now you are left with only cases that are at least 10 years old and you know that the defendant associated with the case was not convicted of a crime in the last ten years.
- 3) Take the cases remaining after #2 and eliminate all cases where there is a felony conviction.
- 4) Take the cases remaining after #3 and eliminate all cases where there is a conviction for any Article B offense of Title 18. (18 PaCS § 2301-3220)

The cases remaining after #4 should all be eligible for sealing. None include felony convictions or convictions for Article B offenses. None involve defendants who were convicted of any crime in the last 10 years.

To modify for summary offenses, you would look for convictions in the last 5 years and then eliminate felonies and misdemeanors in step 3.

To modify for expungements, you just eliminate any case where there was any conviction at all.

STEP TWO: The lead agency provides an electronic list of cases to be sealed to the secondary agency.

If the PSP is the lead agency, AOPC would be the secondary agency, and vice versa. The secondary agency will use the data to seal the same cases in its database. The two agencies share a common identification of a case, the Offense Tracking Number (OTN), which will allow them to communicate with each other.



STEP THREE: The PSP and AOPC “seal” the cases in their electronic data.

Both agencies already have procedures available to screen cases from public view.

The PSP, pursuant to the Criminal History Record Information Act, does not provide certain cases in response to public background checks (most notably, non-convictions). That agency already has been examining how to seal cases in its database for the eventuality that Senate Bill 166 is passed.

AOPC’s primary database, the Common Pleas Case Management System (CPCMS), also already screens data from public view. (AOPC has similar databases for the appellate and magisterial district courts.) CPCMS features a public website and a broader secured website. The latter, which is primarily limited to criminal justice users, contains data not available to the public (such as social security numbers) and cases not available to the public (such as juvenile cases and cases that are in the process of being expunged). Sealing of cases could similarly involve removing cases from public access.

A new data field should be created to identify cases that have been sealed. As with identification of eligible cases, the actual “sealing” would be done by query, not on a one-by-one basis.

STEP FOUR: Paper records are not provided to the public without checking whether the case has been sealed.

It is not feasible or necessary for millions of files and paper records to be culled or segregated. Rather, the PSP, the courts and the other agencies should check the PSP or AOPC databases before providing records in response to a public request to determine whether they are sealed. Providing sealed paper records to non-law enforcement requestors should be strictly prohibited.

Commercial background screeners complain that sometimes when they try to confirm that a case in their data has been expunged, their sources won’t confirm its status. We believe that the proper response in such a situation should be, “No case with that identifier is available to the public.”

STEP FIVE: The PSP and AOPC provide notice of sealed cases to the FBI and bulk data purchasers, respectively.

The PSP will report the sealing of cases to the FBI in the manner that they currently report expunged cases.



AOPC currently uses a “LifeCycle File” that it developed to notify its bulk data purchasers and their downstream users of expunged and other cases to be removed from their data. Subscriber use of the LifeCycle File is required by contract. In April 2011, AOPC used LifeCycle Files to require that their purchasers remove 16 million old summary offense cases adjudicated in the magisterial district courts pursuant to AOPC’s electronic case retention policy. So AOPC has a tool that has been demonstrated in the past to be effective to identify to the commercial screening industry large numbers of cases that must be removed from their background checks.

Implementation Challenges and Proposed Solutions

Any large database project has its challenges. Clean Slate will face the following, to which we suggest answers.

a) Missing grade

Unfortunately, many cases in the PSP and AOPC databases lack grades, especially for cases from Philadelphia. So these cases would not be identified in the database query discussed above.

- 1) Some criminal offenses are always graded as misdemeanors or felonies. These cases could be hardcoded into the query looking for sealable offenses as “qualified”. As an example, a DUI under 75 PaCS 3802 is always a misdemeanor. This is the most common clean slate-qualifying misdemeanor charge in Pennsylvania in the last five years. Other examples are Resisting arrest (always M2) and Disorderly conduct (either S or M3). Robbery and burglary, on the other hand, are always felonies. Drug offenses are more nuanced. If we know the subsection of code that the person was charged under, we often know the grade. Subsections 1-11, 13, 15-20, and 37 of 35 Pa.CS 780-113(a) are all misdemeanors as well. Often the AOPC records are this detailed, although not always.
- 2) In Philadelphia (where a large number of charges have no grading), any case disposed of in Municipal Court has to be a misdemeanor or summary: Pa Rule of Crim Pro for Phila Mun Court 1001: <http://www.pacode.com/secure/data/234/chapter10/s1001.html>. This means that if the final disposition happened in Municipal Court, we know it wasn’t a felony. The same is true for final dispositions in the magisterial district courts, although those cases are more likely to contain grades in the data.
- 3) If neither of the above are applicable, a mechanism must exist for people to manually request their sealing. For instance, they could provide a form, accompanied by proof of the grade (which might need to be obtained from the court file).



b) Cases in one database but not the other

PSP records contain cases where the person was arrested but not prosecuted (based on a fingerprint card). These cases are not in AOPC's database, because they did not go to court.

Also, the summary cases that AOPC removed from magisterial district court records pursuant to its electronic data retention policy still appear in the PSP database. So a lead query by AOPC would not identify those categories cases, and the PSP would have to check them by supplemental query.

c) Data mismatches between databases

The PSP and AOPC databases do not match at times. Some examples include a different offense grade for a specific charge between the databases or a different set of charges altogether listed for an individual arrest.

In these cases, a secondary agency may be responsible for running a secondary query to supplement the lead agency's query. Alternatively, if a person sees that their entire record is not sealed as required under the law, they can use a paper mechanism to manually request sealing.

Implementation

The large number of cases that will need to be sealed upon the implementation of Clean Slate suggests that it should be implemented in stages. For instance, misdemeanor convictions could be done first, for the greatest impact. Cases could also be sealed in order of age of conviction.

After initial implementation, we suggest that a new query be run every month. AOPC currently distributes LifeCycle Files on a monthly basis

For more information, contact Sharon Dietrich (215-981-3719; sdietrich@clsphila.org) or Michael Hollander (215-981-3794; mhollander@clsphila.org).

(Prepared, September 16, 2015)

Client Stories

The lifeblood of any legislative campaign, client stories provide context to the laudable policy goals and high level statistics that make Clean Slate a smart decision. CLS found that it was helpful to identify clients who would benefit from Clean Slate, get media releases from them, and write up their stories as soon as they were identified. Having a bank of clients who are willing to speak with the media and having pre-packaged media-ready stories available can be a lifesaver when the media calls with a quick deadline.



Selected Stories From CLS Clean Slate Stories Database

Pennsylvanians Who Would Be Helped by Clean Slate (SB 529)

For more information, contact Community Legal Services of Philadelphia

Sharon Dietrich (215-981-3719; sdietrich@clsphila.org) OR

Seth Lyons (215-981-3790; slyons@clsphila.org)

NAME:	<u>Release?</u> Yes (full)
<p><u>Record</u></p> <p>1986 conviction for retail theft/receiving stolen property (M1s). 1998 conviction for fleeing or attempting to elude officer (M2); lesser charges nolle prossed. Both cases were in Montgomery County.</p>	
<p><u>Story</u></p> <p>Donna H. has two misdemeanor convictions from the last century. In 1986, when she was 19 years old, she got a new job at the King of Prussia Mall. She needed a ride to work and got one with an acquaintance (whom she never saw again). She was sitting in the car before work, because she was early for work and it was raining. The driver came out of a department store and put some merchandise into the car. Suddenly, he told her to run. Not knowing what was going on, that is what she did. Both were arrested, and the driver blamed everything on her, even though she did not know that he intended to steal. She pled guilty to retail theft and receiving stolen property, both first-degree misdemeanors.</p> <p>In 1998, Donna got into a minor accident on her way home from work on an overnight shift at a nursing home. She was scared and confused, and she did not stop right away. Later, she pled guilty to fleeing or attempting to elude an officer, a second-degree misdemeanor. She knows now that she made a mistake.</p> <p>Donna's life has been severely damaged by these minor offenses that are 30 and 18 years old. She trained to become a certified nursing assistant, but has been repeatedly rejected for that job after her background check. She also graduated from honors from a medical billing program run by Lincoln Tech, to no avail. She has not been able to work in child care.</p> <p>Donna currently works part-time as a supermarket cashier. She cannot live on the low paycheck that she brings home. She desperately wants her old misdemeanors to be sealed, so that she can get a better job. Compared to her skills and her ambitions, she is very under-employed because of her criminal record. Her constant rejections have made her distraught.</p>	



NAME:	<u>Release?</u> In progress; oral approval
<u>Record</u>	
<p>2004 conviction for retail theft (M1). 2005 conviction for drug possession (M)/possessing instruments of crime (M1).</p> <p style="text-align: center;"><u>Story</u></p> <p>More than ten years ago at age 25, Ronald was arrested, and eventually convicted, in two cases within a month of each other. On August 17, 2004, he was arrested in a drug case. On September 24, 2004, he was arrested for retail theft for stealing a pocket book from a department store. These are his only convictions, and all three counts are misdemeanors for which he was sentenced to probation only.</p> <p>Now, Ronald is 38 years old. He is a different person than the one who committed those minor offenses more than a decade ago. He is a family man. He is very involved with his children's lives and knows that they need a present father, because his own father was not present when he was growing up. He is also a father figure to his younger brother who has a learning disability. He was married in 2012.</p> <p>Ronald' engagement is not limited to his own family. He has freely given his time to mentor kids in the neighborhood, trying to keep them off the streets and out of trouble. He has spent hours talking to them about not making the mistakes that have affect his own life.</p> <p>Ronald has actively planned to move forward with his life, so that he can provide well for his family. He had a strong work history with Temple University and the School District of Philadelphia, but he knew that he needed a better job with more earnings potential. So he completed vocational training to become a skilled building engineer, certified to operate boilers and heating and cooling units. But the door to building engineer jobs was slammed in his face over and over again. Numerous good job offers have been retracted when his criminal record has come back.</p> <p>Despite repeated heartbreaking disappointments, Ronald will not give up. He has started his own business, so that he does not need to rely on finding an employer willing to take a chance on him and so that he can offer job opportunities to other people facing background check barriers. When he gets discouraged, his children's faces remind him that he has no alternative but to keep trying until he succeeds.</p>	



NAME:	<u>Release?</u> In progress, oral approval
<u>Record</u>	
<p>2004 conviction for retail theft and criminal conspiracy (M1).</p> <p style="text-align: center;"><u>Story</u></p> <p>Shakia was 16 years old when she had her first son. She had no financial or emotional support from her own mother, and thus she was left to figure out a way to survive and create a life for her son. At the age of 18, she was a teenager with tremendous responsibility, but did not yet have the maturity and good judgment that she has developed since that time. She stole feminine hygiene products, bras and underwear from Target. These were items that she needed but couldn't afford. However, she now regrets her actions immensely. As a result of her theft, she has a 2004 retail theft conviction on her record.</p> <p>Today Shakia has matured tremendously and is raising two children while attending Community College of Philadelphia. She wants to pursue jobs with the potential for advancement and growth, but her record is preventing her from being able to secure those jobs. To support her family she worked the types of jobs she could get, but as an intelligent and ambitious 30 year old woman, she knows she is capable of so much more. She has come so close to securing many great jobs, such as at a university or a bank, but her record is holding her back. She has been explicitly told countless times that she cannot be hired due to her record, and while she originally wanted to pursue a career in nursing, she was told her record would stop her from succeeding in the field.</p> <p>Shakia is currently an upstanding member of her community and volunteers at her children's schools. Once her record is expunged, she hopes to find a job with room for advancement so she can save for her son's college tuition.</p> <p>Shakia applied for a pardon in 2013. Finally, she was recommended for a pardon by the Board of Pardons in June, 2016. She is waiting for the Governor to review and act on the recommendation. If Governor Wolf grants the pardon, she will then have to seek an expungement of her conviction. At this time, expungements hearings in Philadelphia are being set up four to six months after they are filed. So if the Governor acts soon, Shakia may be able to expunge her case by the end of 2017.</p> <p>If the Clean Slate proposal had been in operation, Shakia's case would have been automatically sealed in January, 2015. She would have been able to pursue a better future for her family several years earlier, and without the time and resources required by the pardons process.</p>	



NAME:	Release? Yes (except for full name)
<u>Record</u>	
<p>1993, 1996 and 1999 convictions for Prostitution and Solicitation (M3s). 1998 conviction for drug possession (M).</p> <p style="text-align: center;"><u>Story</u></p> <p>ND was addicted to crack cocaine from the late 1980s until she got clean in 2001. She prostituted herself to support her habit. That was the period during which she got her misdemeanor convictions. She has not been in trouble since 2001.</p> <p>In 2001, a woman who lived on ND's block encouraged her to go to rehab. She finally did. She has been clean since that time. When ND went to rehab, she came to understand that she did not need to sell her body for a drug. Her rehab changed her life.</p> <p>After she got clean, ND looked for jobs. But she was rejected over and over again based on her criminal record, even though she didn't hurt anyone else when she committed her crimes and even though they are in her distant past.</p> <p>Since leaving rehab in 2002, ND has painstakingly rebuilt her life. She got a room in a facility where she stayed for 10 years. While she was there, she took course after course to improve herself. She was able to finally get an apartment, in 2013. ND went to credit counseling to repair her credit. After having a large amount of her sources on her payment plan for three years, she paid off her debts in 2016. Her credit score is now good, and she may be able to get a house as a result.</p> <p>ND is proud of how far she has come since her days of addiction. It has required a lot of discipline and perseverance.</p> <p>ND really wants to get a job and believes that she needs to clear her background to do that. She does not qualify for sealing under Act 5, because she has four misdemeanors (which is disqualifying under that law.) She filed an application for a pardon in November 2016. But she is years away from even finding out whether she will get a hearing. She hopes that Clean Slate passes, so that her old misdemeanors can be sealed and she can move on with her life.</p>	

Press Toolkit

Following are press-related materials generated by the Pennsylvania Clean Slate team. The documents include a poll of voters in PA on Clean Slate, a model Letter to the Editor that could be submitted in support of any Clean Slate initiative, several Op-Eds written by supporters, and a number of articles that were written about Clean Slate. Each state will need to determine what the best press strategy and messaging is in your state; this toolkit is meant to give a sense of what PA's successful press strategy looked like.

Model Op-Ed

9 in 10 employers, 4 in 5 of landlords, and 3 in 5 colleges use criminal background checks in their decision-making process. For the 3 million Pennsylvanian adults with a criminal record, this is devastating. No matter how minor, a criminal record can turn into a lifetime ban on good jobs, housing, and educational opportunities. This is not only harmful to these individuals, but it is harmful for the Commonwealth: it means that fully 3 million people are shut out from the economy, from the housing market, and from educational opportunities. It means that 3 million people cannot help support their families and communities and make Pennsylvania a stronger and better place.

Many people with criminal records have only old, minor records, such as arrests without convictions or non-violent misdemeanors. Despite the age and minor nature of many criminal records, they remain a public stigma that acts as a lifetime sentence: applications for jobs are routinely thrown straight into the trash; higher education is put out of reach; and safe affordable housing is difficult to access.

But, there is a solution: bipartisan legislation known as Clean Slate. Clean Slate, introduced by Senators Scott Wagner (R-28) and Anthony Williams (D-8), aims to help the millions of hard-working Pennsylvanians with a criminal record to provide a better life for themselves, their families and their communities by *automatically* sealing via technology old, non-violent misdemeanors. It removes the lifetime ban created by a criminal record for those who have remained conviction-free for at least 10 years.

By automating the sealing process, Clean Slate will also reduce the burden on state and local courts, which currently process tens of thousands of expungement petitions each year. In this era of partisan bickering, this is a policy strongly supported by both the left and the right because of its common-sense approach to opening doors to opportunity.

We strongly urge legislators in Harrisburg to pass Clean Slate to allow Pennsylvanians with old, minor criminal records to move forward and access better opportunities for themselves and their families.

Model LTE:

To the Editor:

The Clean Slate Act, introduced to the Pennsylvania General Assembly by Senators Scott Wagner (R-28) and Anthony Williams (D-8), is a bipartisan effort to give Pennsylvanians with old, minor criminal records a fair chance to provide a better life for themselves, their families and their community. The Clean Slate Act proposes automatically sealing minor, non-violent criminal records after 10 years without a conviction. It seals records so that they are not available to employers, landlords, and schools, but keeps the records available to the courts and law enforcement. Jobs, housing, and education opportunities are currently out of reach for millions of Pennsylvanians with minor criminal records. Passing the Clean Slate Act, would not only benefit the lives of people with minor criminal records, but would improve their communities in a way that doesn't overburden courts. I urge the community to support Clean Slate to better our Commonwealth for everyone.



MEMO: Bipartisan Support for Pennsylvania Clean Slate Policies

Date: April 12, 2016

Last fall, as we began to work on putting together a “Clean Slate” policy for Pennsylvania, we sought to understand the opinions of the general public on this issue. On behalf of the U.S. Justice Action Network, Public Opinion Strategies conducted a survey of 500 registered voters in Pennsylvania. Three hundred and twenty five respondents were contacted via landline and 150 via cell phone. The survey was conducted September 26-28, 2015 and has a margin of error of $\pm 4.4\%$.

Key Findings

- It’s almost unanimous – voters believe having a criminal record makes it harder to find a job, and without a job after prison you’re more likely to return to crime.
 - 93% of voters agreed that a criminal record makes it harder for a person to find a job.
 - 87% of voters agreed that those who have served time in prison but can’t find a job once they get out are more likely to return to crime.
- There’s significant support to reduce barriers to employment for non-violent low-level offenders.
 - 85% of voters support a proposal to reduce barriers to employment for non-violent low-level offenders. This includes 78% of Republicans, 91% of Democrats, and 88% of Independents.
- After hearing specifics about the proposal, to automatically seal criminal records of non-violent offenders after a few years, assuming they haven’t committed another crime, the vast majority of Pennsylvanians support it.
 - 77% of all voters support this proposal, with 44% rating their support “strong.” Only 18% of voters opposed such an idea.
 - 68% of Republicans and 83% of Democrats support the policy proposal.
 - 73% of voters in Harrisburg, 87% of voters in Johnstown, 68% of voters in Pittsburgh, and 83% of voters in Erie support the policy proposal.

Bottom Line

The vast majority of voters—three-quarters, overall—in Pennsylvania, across party lines and across media markets, support clearing the records of those who have committed a low-level offense and then remained crime free for years.

MALCOLMJENKINS' CRIMINAL JUSTICE SEASON

This week, Eagles All-Pro safety Malcolm Jenkins stalks to NFL officials about criminal justice, and revives a call to pass the Clean Slate Act

BY MALCOLM JENKINS

This past week, my Eagle teammate Torrey Smith and I invited NFL Commissioner Roger Goodell and Eagles owner Jeffrey Lurie to join us and our teammates Chris Long and Rodney McLeod for a day of meetings to learn about the inner workings and challenges of the criminal justice system.

They were surprised to learn that a third of all Pennsylvanians have a criminal record. That's right: *One-third*. Check out the [video](#) from our day.

One of the things we learned is that even common non-violent misdemeanors—disorderly conduct; unreasonable noise; trespassing; scattering rubbish; criminal mischief; graffiti—can follow someone for life. Every job application, every attempt to get a lease for an apartment, or a mortgage for a house, finds one out of every three Pennsylvanians working citizens having difficulty moving on with their lives due to the stigma of having a prior record.

That's why, as I wrote last week, I'm supporting The Clean Slate Act (Senate Bill 529 and House Bill 1419), which is designed to give a second chance to those who have a clean record for 10+ years by removing that stigma and allowing them to be a productive member of society.

Shouldn't we try to help those individuals who are trying hard to rebuild their lives and be a part of the community? Please watch the following video and contact your electeds at www.yesoncleanslateact.org.

THIS WEEK

SEASON'S SCHEDULE



**PHILADELPHIA
EAGLES**



**NEWYORK
GIANTS**

Homicides per 1,000 residents 0.18	GIANTS	Homicides per 1,000 residents 0.03
Violent crime per 1,000 residents 10.3	GIANTS	Violent crime per 1,000 residents 5.78
Marijuana decriminalization Yes	TIE	Marijuana decriminalization Yes
Police involved shootings 23	EAGLES	Police involved shootings 89
People in jail per 100,000 residents 448	GIANTS	People in jail per 100,000 residents 109
% police of color/ % population of color 43.2/55	EAGLES	% police of color/ % population of color 47.8/67.2
People incarcerated pre-trial per 100,000 residents 134	GIANTS	People incarcerated pre-trial per 100,000 residents 86
# juveniles sentenced to life without parole 307	GIANTS	# juveniles sentenced to life without parole 0

Reading Eagle (Editorial) (PA):

Editorial: Clean slate for minor offenses should be automatic

By Reading Eagle, July 5, 2017

www.readingeagle.com/news/article/editorial-clean-slate-for-minor-offenses-should-be-automatic

While they were passing a budget without figuring out a way to pay for it last week, our state lawmakers did some good, and in one case, remarkable bipartisan work.

Before praising that work, however, it should be noted that it is shameful for our well-paid, supposedly full-time General Assembly to have taken its July Fourth break without approving the money to pay for the budget they passed Friday, a day before the fiscal year was to start.

For the second summer in a row, they figured out the easier part, how much to spend and where, without determining from whence the money will come to fund the \$32 billion in outlays. Gov. Tom Wolf should not sign the spending measure until the revenue part reaches his desk. It's not, after all, really the balanced budget our Constitution demands without both.

Now back to the solid work done last week that at least partially justifies Pennsylvania having a full-time Legislature.

A bill passed by the state Senate on a 50-0 vote on Wednesday would seal criminal records for minor and nonviolent offenses.

The bill, co-sponsored by Republican Sen. Scott Wagner of York County and Democratic Sen. Anthony Williams of Philadelphia, is an example of bipartisanship working in a very good cause. The idea is to free people from what often become lifelong struggles in the job market, and therefore to provide for themselves and their families, after they've been convicted or even charged with nonviolent misdemeanors.

Specifically, the measure would provide a clean slate by sealing the criminal records of people:

Convicted of nonviolent misdemeanors after 10 years of crime-free behavior, providing all court obligations have been met.

Charged but not convicted of crimes 60 days after they have fulfilled any court obligations.

To ensure that the sealing of a record - which makes it searchable only by law enforcement and the courts - has its intended effect, the measure exempts those whose records are sealed from disclosing their histories on the job and housing applications where a record can do lasting harm.

Offenses not included in the bill's clean slate relief include offenses: putting a person in danger; against one's family; involving firearms and other weapons; relating to registration as a sexual offender, indecent exposure, cruelty to animals or corruption of minors.

The Senate measure that passed last week - and the companion House Bill 1419, which has seen no action in that chamber - would build on a law signed last year requiring those who committed minor offenses to ask a court to clear their records. The new clean slate bills would instead automatically shield the criminal histories of those guilty of only minor offenses.

While people are responsible for their actions, nonviolent misdemeanors should not be a life sentence. Providing people who commit such offenses with a fresh start is only fair. The ability to get to the courthouse and file the right form should not be the difference between a clean slate or a permanent scar on one's fortunes.

So, when they return from their undeserved summer break, the General Assembly should quickly figure out a responsible way to pay for the budget it passed last week.

Then the House should pass the Senate's clean slate measure, and seek other similar efforts at more of the same. The second-highest-paid state Legislature in the nation owes its citizens this quality of work.

This Harrisburg odd couple is working together on criminal justice reform

bilypenn.com (<https://bilypenn.com/2017/03/23/this-harrisburg-odd-couple-is-working-together-on-criminal-justice-reform/>) · by @journalismgeorge

Pennsylvania Republican Sen. Scott Wagner was walking through Philadelphia recently when a piece of public art in Center City (<https://www.muralarts.org/artworks/open-source/the-stamp-of-incarceration/>) struck him. It was part of Mural Arts' "Restorative Justice" program, and the mural indicated that 70 million Americans have a criminal record. Some reports actually peg the number of Americans with a criminal record at 100 million people or more.

"That is 70 million to 100 million Americans that employers or landlords are turning away from good-paying jobs or an apartment for their family," Wagner said, "simply because the person made a mistake years ago."

So for the second time, Wagner, aiming for his party's blessing as the 2018 challenger to Gov. Tom Wolf from York, is working with Sen. Anthony Williams, D-Phila., to re-introduce legislation they say will improve the criminal justice system by making it easier for some individuals with criminal records (of only the nonviolent misdemeanor variety) to reintegrate.

They're an unlikely pair: One is a wealthy businessman and a conservative firebrand who's been called "Donald Trump-lite" (<http://triblive.com/local/allegHENY/11761284-74/wagner-trump-governor>)

and is in the midst of a run for governor. The other is a longtime Philadelphia politician who ran for mayor two years ago and is an ingrained member of the Democratic elite in both Philly and Harrisburg.

But they agree that Pennsylvania should become the first state in the country to pass legislation that would automatically seal the criminal records of non-violent offenders if they remain crime-free for a period of time. They're reintroducing their "Clean Slate" legislation this session and announced this week that they have 25 cosponsors representing both sides of the aisle — that's more than half the Senate already.

The bill would automatically seal criminal records of those convicted of first, second and third-degree misdemeanors after a period of time that depends on the seriousness of the crime. It would also make it so that those charged with misdemeanors but not convicted would have their records automatically sealed.

Rep. Jordan Harris, D-Phila., said he will work with Rep. Sheryl DeLozier, R-Cumberland, to introduce a companion bill in the House, though it's the Senate bill that's so far gotten the most attention.

While criminal justice reform has traditionally been seen as an issue championed largely by urban Democrats, there's been a conservative movement to push for reform. The platform adopted by national Republicans this year, though it still invoked a "law and order" feel, still pushed for reducing incarceration rates.

It just so happens that a handful of criminal justice reforms are no longer much of a political gamble, either.

Sam Hofstetter, a pollster with Public Opinion Strategies, unveiled a new poll this week (<http://www.justiceactionnetwork.org/wp-content/uploads/2017/03/PA-Full-Polling-Memo.pdf>) showing widespread support in Pennsylvania for legislation like the Clean Slate bill. Hofstetter said the January survey of 500 registered voters in Pa. showed 81 percent of voters would support a proposal that would automatically seal non-violent criminal records, and 66 percent said they'd be more likely to re-elect a legislator who supports criminal justice reforms.

“You don't see polling data like that often,” Sen. Stewart Greenleaf, R-Bucks, said. “When you get 80 and 90 percent bipartisan support on the poll, that sends a strong message to the legislature that we need to change... our philosophy in regards to how we deal with the criminal justice system.”

Wagner and Williams have secured the blessing of Greenleaf, the powerful Republican from the Philly suburbs who's chairman of the Senate Judiciary Committee. Greenleaf said he and others had a “tough on crime” law-making mentality for the last 20 years, but the recidivism rate in Pennsylvania is still at more than 60 percent. That, he says, is a “failure.”

“Punishment without rehabilitation is an absolute failure,” he said. “If you don't give people an option, if you treat them badly, they will act badly. If you take options away from them, they are hopeless... We need to give these individuals and people a second chance.”

Williams touted the bipartisan nature of the legislation, saying though it's backed by lawmakers who “come from significantly different parts of Pennsylvania,” they've come together because “this problem with the judicial system is not statewide, but is nationally seen as not working.”

“People recognize the hindrance a criminal record presents for individuals,”
Wagner added. “People also recognize that a criminal record should not be a life
sentence.”

[billypenn.com \(https://billypenn.com/2017/03/23/this-harrisburg-odd-couple-is-working-together-on-criminal-justice-reform/\)](https://billypenn.com/2017/03/23/this-harrisburg-odd-couple-is-working-together-on-criminal-justice-reform/) · by @journalismgeorge

Pa. may make it easier for non-violent criminals to get a fresh start : NewsWorks Tonight : Courts & Law : WHYY

why.org (<https://why.org/segments/pa-may-make-it-easier-to-seal-non-violent-criminal-records/>) · by By

In November, Pennsylvania lawmakers passed Act 5 that allows people to have some misdemeanor convictions sealed if a judge approves. But it's not a quick process with the average time for getting a hearing at roughly four months. It can take up to a year to get a record officially sealed. New legislation could make the whole process simpler.

2004 was a tough year for Ronald.

In less than a month, he was arrested twice — once for theft and once for conspiracy.

“The police came up, and my brother was selling drugs and they said I yelled out, ‘here’s 5-0.’ The second one was a retail theft. I tried to steal a pocketbook out of Neiman Marcus,” said Ronald. NewsWorks is withholding his last name to protect his ongoing efforts to leave his criminal past behind.

Ronald, in his early 20s then, was later convicted of both misdemeanor charges.

They’ve haunted – and frustrated – him ever since.

“I’m not making excuses for my mistakes because they’re my mistakes and I take them on,” said Ronald. “But how many times can I be punished for the same mistake?”

A fresh start

Enter Clean Slate, a bill moving through Pennsylvania’s General Assembly that’s could benefit thousands of state residents like Ronald.

The measure automatically seals all non-violent misdemeanor convictions after 10 years for those who haven’t committed another crime since.

The bill enjoys bipartisan support, including from Gov. Tom Wolf.

Ronald, 38, wants nothing more than to see Clean Slate signed into law. Over the past 13 years, his criminal past has been the source of considerable disappointment and pain.

He still remembers the first time his record cost him an engineering job. It was the first gig he applied for after putting himself through school.

He cried the whole drive back to Philadelphia from Delaware.

“It’s funny because once I accomplished these [engineering] licenses, I just knew life for me, I made it. Mentally, I thought I made it. And then life gave me a hard reality check. Like the fight is just beginning. You not even in the fight,” said Ronald.

At times, he said the pile of rejections warped his sense of self.

“You start to believe what they say. Maybe he’s worthless. Maybe it’s just not for us. Maybe you are that person from 2004,” said Ronald.

These days, the Germantown resident owns his own heating and cooling company. He's also chief engineer at a chemical company. And so, his interest in seeing Clean Slate pass isn't economic.

It's even deeper than that.

“For me, it would be getting my name back. It would be that everybody seen that you made a mistake and from your mistake on, you've been a model citizen. Not a parking ticket, not nothing, jaywalking, nothing. That would mean everything to me,” said Ronald.

Expanding on Act 5

In November, Pennsylvania lawmakers passed Act 5. The measure enables people to have some misdemeanor convictions sealed if you have maintained a clean record for 10 years and a judge approves your petition. With the average time for getting a hearing at roughly four months, it can take up to a year to get a record officially sealed.

The new legislation, Clean Slate, is similar to Act 5 but it will seal all types of non-violent misdemeanor convictions and eliminate the need to hire an attorney.

Pardon me

Before Act 5, the only option for a person with a misdemeanor conviction was to do what Shakia did — request a pardon from the governor. The complex process takes years, often only to find out you've been rejected.

Shakia had more luck, but it took the young mother more than five years to get rid of a nearly 15 year-old conviction for shoplifting.

When she was 18, she stole some clothing and other items for her and her infant son.

“I just thought it was stupid to be honest,” said Shakia of the pardon process. “People make mistakes and people change. So for a little conviction for retail theft, it was like seriously? Seriously?”

Applying for a pardon includes writing an essay detailing the circumstances of your crime and your positive accomplishments since then. You also have to get people to write letters extolling your character.

If you're selected, you argue your case before the Pennsylvania Board of Pardons, which makes a recommendation to the governor.

Shakia got that chance last summer. After hearing her out, all four members approved of her request.

“I believe when I told my story, it was heartfelt. And they also seen my pain, the struggle and the hindrance that I had with the conviction on my record. Because there were a lot of things it held me back from. Certain jobs. Not even just jobs, careers. My education.” she said.

Shakia, who works security, just recently picked up her signed pardon, not long before her birthday.

“I got the best birthday gift already: a new start. I'm gonna get it laminated and I'm gonna hang it up like it's a degree,” she said.

Despite her success, Shakia hopes no one else in her situation ever has to go through the same nerve-wracking and time-consuming experience of trying to get a pardon.

Clean Slate was meticulously crafted with the aim of moving it through the Senate and House with relative ease.

The bill is expected to pass out of the Senate next week. It's moving slower through the House.

This story is part of the Reentry Project, an unprecedented collaboration among 15 of Philadelphia's general interest newsrooms and community and ethnic media organizations to reveal and investigate credible responses to the challenges of recidivism and reentry. You can find more stories from other partners in the project at <https://thereentryproject.org/> (<https://thereentryproject.org/>)

[why.org \(https://why.org/segments/pa-may-make-it-easier-to-seal-non-violent-criminal-records/\)](https://why.org/segments/pa-may-make-it-easier-to-seal-non-violent-criminal-records/) · by By

Pa. may seal criminal records on non-violent misdemeanor convictions : WHYY

whyy.org (<https://whyy.org/articles/pa-may-seal-criminal-records-on-non-violent-misdemeanor-convictions/>) · by By

Pennsylvania lawmakers have quietly reintroduced a bill that would make it simpler for residents to seal certain parts of their criminal records from the public — parts that may be keeping them from getting a job, an apartment, or other “necessities of life.”

SB 529, better known as “Clean Slate,” would allow state police and the courts to automatically seal all non-violent misdemeanor convictions, including ones for theft, drug possession, and drunken driving.

The measure also covers arrests that didn’t result in convictions because they “may be inherently harmed by the maintenance of that record and have a constitutional presumption of innocence.”

To qualify, an individual must be conviction-free for at least a decade and have paid all court fees tied to his or her case.

“That will allow for someone who’s paid their price to become a productive member of society,” said state Sen. Anthony Williams (D-Philadelphia), one of the measure’s prime sponsors.

State Sen. Scott Wagner (R-York) is the bill's lead sponsor.

If passed, the measure is expected to give thousands the opportunity to seal their record, including clients at Philadelphia Lawyers for Social Equity, a non-profit legal aid organization that works with ex-offenders.

Executive Director Mike Lee said the bill would stop people from “self-selecting themselves.”

“People are so afraid of being identified as having a criminal record that they’re not even trying for opportunities that are available to them,” said Lee.

Right now, someone can only seal misdemeanor crimes by getting a lawyer and showing up for a hearing — sometimes more than one.

It's a process that can take the better part of a year to complete.

Before Act 5, (<https://why.org/articles/pa-may-seal-criminal-records-on-non-violent-misdemeanor-convictions/index.php/local/harrisburg/98984-pa-law-allows-sealing-some-old-criminal-records-and-new-sense-of-hope-for-the-future->) passed in November, the only way to seal or expunge these records was with a pardon from the governor. The effort often takes five years to finish if everything goes smoothly.

The bill, projected to save money by reducing supervision costs and increasing tax revenues, has bi-partisan support and has been publicly backed by Gov. Tom Wolf.

[why.org \(https://why.org/articles/pa-may-seal-criminal-records-on-non-violent-misdemeanor-convictions/\)](https://why.org/articles/pa-may-seal-criminal-records-on-non-violent-misdemeanor-convictions/) · by By

Bill proposes 'clean slate' for old misdemeanor convictions in Pa.

July 10, 2017 12:22 AM

By Kate Giammarise / Pittsburgh Post-Gazette

A legislative bill — supported by a coalition of groups from the left and right — would automatically seal old, nonviolent misdemeanor offenses for Pennsylvanians who have not had any additional convictions for at least 10 years.

The so-called “Clean Slate” bill, approved by the state Senate last month, is being touted as a common-sense criminal justice reform that Republicans and Democrats can agree on, as it would help people who committed minor crimes long ago obtain employment.

“We focused on advocating for this because of the anti-poverty effect of this [bill],” said Sharon Dietrich, litigation director at Community Legal Services of Philadelphia, which assists people with employment problems due to criminal records. “So many people in this commonwealth are walking around with records, many of which are for things that are minor or extremely old.”

The bill would seal nonviolent misdemeanor convictions where 10 years have gone by with no other convictions. This would happen automatically, without an individual needing to file a petition with the court.

“A Clean Slate law would help, without having to go through a legal process again,” said Tracey McCants Lewis, associate clinical professor and pro bono program coordinator at Duquesne University School of Law.

The proposal goes further than Act 5, which was signed into law last year, allowing some old, minor convictions to be sealed, though an individual has to petition the court to have a record sealed, unlike the automatic process envisioned under the Clean Slate proposal.

The bill is supported by an ideologically diverse coalition including right-leaning FreedomWorks and the liberal Center for American Progress. It's also supported by the American Civil Liberties Union.

Holly Harris, executive director of the Justice Action Network, a bipartisan group that has advocated for the bill along with other criminal justice reforms, said the coalition of groups involved may support the legislation for different reasons, such as liberal groups who care about fighting poverty or conservative groups who see it as fighting unnecessary government intrusion.

"The groups all have different perspectives, but they all agree on the policy," Ms. Harris said.

The bill has been championed by Sen. Scott Wagner, R-York, a fiscal conservative who is seeking the Republican nomination for governor in next year's election. Mr. Wagner could not be reached for comment, but in an email to supporters explaining his sponsorship of the legislation, he connected it to his role as a business owner.

"There are a large number of people who are affected by this issue and I am sure there are many people who have a family member or a friend who has also been affected," wrote Mr. Wagner, who is the president and owner of Penn Waste, a Central Pennsylvania residential and commercial waste disposal and recycling company.

"At our company, we do not want people to lie on our applications, but instead be able to be honest, so that they have fair consideration for employment. We want to give the person applying for a job at our company the same opportunity as an applicant who does not have a criminal record."

Gov. Tom Wolf, a Democrat, has said he would sign the bill if it reaches his desk.

While the legislation passed the Senate unanimously at the end of June, its future in the House is less clear.

"It is a different grouping that supports this bill, and I think that does draw attention to it," said Rep. Sheryl Delozier, R-Cumberland, one of the bill's primary sponsors in the House.

Simplifying How the Courts Seal Criminal Records

By Maura Ewing | Apr. 6th, 2017

 Send to Kindle



Steven Gottlieb / Getty Images

PHILADELPHIA—Jody, 57, checked her phone and tapped her foot as she sat in the pews of a courtroom on a recent Friday in March, waiting for the arrival of a court official who was running late to her hearing. Jody, who asked that her last name be withheld, was ready for this day to be over. “So I can get on with my life,” she explained.

The grandmother of three was convicted of welfare fraud nearly 30 years ago. She spent about a month in jail and paid a restitution fine of \$1,937, which she paid

off in monthly installments of \$25 over the course of 17 years. Even when her dues were settled, though, the misdemeanor conviction plagued her. Most recently, Jody, who's been a certified nursing assistant for 38 years, was rejected from a job because a prospective employer noticed her conviction in a background check. "I was furious," she said.

Afterward, Jody sought legal help, and learned through an attorney that she would soon be eligible to have her record sealed, the legal term for restricting access to it. The process wasn't as quick as Jody might have liked, however: After her lawyer filed an application for the sealing, and Jody paid a \$132 fee, she had to wait four months for her hearing that Friday morning in court.

Soon, Pennsylvanians like Jody might not need to take so many steps to get their records sealed. A bipartisan bill that's slated to be introduced in the state legislature would create a system for automating the process—with technology largely supplanting the extra time, money, and legal savvy that's currently required to seal a record. Criminal-justice reformers see the legislation, dubbed the Clean Slate Act, as a potential model for other states that want to simplify their arduous processes. "The number of people who get expungements and sealings is minuscule compared to the number that are potentially eligible for it," said Jody's lawyer Sharon Dietrich, litigation director of Community Legal Services, a Philadelphia-based legal-aid organization.

The reform advocates, court administrators, and lawmakers who helped shape the bill essentially want to use the same technology that made background searches pervasive—the digitalization of court records—to make sealing those records simple. Background checks are a relatively recent obstacle to employment for convicted persons. Before the proliferation of the internet, it was rare—and difficult—for employers or landlords to search an applicant's criminal history. It would require a trip to the courthouse, where a clerk would manually pull a record. As recently as the early 1990s, less than half of companies

routinely ran background checks during hiring; now, nearly 90 percent do. An estimated one in three Americans has a criminal record, the same number of Americans who have a college degree.

In short, the Clean Slate Act mandates that records are automatically sealed within two months of becoming eligible and prescribes the process by which it happens. It would work like this: A court administrator at the central Administrative Office of Pennsylvania Courts, or AOPC, would run a monthly query of their electronic-record database to pull all the eligible records for sealing. Eligibility would depend on the severity of a person's crime and how long it's been since their last conviction; for a misdemeanor like Jody's, 10 years would need to pass.

Pennsylvania Republicans were attracted to Clean Slate's potential to shrink state spending.

After pulling the records, the administrator would send them electronically to the Pennsylvania State Police, who would have 30 days to cross-reference them with their own comprehensive database, to make sure no conflicts arise. The Pennsylvanians whose records were approved would receive a letter in the mail saying their past convictions would no longer show up in background checks—no application needed. (State police would still have access to them, for law-enforcement purposes.)

“It would be a mind-boggling reform,” said Dietrich, who is one of Clean Slate's architects.

The bill is expected to be introduced in the coming weeks by state Senator Scott Wagner, a Republican from south-central York County who's running for governor in 2018. It's not expected to face many political obstacles; over half of the Senate, Democrat and Republican, has signed on as co-sponsors. The Pennsylvania District Attorneys Association—which would typically be slow to

get behind this kind of reform—doesn't oppose the legislation. And the Pennsylvania State Police, who support it, have had a hand in crafting the bill, said Scott Price, director of the department's Bureau of Records and Identification.

"All the stakeholders are involved in tweaking some final language," he said. "It seems to me like we're fairly well along."

The bill was initially supposed to be introduced on March 22. Price couldn't disclose the exact issue currently stalling its introduction, but its supporters have been working to guarantee that AOPC's electronic records can be easily and quickly checked against those of state police. The two agencies use different record systems, so cross-referencing AOPC's list is not as simple as it may seem. "The data in one doesn't translate well to the other," Price said. And a mechanism like this, Price said, "is only as good as its data."

Technological problems have held up Clean Slate before. Last year, the state Senate Appropriations Committee halted the first iteration of the bill because of a data issue. In addition to accounting for misdemeanors, the original bill would have applied to summary records involving very minor crimes—such as disorderly conduct or loitering—that do not require the arrestee to be fingerprinted. But fingerprints—or more specifically, the state identification number that's attached to them—are the only way to connect a record to an individual in an automated query on the state police department's system, explained AOPC spokesman James Koval. Because they can't rely on identification numbers to pull records for these offenders, administrators at the state police department would need to manually run each record sent over by AOPC.

The current version of the bill doesn't bother to reckon with this obstacle. Its writers avoided it by applying Clean Slate only to those with misdemeanors and non-convictions, not lower-level crimes that will still require the standard

application process. Amending the legislation to apply to more minor offenses doesn't yet appear to be in the works.

Clean Slate is one in a wave of similar reforms around the country: Since 2013, 40 states and Washington, D.C., have enacted or expanded legislation that mitigates the effects of a criminal record. They include measures like record-sealing; providing certificates of rehabilitation, which tell employers that applicants have proven themselves by spending a certain number of years crime-free; and “ban the box” policies, which restrict employers from asking about applicants’ criminal histories until the last stage of the hiring process.

Bipartisan appetite for reform has grown in recent years, particularly when it comes to measures that save government money. Indeed, Pennsylvania Republicans were attracted to Clean Slate’s potential to shrink state spending. The Heritage Foundation, a leading conservative think tank, recently published a report condemning the restrictions placed on formerly incarcerated citizens —“perhaps the most ubiquitous and pernicious” of which are “on their ability to earn a livelihood.”

In some ways, Pennsylvania is an unexpected state to initiate such a reform. For one, until last November, misdemeanors weren’t eligible for sealing here, only summary records and non-convictions. On this front, the state is just catching up with national trends: Nearly every state has a mechanism to limit access to misdemeanor records, and a growing number are also including minor felonies.

When it comes to Clean Slate, Pennsylvania could open a new channel for reform.

And while Pennsylvania is led by Democrat Tom Wolf, who is among the country’s most progressive governors, criminal-justice reform has generally been slow in this swing state. One key factor is the size and nature of its government: With 253 full-time members, Pennsylvania’s quarrelsome state legislature is the

largest in the country, and it is dominated by conservative Republicans who represent rural, red-leaning counties sandwiched between the blue strongholds of Philadelphia and Pittsburgh.

But when it comes to Clean Slate, Pennsylvania could open a new channel for reform. What already sets Pennsylvania apart—and what makes Clean Slate’s automated process technologically possible—is their centralized, electronic record-keeping system, which could serve as blueprint for other states.

Here, the court records from each of the 60 judicial districts are transmitted by an email-like system to AOPC. Bill Raftery, a senior analyst at the National Center for State Courts, called the Pennsylvania setup “rare,” because most states have siloed systems where the records from one court can’t be transmitted elsewhere. That’s a huge hurdle for those that want to implement an automatic sealing system, but a few are nevertheless exploring the possibility. Michigan, for example, is moving toward a centralized system, and expressed early interest in a Clean Slate-like mechanism for sealing records, said Jenna Moll, deputy director of the U.S. Justice Action Network, a bipartisan group lobbying for criminal-justice reforms that supported Clean Slate. But Michigan’s potential centralized system would also need the capacity to run a query as AOPC can.

Moll said other states are watching Pennsylvania to see just how Clean Slate will unfold. “If you can do this in a way that is effective automatically, you’re going to save a ton of government resources,” she said. In Philadelphia, the wait time for a record-sealing hearing in its overburdened courthouse is currently four months. Once approved, it takes up to two months for the sealing to go in effect.

Citing a recent poll from Moll’s group showing 81 percent of Pennsylvania voters support Clean Slate, Wagner told me that “people recognized that a criminal record should not be a life sentence.” He has hired people with criminal histories for his own waste-management company. “This isn’t about gambling—it’s about

seeing the person for who they are today and what they can bring to your place of work,” he said.

In the Philadelphia courtroom last month, Jody’s lawyer, Dietrich, and a paralegal from the district attorney’s office went over her application while they waited for the trial commissioner, who serves a judge-like role, to arrive. If the paralegal didn’t contest her record’s sealing, then there was no reason that the trial commissioner would. Dietrich signaled to Jody, and said out loud: “You’re approved.” With a clap of her hands, Jody mouthed, “Yes!” She’d gotten affirmation that now, finally, she could get on with her life.

<https://www.theatlantic.com/politics/archive/2017/04/simplifying-how-the-courts-seal-criminal-records/521964/>



FOR IMMEDIATE RELEASE: MAY 24, 2017

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“Clean Slate” Bills Reintroduced in Pennsylvania

*Groundbreaking Automatic Record Sealing Program with Bipartisan Support
Would Help Thousands of Pennsylvanians Get a Second Chance*

Today, a "Clean Slate" bill providing for automatic sealing of qualified criminal cases has been reintroduced in the Pennsylvania House (HB 1419), after having been reintroduced in the Senate last week (SB 529). Sealing allows Pennsylvanians who show redemption by staying crime-free to move forward with their lives. The bills enjoy broad and bipartisan support, including from some legislators and advocacy groups who rarely find common ground.

Clean Slate calls for automatic sealing of minor, non-violent misdemeanor convictions for individuals who have remained conviction free for at least 10 years. Clean Slate will also automatically seal records of arrests that do not lead to convictions.

While law enforcement will continue to have access, these cases will be sealed from public uses. Pennsylvanians who have shown rehabilitation by remaining conviction free will be able to find better employment, housing, and educational services.

Clean Slate's broad support is unusual in these contentious political times. The prime sponsors in the Senate, Sen. Scott Wagner (R-York) and Sen. Anthony Williams (D-Philadelphia), generally have strongly divergent political viewpoints, yet have come together on this bill. The lead sponsors in the House are Rep. Sheryl DeLozier (R-Cumberland) and Rep. Jordan Harris (D-Philadelphia). Both bills feature a long list of sponsors from both parties. More than half of the members of the Senate are cosponsors. The bills are also supported by Governor Tom Wolf.

A Clean Slate program will:

- ***Help many of the 30% of Pennsylvanians who have a criminal record*** (and who are parents of about half of our state's children) to move on after demonstrating rehabilitation by refraining from criminal activity.
- ***Improve public safety*** by providing hope to offenders for a fresh start if they avoid future convictions.
- ***Save money for the Commonwealth*** by reducing criminal justice supervision costs, allowing people with criminal records to support themselves instead of relying on public benefits, and increasing tax revenues when these people are able to work.



- **Reduce the burden on courts**, which currently handle thousands of expungement petitions a year, but still cannot begin to process all of the cases that are eligible for expungement or sealing.

Sharon Dietrich, Litigation Director of Community Legal Services, said, “Our legal aid organization helps thousands of people with criminal records whose involvement with the criminal justice system is decades old. Their old criminal cases do not speak to who they are today, yet these records keep them in poverty.”

She continued, “Providing a clear record to people who have demonstrated that they have earned it is the best way to help them overcome criminal record barriers. That way, they are not at the mercy of employers, landlords and others to follow the law and not disqualify them for old, minor, irrelevant cases.”

In addition to CLS, this legislation is being supported nationally by the bipartisan U.S. Justice Action Network, comprising members as diverse as: Americans for Tax Reform; the Center for American Progress; FreedomWorks; the ACLU; Right on Crime; the NAACP; and the Faith & Freedom Coalition.

The Pennsylvania Council of Churches is among many in-state supporters of Clean Slate. The Rev. Sandra L. Strauss, Director of Advocacy and Ecumenical Outreach, said, “Redemption and restoration are foundational beliefs for Christians. The Pennsylvania Council of Churches supports this legislation that will permit returning citizens to return as full citizens—not forever labeled by and punished for the mistakes of their past.”

Donna H is one of CLS’s clients who would be helped by the bill. She said, “I have two old misdemeanor convictions from 1986 and 1998 that do not stand for who I am today. I currently work part-time as a supermarket cashier, but I cannot live on my low paycheck from that job. This criminal record keeps me from using my skills. It is very upsetting to be held back this way.”

CLS urges the General Assembly to adopt Clean Slate as soon as possible to streamline the sealing of records, save the Commonwealth significant and needed funds, and allow thousands of deserving Pennsylvanians a real chance to achieve economic stability.

For more information about Clean Slate, contact: Sharon Dietrich, Litigation Director, (w) 215-981-3719; (c) 215-605-6903; sdietrich@clsphila.org.

About Community Legal Services, Inc.:

Community Legal Services, Inc. was established by the Philadelphia Bar Association in 1966. Since then, CLS has provided legal services to more than one million low-income Philadelphia residents, representing them in individual cases and class actions, and advocating on their behalf for improved regulations and laws that affect low-income Philadelphians. As the city’s largest provider of free legal services, CLS assists more than 11,500 of Philadelphia’s poorest residents with their legal problems each year. For more information, contact 215-981-3700 or visit www.clsphila.org. ###



www.justiceactionnetwork.org

FOR IMMEDIATE RELEASE

July 16, 2015

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Leading Groups on the Left and Right Join Forces for New Justice Reform Effort in Pennsylvania

'U.S. Justice Action Network' Will Work with Lawmakers and Law Enforcement to Create Bipartisan Solutions to Criminal Justice Reform in Pennsylvania

Harrisburg, PA – Today, the most prominent voices from the left and right working on criminal justice reform announced the formation of **U.S. Justice Action Network**, a 501(c)(4) organization that will work toward smart, data-driven policies that protect public safety and reduce taxpayer costs.

"U.S. Justice Action Network is so encouraged by Pennsylvania leaders who have pledged to work with our organization, faith and business leaders, and local stakeholders to make the Commonwealth a national leader in criminal justice reform," said **Holly Harris, U.S. Justice Action Network Executive Director**. "We must break down barriers for rehabilitated offenders who want to work and live productive lives. Policies that offer clean slates for those who have earned them will decrease recidivism rates and save taxpayer dollars."

U.S. Justice Action Network is the first action organization in the country to bring together progressive and conservative partners, collaborate with law enforcement, and employ state-specific lobbying, public advocacy, and public education efforts to pass sweeping criminal justice reforms. **U.S. Justice Action Network's** partner organizations include the **American Civil Liberties Union, Americans for Tax Reform, the Center for American Progress, the Faith & Freedom Coalition, FreedomWorks, the Leadership Conference on Civil and Human Rights, and Right on Crime.**

Senate Judiciary Chairman Stewart Greenleaf (R-12), Senator Anthony Williams (D-8) and Representative Jordan Harris (D-186) joined **U.S. Justice Action Network** leadership to unveil the new effort, which will pursue bipartisan reforms to remove barriers for ex-offenders re-entering society and allow them to

lead productive lives, starting with legislation moving on expungement of certain criminal records.

“A low-level misdemeanor in one’s past is a significant barrier when seeking employment, long after they have paid fines or completed their sentence,” said **Senator Stewart Greenleaf**, Senate sponsor of the expungement legislation. “While some serious offenses should remain on the record, the majority of offenders are non-violent, and have posed no threat to society. It is a great injustice that so many otherwise highly qualified individuals are passed over for employment because of a mistake made years into their past. Fortunately, a number of states are expanding their expungement laws, and it’s time for Pennsylvania to follow suit. I welcome U.S. Justice Action Network’s support for SB 166 and look forward to working with them as we continue to look for innovative ways to reform the criminal justice system.”

“I hear too many stories from Pennsylvania residents who’ve made a mistake in the past and are still haunted by it as they look for current jobs,” said **Rep. Jordan Harris**, House sponsor of the expungement legislation. “It’s time we give them a chance to obtain meaningful employment and be able to contribute to our society. I look forward to working with **U.S. Justice Action Network** to achieve this goal.”

“Through my recent expungement clinic, I met many people who had completed their sentences but are still haunted by their past trouble,” said **Sen. Anthony Williams**. “We need to give them the tools today to allow them to thrive, and that is what U.S. Justice Action Network is working toward.”

“Having even a minor criminal record can present lifelong barriers to the basic building blocks of economic security and mobility, such as employment and housing, and can stand in the way of successful re-entry and participation in society,” said **Rebecca Vallas, Director of Policy, Poverty to Prosperity Program for the Center for American Progress**. “This has broad implications—not only for the individuals who are prevented from moving on with their lives and becoming productive citizens but also for their families, communities, and our national economy. By enabling certain individuals with low-level nonviolent convictions to earn a clean slate after remaining crime-free, Pennsylvania stands to make a sizable dent in its poverty rate, to boost labor-force participation, and to save taxpayer dollars in reduced incarceration costs—all while increasing public safety. The Center for American Progress is proud to work with the U.S. Justice Action Network to advance a clean slate policy in Pennsylvania.”

“The time has come for bipartisan reform that reduces the number of crimes, better protects our communities and better prepares returning offenders to be parents, spouses and employees and we look forward to working with U.S. Justice Action Network in Pennsylvania to achieve these goals,” said **Timothy Head, Executive Director of Faith & Freedom Coalition**. “Through modest, incremental changes, criminal punishments can better match the crime, give people who have paid their

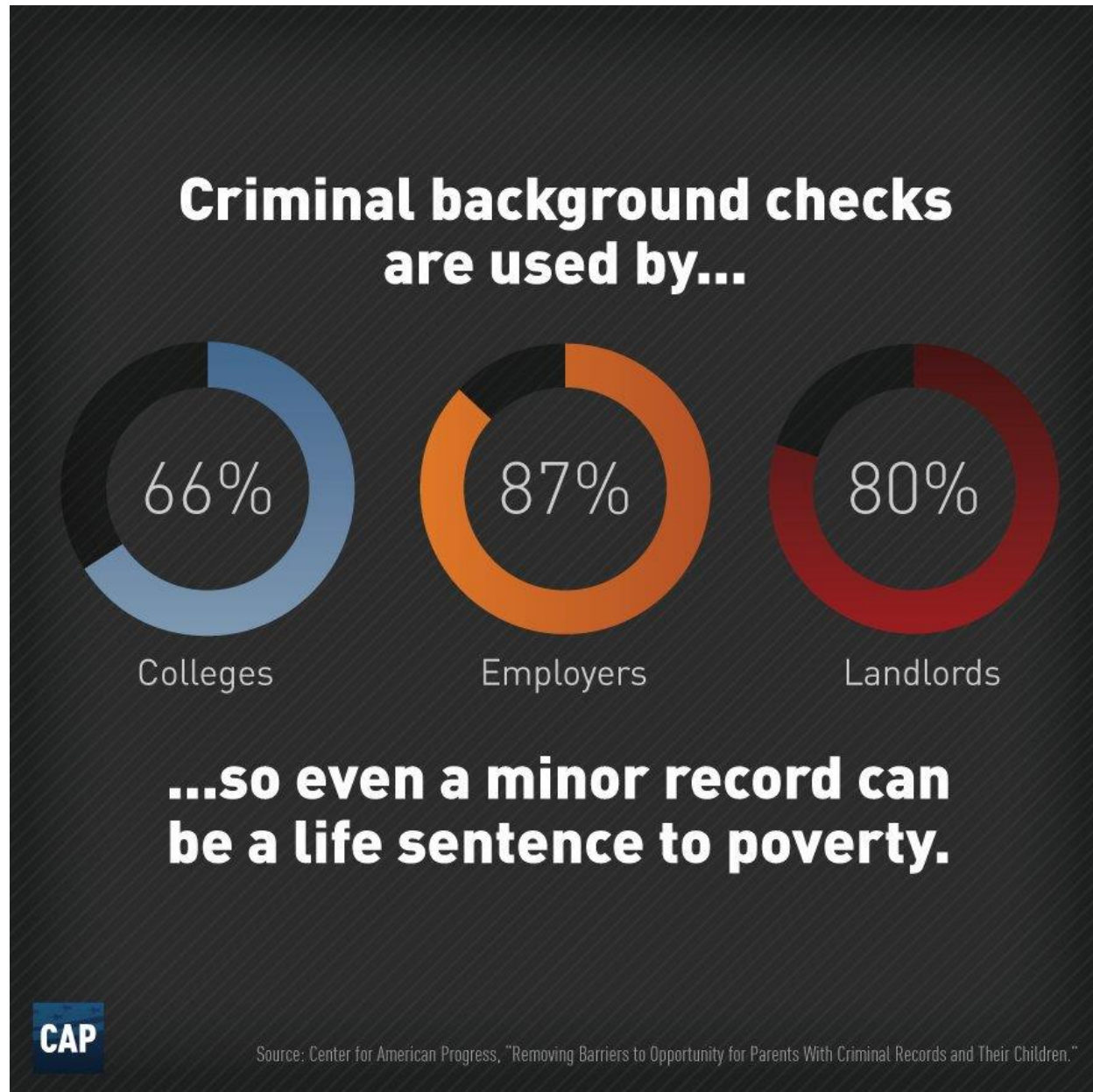
debt to society a second chance, and reduce the costs of the state and federal prison systems. All of this can be done while reducing crime rates and recidivism.”

In addition to Pennsylvania, **U.S. Justice Action Network** will advocate for bicameral, bipartisan reform legislation at the federal level, and in Michigan and Ohio.

For more information about U.S. Justice Action Network, please visit the website at www.justiceactionnetwork.org.

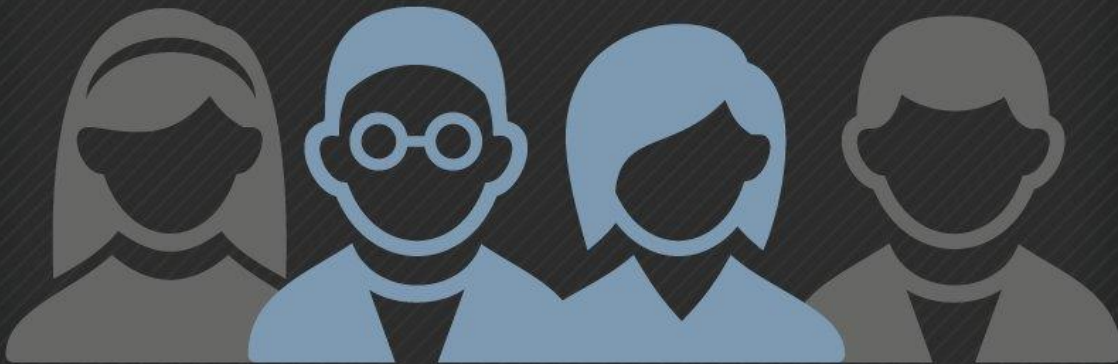
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Sealing minor, nonviolent criminal records will help 3 million Pennsylvanians access jobs, housing & education #UnlockingOpportunity



Passing #CleanSlate in Pennsylvania means more people will be able to access jobs and support their families #UnlockingOpportunity

**Nearly half
of U.S. children
have a parent with
a criminal record.**



CAP

Source: Center for American Progress, "Removing Barriers to Opportunity for Parents With Criminal Records and Their Children."

No one should be condemned to a life of poverty. Tell your representative to pass #CleanSlatePA #UnlockingOpportunity



1 in 3 Americans now have
some type of criminal record.

A criminal record
should no longer be a
life sentence to joblessness.

#ReentryWeek

CAP

Source: Center for American Progress, "One Strike and You're Out" (2014).

Minor, nonviolent criminal records create barriers to employment & housing for Pennsylvanians. Tell your rep to support #CleanSlatePA



Disproportionate impact on communities of color

Black men are **six times** more likely to be incarcerated than white men, and Hispanic men are **2.5 times** more likely to be incarcerated than white men

CAP

Sources: The Sentencing Project, "Trends in U.S. Corrections" (2013); Bureau of Justice Statistics, "Prisoners in 2012" (2013).

Fight poverty. Tell your representative to vote YES on #CleanSlatePA
#UnlockingOpportunity

A nonviolent misdemeanor

10 *years ago*

shouldn't stand in the way
of *opportunity* today.

Tell PA legislators it's time
to pass the Clean Slate Act.

YES *on*
CLEAN
SLATE.org

Speak out! Tell your representative #CleanSlate is good for all Pennsylvanian communities



Un impacto desproporcionado en las comunidades de minorías

Hombres Afroamericanos son **seis veces** más probables de ser encarcelados que un hombre blanco, y hombres Hispanos son **2,5 veces** más probables de ser encarcelados que los hombres blancos.

CAP

Fuente: The Sentencing Project, "Trends in U.S. Corrections" (2013); Bureau of Justice Statistics, "Prisoners in 2012" (2013).