

Criminal Record Clearance and the Clean Slate Clearinghouse

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Speakers

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Overview

- 1 The Impact of a Criminal Record
- 2 The National Record Clearance Landscape
- 3 The Clean Slate Clearinghouse

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An estimated 70 million adults in the U.S.—
one in three—have some sort of criminal
record.



1. National Employment Law Project (2017)

A criminal record impacts the individual, their family, and the larger community.



A criminal record reduces the likelihood of receiving a job offer by nearly **50 percent.**

180,000 women are subject to a lifetime ban on Temporary Assistance for Needy Families because of a criminal record.

The U.S. economy loses about **\$82 billion** in annual GDP when people with records are under-employed.

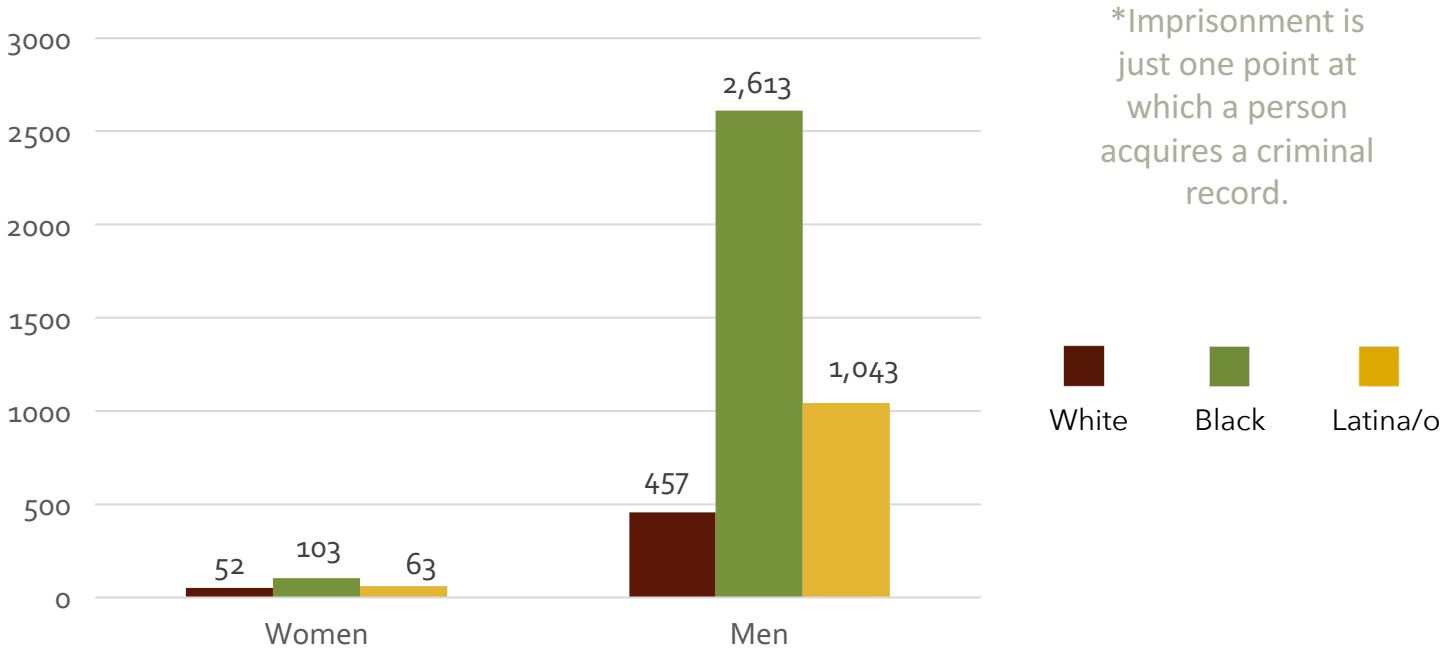
2. Pager, Devah, *Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men* (2009)

3. Schmitt, John, *Ex-offenders and the Labor Market* (2010)

4. The Sentencing Project, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (2011)

Criminal records have greater impacts on people of color and communities of color.

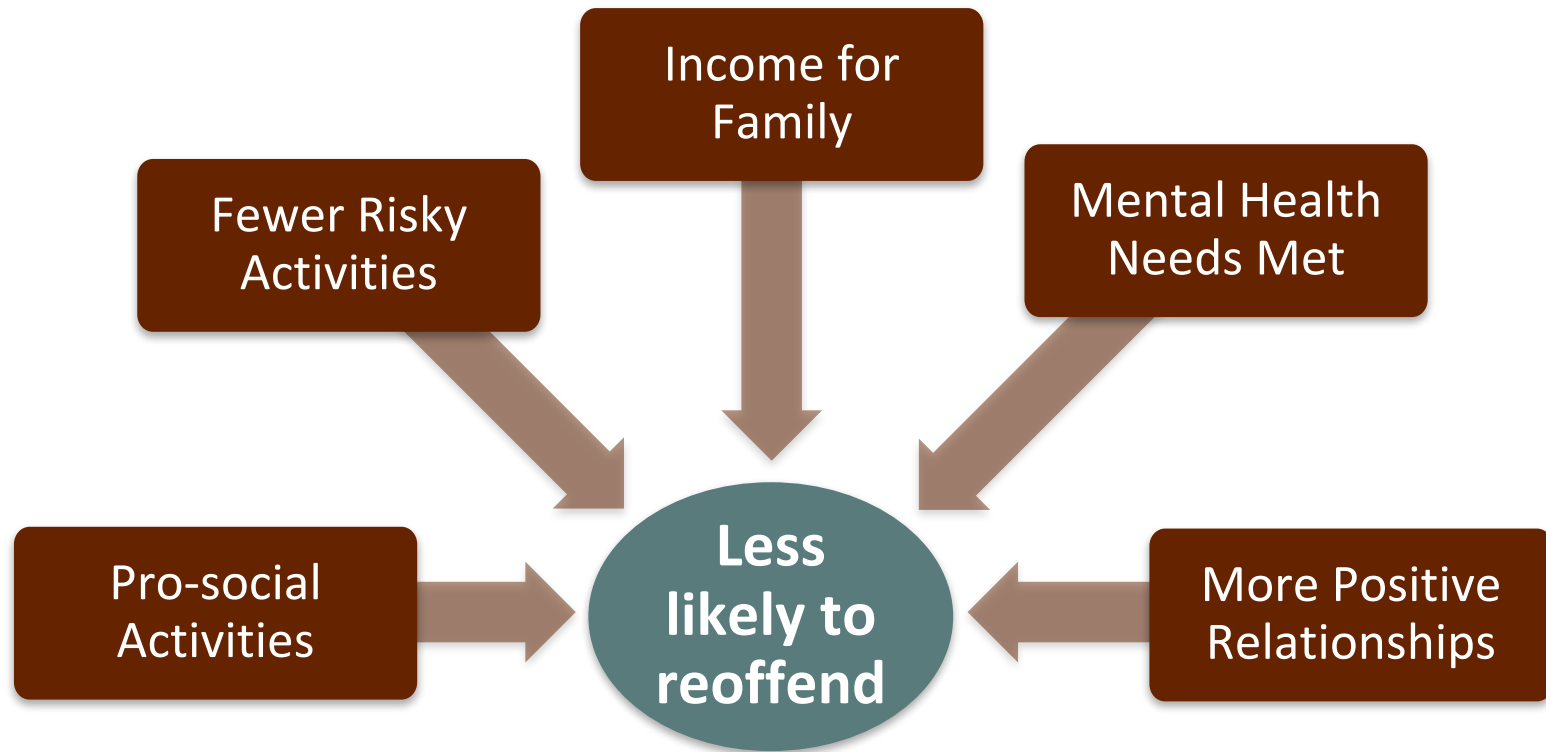
*Rate of Imprisonment per 100,000, by Gender, Race, and Ethnicity, 2015



5. Carson, E.A., Bureau of Justice Statistics (2016).



Employment is one of several important factors in a person's successful reentry.



- Especially when earnings are above minimum wage
- Especially if the job is stable

6. Graffam et al, *Variables affecting successful reintegration as perceived by offenders and professionals* (2004)

7. Visher et al, *Employment after prison: A longitudinal study of releases in three states* (2008)

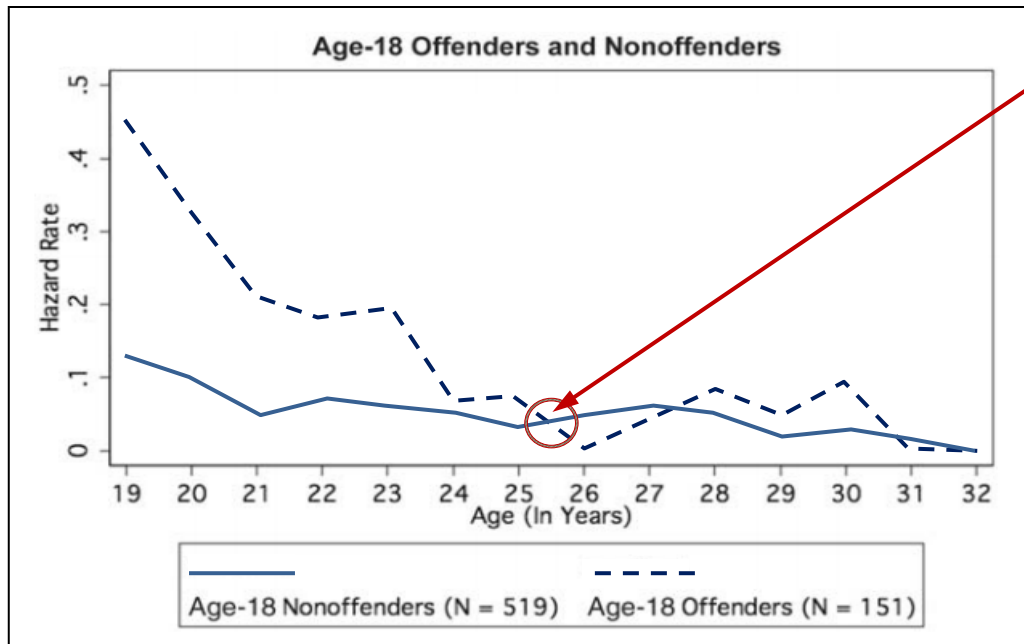
8. Sampson et al, *Crime in the making: Pathways and turning points through life* (1995)

Getting a job is difficult for job applicants with a criminal record.



87% of employers
conduct criminal
background checks on
some or all applicants.

After a certain amount of time having a criminal record does not predict the risk of reoffending.



A person with a criminal record who remains arrest free for **about 7 years** has a similar risk of offending as the general population.

10. Kurlychek, Megan, *Enduring Risk? Old criminal records and predictions of future criminal involvement* (2007)

11. Blumstein, Alfred, *Redemption in the Presence of Widespread Criminal Background Checks* (2009)

Criminal records trigger various “collateral consequences.”

NATIONAL INVENTORY OF THE COLLATERAL CONSEQUENCES OF CONVICTION

The collateral consequences of a criminal conviction—legal sanctions and restrictions imposed upon people because of their criminal record—are hard to find and harder to understand. Now it will be easier to do both. Congress directed the National Institute of Justice to collect and study collateral consequences in all U.S. jurisdictions, and NIJ selected the ABA Criminal Justice Section to perform the necessary research and analysis. The results are now being made available through this interactive tool.



niccc.csgjusticecenter.org

There are more than 40,000 collateral consequences in state and federal law, which affect employment, housing, civic participation, and other areas.

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States are employing different strategies to reduce the impact of a criminal record on employment.

Fair chance hiring or “Ban the box” policies provide guidance on the consideration of a criminal record in hiring decisions, including:

- Prohibiting certain criminal record information from consideration;
- Considering only specific job-related offenses; and
- Providing job applicants an opportunity to explain their criminal record.

“Criminal record clearance” policies allow an individual to:

- Seal, expunge, vacate, dismiss, set aside, shield, annul, or destroy their criminal records.
- *Record clearance policies relieve a person from disclosing the existence of a criminal record when seeking employment.

*Varies by state and clearance policies

Expungement and sealing are the most commonly used terms.

Generally **Expungement**

means that records...

- **Are destroyed.**

Generally **Sealing** means

that records...

- **Are not publicly available.**

But depending on the state, expunged or sealed records:

- May be disclosed for licensing or other purposes;
- May be used for criminal justice purposes; or
- May be inspected with a court order.

State record clearance policies have many dimensions.

What types of records are eligible for record clearance ?

What is the effect of record clearance in the state?

How long does a person have to wait to get their record cleared?

Is the record clearance process automatic or petition-based?

What are the fees associated with the record clearance process?

- 1. Eligibility**
- 2. Effect**
- 3. Timing**
- 4. Process**
- 5. Cost**

Record clearance policies differ by record type.

Non-conviction information

Arrests dismissed or charges dropped

- Most states allow record clearance of this type of information

Deferral, diversion, conditional discharge programs

Charges dismissed after successful completion of probation or treatment

- Most states allow record clearance after successful completion of the program

Juvenile records

Records obtained before the age of maturity, usually 18

- All states permit clearance of some or all juvenile adjudication records



Record clearance policies differ by severity of the conviction offense.

Misdemeanor convictions

Usually carry a penalty of confinement for one year or less

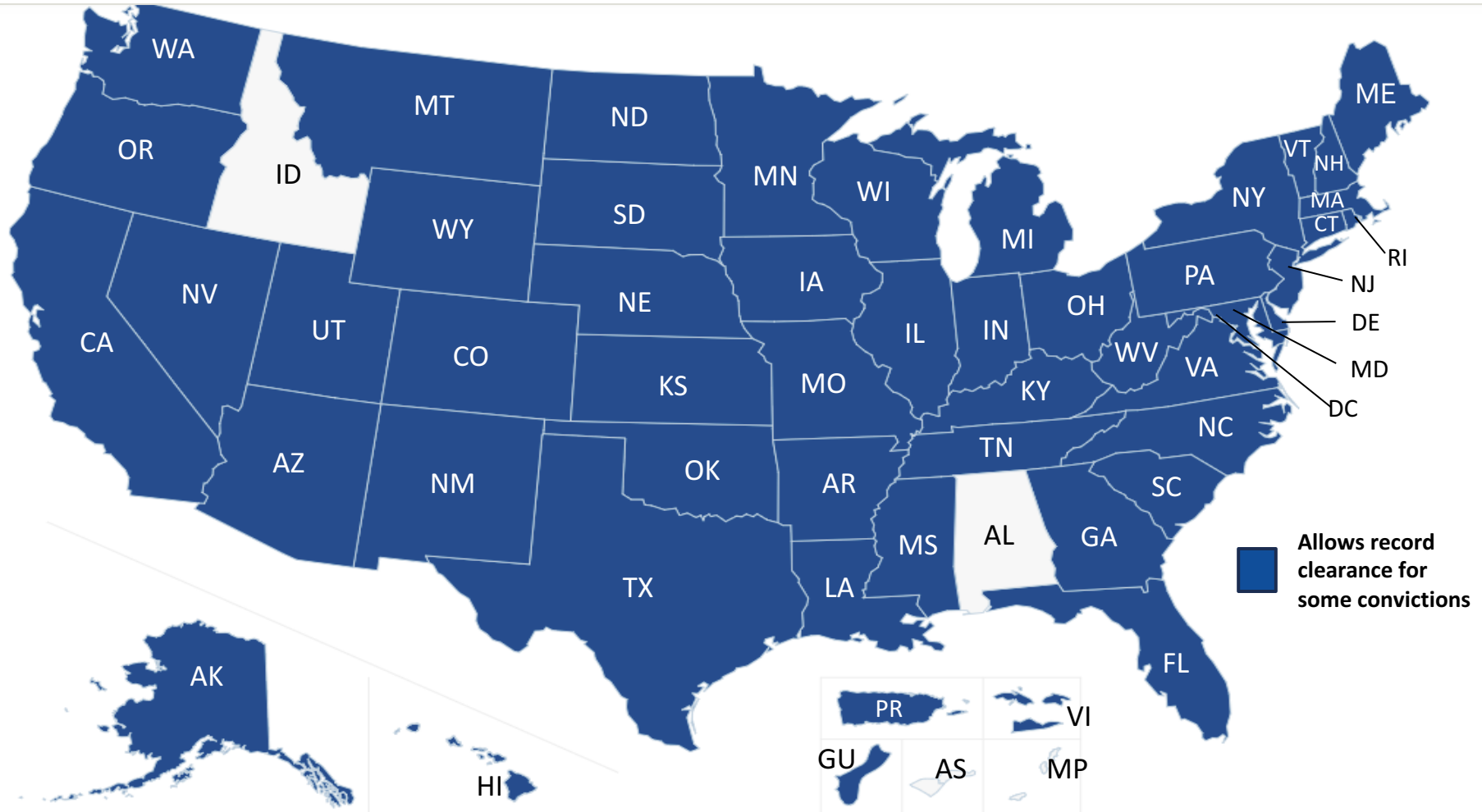
- Most states permit clearance of some misdemeanors; May be limited (first offender, trafficking victim)

Felony convictions

Usually carry a penalty of confinement for more than one year

- Most states limit record clearance to a few felonies; Frequently exclude violent and sexual offenses.

Most states have some type of record clearance policy for felony and misdemeanor convictions.



12. The Clean Slate Clearinghouse; <https://cleanslateclearinghouse.org/compare-states/>

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Clean Slate

CLEARINGHOUSE

A project funded by the U.S. Department of Labor and U.S.
Department of Justice

Clearinghouse

- Online clearinghouse of each state's record clearance policies, resources, guides, and legal service providers.

Audience

- Legal service providers, people with criminal records, policymakers, and reentry and workforce service providers.

Goals

- Provide accessible, up to date information for record clearance policies across the country
- Increase capacity of legal service providers and create a community of practice around record clearance.

cleanslateclearinghouse.org

Collaborating Agencies



NATIONAL JUVENILE DEFENDER CENTER



CITIES STRONG TOGETHER

Advisors

The project was further supported by an advisory board of 32 legal professionals, along with key officials from Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Housing and Urban Development and U.S. Consumer Financial Protection Bureau. The advisors brought expertise on criminal record clearance processes, how clearance affects commercial background checks and access to public housing, licensing, and fair hiring policies.

One in three adults in the U.S. has a criminal record.

Record clearance—removing criminal history information from easy public access—may provide people with an opportunity to put their pasts behind them. The Clean Slate Clearinghouse provides people with criminal records, legal service providers, and state policymakers with information on juvenile and adult criminal record clearance policies in all U.S. states and territories. [Read More »](#)



Learn About Your State

Learn about policies for clearing records in your state.



Find A Lawyer

Find a lawyer who specializes in record clearance.



Compare States

Compare record clearance policies across all states and territories.

Questions?

Email: cleanslate@csgjusticecenter.org

Sign up to receive newsletters and other announcements at cleanslateclearinghouse.org.

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4. The Sentencing Project, *A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits* (2011).
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11. Blumstein, Alfred and Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks*, *Criminology* 47, no. 2 (2009): 327-359.
12. The Clean Slate Clearinghouse; <https://cleanslateclearinghouse.org/compare-states/>