

## The County's Role in Supporting Record Clearance for Residents

February 2018



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## **Question & Answer instructions**

 Type your question into the "Questions" box at any time during the presentation, and the moderator will read the question on your behalf during the Q&A session.



## Today's Webinar

Council of State Governments Justice Center Rashawn Davis Policy Analyst, Criminal Records Project

Champaign County, Illinois Katie Blakeman Champaign Circuit Clerk

Hamilton County, Ohio Raymond Faller Chief Public Defender



## Speaker: Rashawn Davis



### Council of State Governments Justice Center Rashawn Davis Policy Analyst, Criminal Records Project

JUSTICE CENTER THE COUNCIL OF STATE GOVERNMENTS Collaborative Approaches to Public Safety



## **Clean Slate**

#### CLEARINGHOUSE

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



# Criminal Record Clearance and the Clean Slate Clearinghouse

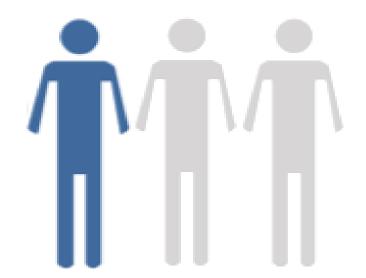
February 15, 2018

## Overview

## **1** The Impact of a Criminal Record

- 2 The National Record Clearance Landscape
- **3** The Clean Slate Clearinghouse

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



1. National Employment Law Project (2017)

The Council of State Governments Justice Center

# 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 50 180,000 percent. to a lifetin Assistance because of

**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 underemployed.

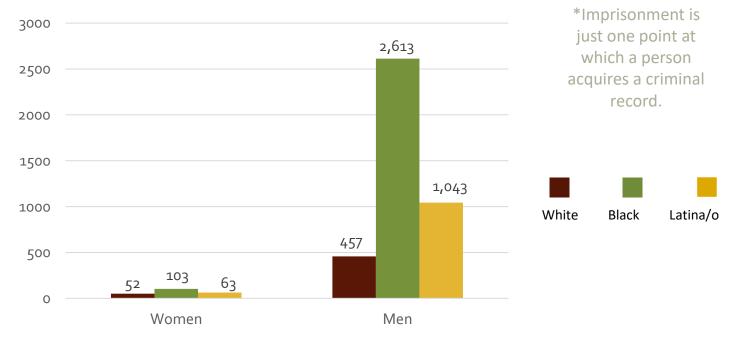
2. Pager, Devah, Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men (2009)

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)

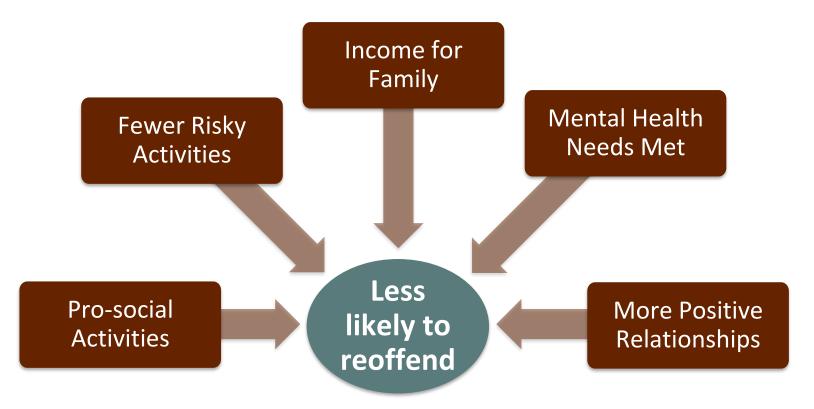
# Criminal records have greater impacts on people of color and communities of color.

\*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)

# Obtaining a job is difficult for job applicants with a criminal record.

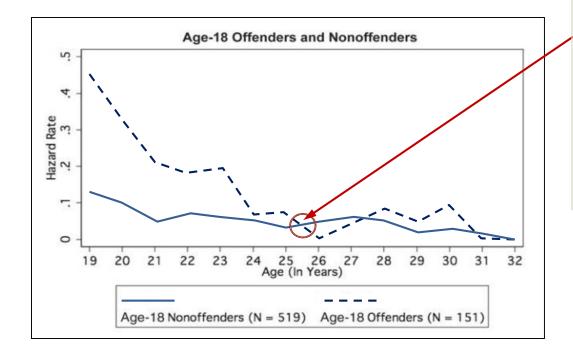


## 87% of employers

conduct criminal background checks on some or all applicants.

9. Society for Human Resource Management. Background Checking—The Use of Criminal Background Checks in Hiring Decisions. (2012)

# 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.

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

<sup>10.</sup> Kurlychek, Megan, Enduring Risk? Old criminal records and predictions of future criminal involvement (2007)

# 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.



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#### **Collateral Consequences**

Adjudications of delinquency, or juvenile convictions, can follow an individual throughout adulthood and have far-reaching consequences on a youth's ability to join the military, pursue higher education, obtain housing, or secure employment. While the full scope of the collateral consequences that come with delinquency court charges vary greatly from state to state, NJDC's <u>Innovation Brief</u> provides guidance to juvenile defenders on how to avoid and mitigate the consequences of a juvenile adjudication.



#### State-Specific Resources on Collateral Consequences:

- Collateral Consequences of Juvenile Delinquency Proceedings in California
- The Consequences of Adjudication: Sanctions Beyond the Sentence for Juveniles Under Colorado
   Law
- Delaware Collateral Consequences of Juvenile Adjudications of Delinquency
- Florida: Consequences of a Juvenile Arrest, Plea, and Trial
- <u>Illinois Collateral Consequences Checklist</u>
- Indiana Collateral Consequences Following Adjudication
- <u>Checklist: Consequences of Juvenile Adjudications in Massachusetts</u>
- New Jersey Juvenile Collateral Consequences Checklist
- <u>The Pennsylvania Juvenile Collateral Consequences Checklist</u>
- The South Carolina Juvenile Collateral Consequences Checklist
- Beyond Juvenile Court: Long-Term Impacts of a Juvenile Record in Washington State

#### niccc.csgjusticecenter.org

#### njdc.info/collateral-consequences/

The Council of State Governments Justice Center



- **1** The Impact of a Criminal Record
- 2 The National Record Clearance Landscape
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# Expungement and sealing are the most commonly used terms.

Generally **Expungement** 

means that records...

Generally **Sealing** means

that records...

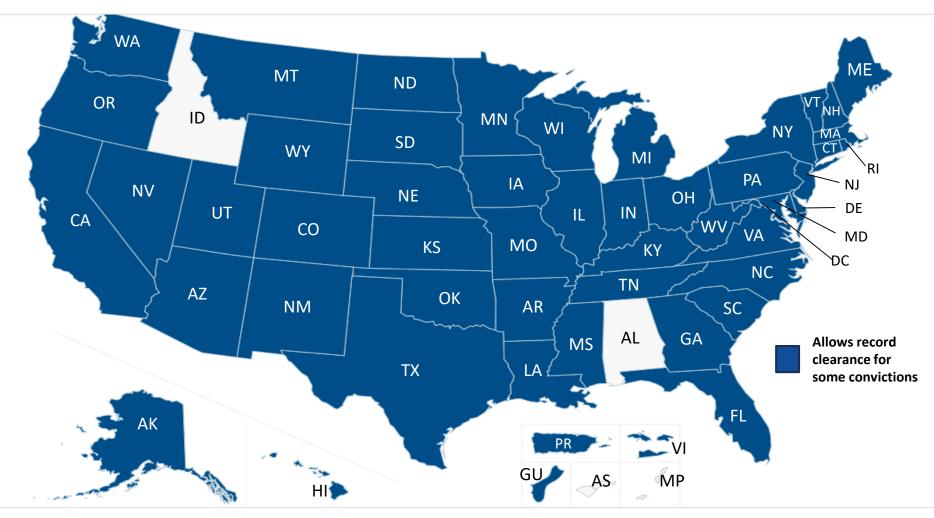
• Are destroyed.

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.

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



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

# Counties are also involved in the record clearance work.

Fulton County (Georgia): In October 2016, Fulton County held a record restriction summit with various county law enforcement agencies. Seventy-five percent of all attendees had one or more arrests cleared from their record.

Broward County (Florida): This year, the Broward County State Attorney will host a record sealing workshop to provide information and resources for people who are looking to begin the records clearance process.

Dallas County (Texas): In March 2017, Dallas County held an "Expungement Expo" during which county judges were on hand to assist eligible participants with the record clearance process. The expo also included a job fair along with other social services.

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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



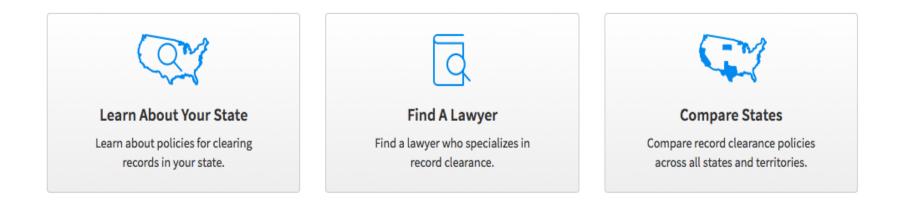
## <u>Advisors</u>

The project was further supported by an advisory board of 26 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 »



## Clean Slate

#### Get to Know the Expert: Beth Johnson

CSG Justice Center staff spoke with Advisory Committee member Beth Johnson—Director of Legal Programs at Cabrini Green Legal Aid in Chicago—about her thoughts on record clearance and her experience growing a small legal help desk into one of the leading record clearance programs in Illinois.

#### OCT 17 2017

Read More



Second Chance Reforms in 2017: Roundup of New Expungement and





Register for Webinar: Transformative Practices: Promoting Access to



Unlocking Opportunity for People with Records and Their Families

## LEARN ABOUT YOUR STATE

## Connecticut

**Record Clearance Overview** 

| Find a Lawyer                           |   |
|---|---|
| Court Forms & Resources                 | Below is a general overview of when juvenile records can be erased in Connecticut. Please note that the Clean<br>Slate Clearinghouse does not provide legal advice. |
| For Attorneys Legal Policies & Statutes | Read the legal policies and statutes for detailed statutory information.  |
|   | Juvenile Record Clearance Policies Overview<br>Most juvenile records can be erased.   |

Juvenile Records

Adult Criminal Records

- Non-serious juvenile charges can be erased after you turn 18 and at least two years have passed since your discharge. You have to submit a request to the court to start the process, and the judge is required to grant your request if you meet the criteria.
- Serious juvenile charges can be erased after you turn 18 and at least four years have passed since your discharge. You have to submit a request to the court to start the process, and the judge is required to grant your request if you meet the criteria.
- If you can show the court you have a good reason to have your record erased, you can submit a request to the court to erase your record before the two- or four-year waiting period is over. It is up to the judge whether or not to grant your request.

## FIND A LAWYER

#### Choose a State/Province



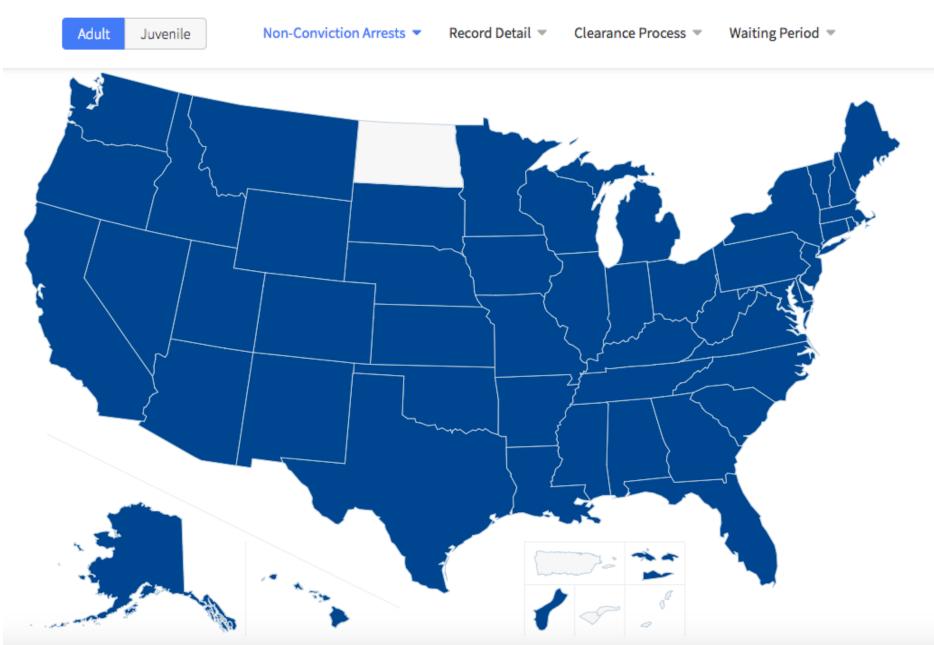
| Alabama        | Kentucky         | Ohio           |
|----------------|------------------|----------------|
| Alaska         | Louisiana        | Oklahoma       |
| American Samoa | Maine            | Oregon         |
| Arizona        | Maryland         | Pennsylvania   |
| Arkansas       | Massachusetts    | Puerto Rico    |
| California     | Michigan         | Rhode Island   |
| Colorado       | Minnesota        | South Carolina |
| Connecticut    | Mississippi      | South Dakota   |
| Delaware       | Missouri         | Tennessee      |
| District of    | Montana          | Texas          |
| Columbia       | Nebraska         | Utah           |
| Florida        | Nevada           | Vermont        |
| Georgia        | New Hampshire    | Virgin Islands |
| Guam           | New Jersey       | Virginia       |
| Hawaii         | New Mexico       | Washington     |
| Idaho          | New York         | West Virginia  |
| Illinois       | North Carolina   | Wisconsin      |
| Indiana        | North Dakota     |                |
| lowa           | Northern Mariana | Wyoming        |
| Kansas         | Islands          |                |
|                |                  |                |

#### Arizona

Community Legal Services of<br/>ArizonaMaricopa County Lawyer<br/>Referral ServicePima County Bar Association<br/>Lawyer Referal Service• 1-800-852-9075• 1-602-257-4434• 1-520-623-4625• WEBSITE• WEBSITE• WEBSITEService area: StatewideService area: Maricopa CountyService area: Pima County

MAP

## **COMPARE STATES**



## **Contact Information**

Email: <u>cleanslate@csgjusticecenter.org</u>

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

**Rashawn Davis**, Policy Analyst, The Council of State Governments Justice Center

This presentation was developed by members of the Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.

## SOURCES

- 1. National Employment Law Project (2017)
- 2. Pager, Devah Pager and Western, Bruce, *Investigating the Prisoner Reentry: The Impact of Conviction Status on Employment Prospects of Young Men*, final report to the National Institute of Justice, October 2009, NCJ 228584.
- 3. Schmitt, John, and Kris Warner. *Ex-offenders and the Labor Market*. Washington: Center for Economic and Policy Research 14, no. 1 (2010): 87-109.
- 4. The Sentencing Project, A Lifetime of Punishment: The Impact of the Felony Drug Ban on Welfare Benefits (2011).
- 5. Carson, E.A. and Anderson, E. (2016). Prisoners in 2015. Washington, DC: Bureau of Justice Statistics
- 6. Graffam et al. *Variables affecting successful reintegration as perceived by offenders and professionals.* Journal of Offender Rehabilitation 40, no. 1-2 (2004): 147-171.
- 7. Visher et al. *Employment after prison: A longitudinal study of releases in three states.* Washington, DC: Urban Institute, Justice Policy Center, (2008).
- 8. Sampson, Robert J., and John H. Laub. *Crime in the making: Pathways and turning points through life*. Harvard University Press (1995).
- 9. Society for Human Resource Management. *Background Checking—The Use of Criminal Background Checks in Hiring Decisions*. (2012).
- 10. Kurlychek, Megan, Robert Brame, and Shawn D. Bushway, *Enduring Risk? Old criminal records and predictions of future criminal involvement, Crime & Delinquency* 53, no. 1 (2007): 64-83.
- 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/

## Speaker: Katie Blakeman



### Champaign County, Illinois Katie Blakeman Champaign Circuit Clerk





Champaign County Expungement and Record Sealing Summits



#### Public Access to Court Records in Illinois

## Available for Public View Online

Index

Court Calendar

Docket Sheet or Record Sheet

Sentencing Information

### Prohibited from Public View Online

Images of Court Documents

Personal Financial Information

Juror Questionnaires

Arrest or Search Warrant Information



### Criminal Record Relief in Illinois

| Expungement  | Sealing  |  |
|--|--|--|
|  |  |  |
| Eligibility – Non-Convictions                              | Eligibility – Certain Convictions                                |  |
| Record Destroyed   | Record Preserved, but Restricted                                 |  |
| No Access by Public  | No Access by Public  |  |
| No Access by Law Enforcement,<br>Prosecutors, or Employers | Limited Access by Law Enforcement,<br>Prosecution, and Employers |  |



### Process to Obtain Relief in Illinois





### Inspiration for Champaign County's Efforts

### **Cook County Summit**

- Held annually
- More than 1000 participants
- Fee Waiver Hearings on Site
- Very large scale

## Cabrini Green Legal Aid

- Grants for assisting counties outside of Cook County
- Training for persons with criminal records
- Training and supervision for attorney volunteers



### Champaign County's Response

### Katie M. Blakeman



#### SATURDAY OCTOBER 21<sup>st</sup> Stone Creek Church 2502 S Race St, Urbana

8:30AM to 5:00PM Specific session times will be assigned after registration.

#### Register at www.champaigncircuitderk.org Register by **September 22nd**

You will not be able to receive legal assistance the day of the Summit without registering

#### Questions? Call Circuit Clerk's Office 217-384-3725

If you are not sure if you qualify for expungement, sealing, or other forms of relief; complete the registration process and we will assist you with finding the options for which you do qualify. Full-service assistance with application, preparation, and filing for adult and juvenile criminal record

expungement, sealing, and alternative forms of relief.

+ Free Legal Advice From Licensed Attorneys + NO FILUNG FEES at this event + Child Care and Youth Programs Provided + Transportation Assistance Available + Registration Required + Recent Changes to the Law Have Expanded Eligibility

#### Event Sponsors

State Representative Carol Ammons State Senator Scott Bennett

LAND ELINCOLN COLLA Cabrini Green

-MTD

#### One Day Event

#### Free Legal Assistance

Waiver of All Filing Fees

Full Service from Beginning to End

Child Care/Child Programming

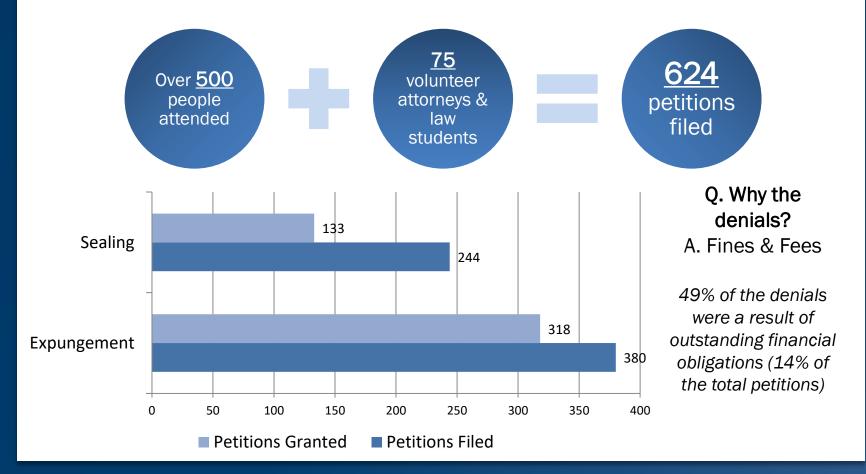
**Voter Registration** 

Secretary of State

Free Rides (MTD)

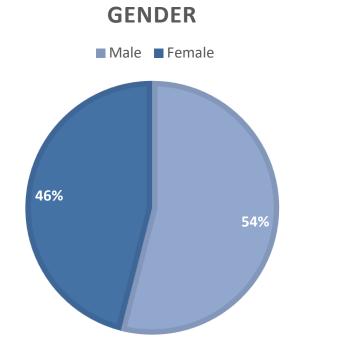


### 2016 Champaign County Summit

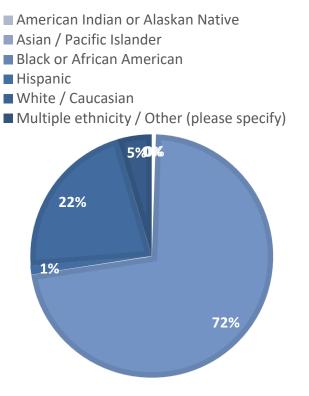




## 2016 Champaign County Summit Demographics

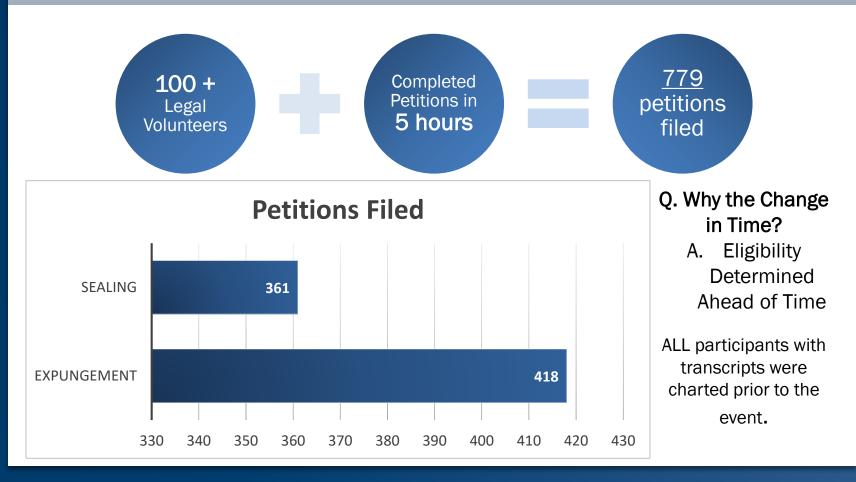


#### **RACE/ETHNICITY**



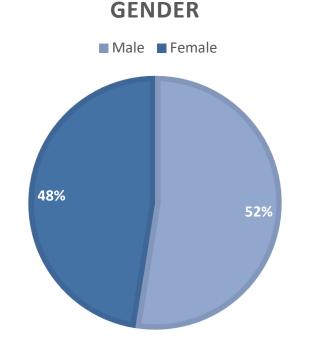


### 2017 Champaign County Summit

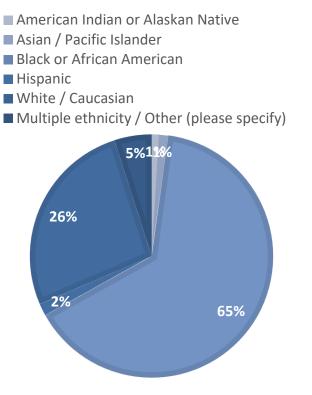




## 2017 Champaign County Summit Demographics



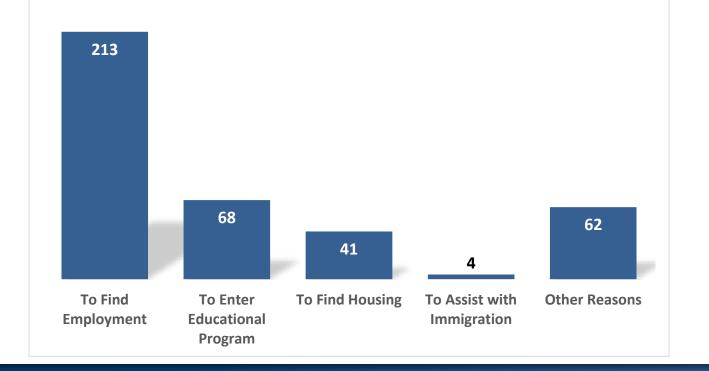
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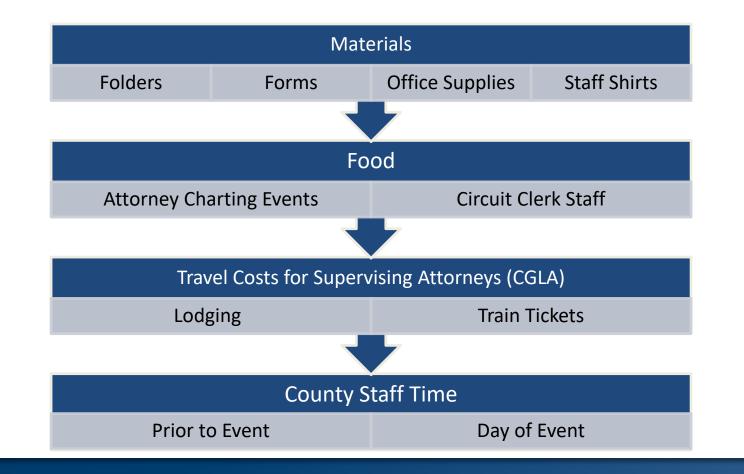






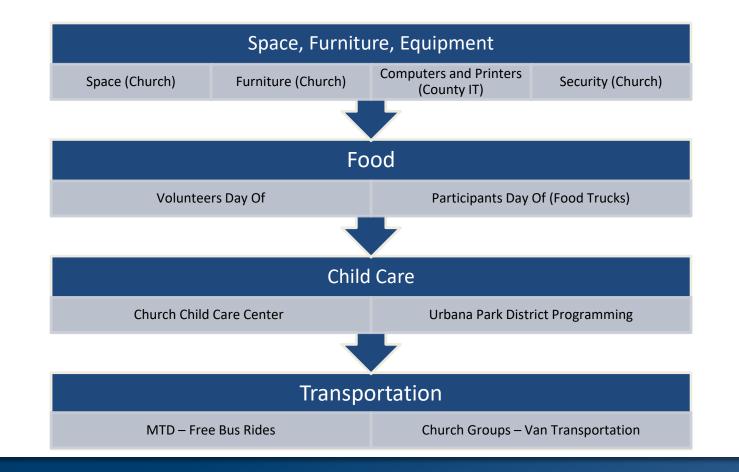


## Champaign County Costs – (PLACEHOLDER AMOUNT)





#### Costs Covered or Donated























**Contact Information:** 

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**Email**: kblakeman@co.champaign.il.us



## Speaker: Raymond Faller



Hamilton County, Ohio Raymond Faller Chief Public Defender





#### THE LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER



## OUR MISSION

To defend the life and liberty of our clients as well as to protect their statutory and constitutional rights by providing zealous, effective and ethical representation.

> Raymond T. Faller, Public Defender RTFaller@cms.Hamilton-Co.org 513-946-3880

## OUR OFFICE

- The Law Office of the Hamilton County Public Defender provides legal services to individuals who are deemed indigent according to U.S. poverty guidelines.
- The primary purpose of our office is to represent individuals who are charged with crimes whose punishment may result in a loss of liberty.
- We also realize that often our clients' needs go beyond that which can be addressed in the courtroom.
- Our office has partnered with various community organizations to fulfill this purpose.



## DIVISIONS

- Our office is separated into several divisions to better enable us to represent each of our clients own unique legal circumstances.
- Our divisions are organized according to specialty and area of law.
  - Appellate
  - Juvenile
  - Felony
  - Municipal
  - Guardian Ad Litem
- The office maintains an administrative division where our staff work tirelessly to provide additional support for our attorneys and clients.



## FRESH START

- Is a criminal record locking you out of jobs, housing, life? We may be able to help clean up your criminal and juvenile records and give you the Fresh Start you need. The Law Office of the Hamilton County Public Defender is offering the Fresh Start Expungement Walk-in clinic.
- By attending one of our Fresh Start clinics, if eligible, we can help you seal your criminal record.
- All you need to do is obtain a copy of your record at the Hamilton County Sheriff's Office at 125 E. Court Street, 9th Floor.
- Our Fresh Start clinics are held on the 1st and 3rd Wednesday of every month between 1:00pm and 4:00pm in our office located at 125 E. Court Street,9th Floor.
- Our Fresh Start Expungement Program has been recognized by the National Association of Public Defense in an August 21<sup>st</sup> article titled 'Fresh Start Clinic' initiated by our Appellate Director Chris Jones.
- Since the inception of the Fresh Start Clinic in October 2013, Director Chris Jones and countless other Hamilton County Public Defender employees have worked tirelessly to assist nearly 4,000 members of our community to clear their criminal records. Approximately 1,900 individuals were actually eligible and over 5,800 cases were sealed, including dismissed charges. This number does not include the additional Juvenile Court records we have assisted our clients in sealing and expunging.

Fresh Start - Expungement Eligibility

Statistics Since Program Inception

| Summary                      |                         |
|------------------------------|-------------------------|
|                              |                         |
|                              | 10/01/2013 - 02/01/2018 |
|                              |                         |
| Total Clients Who Came In    | 3,355                   |
| Total Interviews             | 2,434                   |
| Not Eligible Due to Income   | 526                     |
| Number of Eligible Clients   | 1,908                   |
|                              |                         |
| Total Cases                  | 22,172                  |
| Number of Cases Not Eligible | I 3,093                 |
| Number of Eligible Cases     | 9,079                   |
| Eligible Cases Expunged (a)  | 6,027                   |





#### FRESH START EXPUNGEMENT CLINIC

LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER

#### WE CAN HELP CLEAN UP YOUR CRIMINAL AND JUVENILE RECORDS AND GIVE YOU A FRESH START



#### Contact Public Defender's Office

Fresh Start Program Walk-in Clinic Location & Hours:

230 East 9<sup>th</sup> Street Cincinnati, OH 45202 513-946-3700 513-946-3808 (fax) 125 East Court Street, 9<sup>th</sup> Flr (same building as Dunkin Donuts & Tom & Chee) Cincinnati, OH 45202 513-946-3692 Email: freshstart@cms.hamilton-co.org

#### HOURS: 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of every month. 1pm – 4pm

No appointment necessary, but please bring a copy of your adult criminal record.

- In Hamilton County, you can obtain a copy at the Hamilton County Sheriff's Office, located at the Hamilton County Justice Center, 1000 Sycamore Street, Cincinnati, Ohio 45202. The cost is \$5.00 (*cash only*).
- Please note we cannot expunge your out-of-county or out-of-state convictions, you
  must apply for expungement through that particular county or state.

Call for information on qualifying for free representation and documents needed or visit us at <a href="http://www.hamiltoncountypd.org">www.hamiltoncountypd.org</a>

#### LAW OFFICE OF THE HAMILTON COUNTY PUBLIC DEFENDER JUVENILE DIVISION

WE CAN HELP SEAL AND EXPUNGE YOUR JUVENILE RECORDS AND GIVE YOU A FRESH START

EVEN AFTER YOU BECOME AN ADULT, CERTAIN PERSONS AND AGENCIES CAN STILL ACCESS YOUR JUVENILE RECORDS AND USE THEM AGAINST YOU UNLESS YOU TAKE STEPS TO SEAL AND EXPUNGE THOSE RECORDS

YOUR DISPOSITION DATE: \_\_\_\_\_, 201\_

DATE YOU CAN FILE TO SEAL AND EXPUNGE: \_\_\_\_\_, 201\_

YOUR ATTORNEY'S NAME:

AND NUMBER:

#### OR YOU CAN ATTEND OUR FRESH START EXPUNGEMENT CLINIC



Public Defender's Office

Fresh Start Program Walk-in Clinic Location & Hours:

230 East 9<sup>th</sup> Street Cincinnati, OH 45202 513-946-3700 513-946-3808 (fax) 125 East Court Street, 9<sup>th</sup> Floor (same building as Dunkin Donuts & Tom & Chu Cincinnati, OH 45202 513-946-3700 Email: freshstart@cms.hamilton-co.org

#### HOURS: 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of every month. 1pm – 4pm

No appointment necessary.





Fresh Start Business Cards



#### **EXPUNGEMENT CLINIC**

1st & 3rd Wednesday of every Month/ 1:00-4:00 p.m.

125 E. Court St, 9th Floor, 513-946-3692

Bring your police record (Available at the Justice Center for \$5)

#### YOU CAN FILE FOR EXPUNGEMENT AFTER:

Misdemeanor-1 yr. after completion of sentence.

Felony-3 yrs. After the completion of the sentence.

Ignored Case-2 yrs. After case ignored by G.J.

Dismissal/Acquittal-No waiting period.





# Questions



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## **Presenters' Contact Information**

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