

Building Effective Implementation Strategies for Clean Slate

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Clean Slate Research Project

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By Akua Amaning | June 25, 2020, 9:02 am



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Bringing Automatic Record Clearance to Your State

May 26, 2021

Michael Cowden, *Director of Solutions Engineering, Code for America*
Shayna Cummings, *Staff Solutions Engineer, Code for America*
Noella Sudbury, *Sudbury Consulting, LLC*

Moderated by Sharon Dietrich, *Community Legal Services of Philadelphia*



CODE for
AMERICA



clearance options are available for most arrests and convictions, uptake is extremely low. Obtaining relief generally requires people to navigate a burdensome and costly judicial process, and people are not alerted of their eligibility.

In 2016, Proposition 64 legalized marijuana in California and allowed reduction, dismissal, and sealing of certain prior marijuana convictions. Assembly Bill 1793, signed into law in 2018, required convictions eligible under Prop 64 to be automatically cleared by July 2020. A second bill, AB 1076, was passed in late 2019 and will extend automatic record clearance beyond marijuana convictions to arrests and convictions eligible under several existing record clearance laws. These include arrests that did not result in conviction, convictions that received a probation sentence, and misdemeanors and infractions that were not sentenced to probation.

Assessing the Impact of Automatic Record Clearance in California

Other Criminal Justice Projects

Pretrial Reform Project

SF Diversion Program

Evaluation and Validation of the PSA in San Francisco

Analyzing Racial Disparities in LAPD Stops

Misdemeanor Justice Project (LA)

The Effect on Crime of Redeploying to Foot Patrols

Pre-Arrestment Representation and Review (PARR) in Santa Clara County

Clean Slate Research Project

Research Goals:

- 1. Identify 11 states that were actively engaged in Clean Slate planning and implementation or were likely to do so in the immediate future.**
- 2. Profile each of the 11 states to understand the approaches they were taking in planning and implementing Clean Slate.**
- 3. Assess the technical and operational challenges states confront and how to address them.**

Clean Slate Research Project

Detailed profiles assessing legal, operational, and technical challenges and solutions in 11 states.

State	Clean Slate Campaign Status	Unified Court/Case Management Systems	% Disposition Reporting
Michigan*	Legislation Passed	√	81%
Pennsylvania*	Legislation Passed	√	77%
Utah*	Legislation Passed	√	70%
Connecticut*	Legislation Passed	√	77%
Delaware*	Legislation Passed	√	93%
Colorado	Legislation Passed		26%
Oklahoma	Legislation Passed		72%
Washington	Active Campaign		87%
Missouri	Active Campaign	√	78%
New York	Active Campaign	√	94%
Texas	Active Campaign		82%

Profiles were generated from research with representatives of Criminal History Repositories, Courts/AOCs, Law Enforcement, Prosecutors, and advocates in most jurisdictions.

Challenges in Planning and Implementation

Clarification of terminology:

- Shift from *petition-based* to *state-initiated process*
- Automatic *initiation*, not sealing/expungement
- Record subjects must meet strict eligibility standards:
 - Only certain offenses (misdemeanor, low-level felonies)
 - Conditions must be met:
 - » Waiting periods
 - » No pending charges or subsequent convictions
 - » Payment of fines, fees, and restitution
 - » Prosecutor, law enforcement, victims may be able to object
- Clearance at the Adjudication level & at Record level
- Courts must Order or Authorize Individual Orders

Challenges in Planning and Implementation

Identifying eligible cases/records

- Identifying eligible offenses
 - Arrest tracking or transaction control numbers
 - Ability to link records across systems
- Identifying qualifying records
 - Lifetime limits
 - Prior disqualifying offenses
 - Pending charges in home state, other jurisdictions, federal
 - Satisfactory completion of sentence
 - Payment of fines, fees, restitution
 - Completion of mandatory waiting periods

Challenges in Planning and Implementation

Legacy information systems

- Unstructured or semi-structured data.
- Data quality issues associated with disposition reporting.

Lack of integration between systems

- Information sharing capabilities between agencies
Criminal History Repositories.
 - Departments of Correction, Probation, and Parole.
 - Prosecutors.
 - Local Law Enforcement.
 - Consumer Reporting Agencies (CRAs).

Challenges in Planning and Implementation

Community Awareness

- Making justice-involved people aware of expanded records relief efforts.
- Making justice-involved people aware when their records are successfully sealed, expunged, or otherwise cleared.

Research/Reporting

- Assessing uptake, operations, and identifying friction points.
- Evaluating the impact of Clean Slate on justice-involved people.

Lessons for States

Confusion in terminology

- Sealing, expungement, erasure, set aside, vacatur, and non-disclosure
- Automatic vs. Automated
- Simplify terminology to minimize confusion.

Invest in technology to improve key information systems

- Centralized and unified court case management systems
- Update criminal history information systems
- Universal transaction control numbers across the enterprise
- Tightly align and integrate justice information sharing

Lessons for States

Removing barriers to relief:

- Identify challenges and remove barriers to relief, when possible.
- Pennsylvania's experience in waiving fines and fees.

Implementing Clean Slate is complicated:

- The technical environment is critical.
- Phased implementation may work best.
 - Those with favorable outcomes.
 - Those with a single adjudication for eligible offenses.
 - Those with multiple adjudications and only some are eligible.

Next Steps...

Building Effective Implementation Strategies for Clean Slate

Our new project with the Clean Slate Initiative:

- 1. Update state profiles of jurisdictions featured in the initial research project to reflect current practices**
- 2. Develop state profiles for additional states that were not covered in the first report and those that have passed legislation and are at varying degrees of planning and implementation**

Building Effective Implementation Strategies for Clean Slate

Our new project with the Clean Slate Initiative:

- 3. Develop and support a Community of Practice (CoP) for jurisdictions actively engaged in planning and implementing Clean Slate records relief.**
- 4. Develop and support a purpose-built and secure online portal that will support the CoP throughout the course of this project and beyond.**

Building Effective Implementation Strategies for Clean Slate

Our new project with the Clean Slate Initiative:

5. Create and publish a *Clean Slate Implementation Playbook* documenting successful planning strategies and effective implementation tactics.
6. The *Playbook* will be available in both on-line and published versions and will include domain-specific *Playbooks* for targeted audiences (e.g., State Repositories, Courts and Court Clerks, Prosecutors, Law Enforcement, Legislators).

Thank you!

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