A Not-So-Clean Slate: A Progress Report of PA’s Automated Record Sealing Law

Matt B. Saboe
Tekia Huger-Burton

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A Not-So-Clean Slate: A Progress Report of Pennsylvania’s Automated Criminal Record Sealing Law

Drs. Matt Saboe, Simon Condliffe, and Mia Ocean
Kia’s Story
Does a criminal record stay with you forever?
Results

- Lack of Awareness of Clean Slate
- Not a Light Switch
- Gatekeeper Reluctance
- Race Matters
EXPUNGEMENT

Diversion Program
"ARD, Section 17, PWOW"
Complete diversion program

Individual is 70+ years old
10 arrest-free years after the most recent conviction

EXWARNING:
All outstanding fines and costs must be paid off before a case can be expunged.

*eligibility requirement

EXCOMMON EXCLUDED CONVICTIONS
Excluded convictions require sealing petitions or pardons.
- Simple Assault (M2 & M3: Petition Sealing; M1: Pardon)
- Recklessly Endangering Another Person (M2: Petition Sealing)
- Terroristic Threats (M1: Pardon)
- Harassment (M3; S: Petition Sealing)
- Endangering Welfare of Children (M1: Pardon)
- Firearms Not to be Carried Without a License (M1: Pardon)
- Corruption of Minors (M1: Pardon; S: Petition Sealing)

AUTOMATED SEALING

Non-convictions
"Dismissed, Withdrawn, Nolle Prossed, Not Guilty"
Can be expunged at any time

Misdemeanor Convictions "M2, M3, M"
10 conviction-free years
- Some M2, M3, and M convictions are excluded from auto sealing and require a sealing petition.
- Your will need to file a sealing petition on misdemeanor convictions (if you have:
  - 4+ misdemeanor convictions on entire record
  - 2+ M1 convictions or higher within the last 15 years
  - any felony conviction

PETITION SEALING

M1 Convictions
and other convictions on the same case.
- 10 conviction-free years
- More serious M1 convictions may be excluded from sealing.

Excluded M2, M3, M Convictions
Some M2, M3, M convictions require a sealing petition (i.e. M2 & M3 Simple Assault)
- 10 conviction-free years

PARDON

At this time, the only way to remove these convictions from your record is through a pardon from the Governor:
- Excluded M1 convictions
- Felony convictions "F1, F2, F3, F"

DISQUALIFYING CONVICTIONS
Some felony convictions or multiple serious convictions can disqualify you from sealing other convictions on your record for 15 yrs, 20 yrs. or life:
- 2+ M1 or higher convictions
- 4+ misdemeanor convictions
- Felony conviction related to violence, sex, DV, children, or firearms
- Any F1 conviction

GET HELP FROM A LAWYER
If you need help understanding your record or filing a court petition, you can find a lawyer by calling the Pennsylvania Lawyer Referral Service at (800) 692-7375 M-F 8:30-4:30pm. Low-income Pennsylvanians may qualify for free legal assistance. Visit www.PALawHelp.org for more information.
Methodology

Filling the gaps with Surveys and Interviews
Methodology
## Select Summary Statistics

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
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<td>Age</td>
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<td>Female</td>
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<td>Black</td>
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<td>Any college experience</td>
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<td>Full time</td>
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<td>Student</td>
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<td>Unemployed (looking)</td>
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![Income Distribution](chart.png)
1 - Those Most Affected Don’t Know About Clean Slate!
Interviewer: “And what do you think Pennsylvania, is doing well to spread the word about clean slate?”

Keira: “Well, I feel like that question don't apply to me because I did not know that existed until my mom told me so hearsay would be the only route that I really know that is even being you know, like told to others, and how am I supposed to know what Pennsylvania, is doing to spread the word about something I never even heard of until my mom told me.”

Interviewer: “...when was the first time that you heard about Clean Slate or how you heard about it, do you remember?”

Brianna: “When you sent out an email [Laughing]”
2 - Not a Light Switch
“It always seems to show up for them time and time and time again and that could be dehumanizing for someone. Even though they're trying to move past it.”

“... you have to talk about reparative justice... How many people have been incarcerated? Their time taken, their families broken up, and, and, and, and then what you release them? That doesn't give them back everything that you took from them...”
“So, not only are you really stopping and halting someone's life, you're pretty much endangering the betterment of their family. …Right and so it's dehumanizing. …I don't know it's just, it’s hard to watch.”
3 - Gatekeeper Reluctance
“But when we sit in positions of power, and we don't understand, or we don't accept, or we don't acknowledge implicit biases. Then, this is where you get systematic racism, right.”
4 – Race Matters
### Table 1: "I feel that my criminal record negatively affected my ________.”

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Note: The table shows the percentage distribution of responses across different categories for Black and White groups for each aspect (Life, Housing, Employment, Education).
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Going Forward

• Address Unawareness – e.g. Notification System deployed across state
• Expand Clean Slate – e.g. PA HB 1826
• Additional Research on Gatekeepers
• Investigate and Address Disparate Racial Effects of Legislation
Inequality
Unequal access to opportunities

Equality?
Evenly distributed tools and assistance

Equity
Custom tools that identify and address inequality

Justice
Fixing the system to offer equal access to both tools and opportunities