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

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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

30 MILLION
CASES SEALED
BY JUNE 2020

CLEAN SLATE PENNSYLVANIA

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CASES SEALED
BY JUNE 2020

CleanSlatePA.com

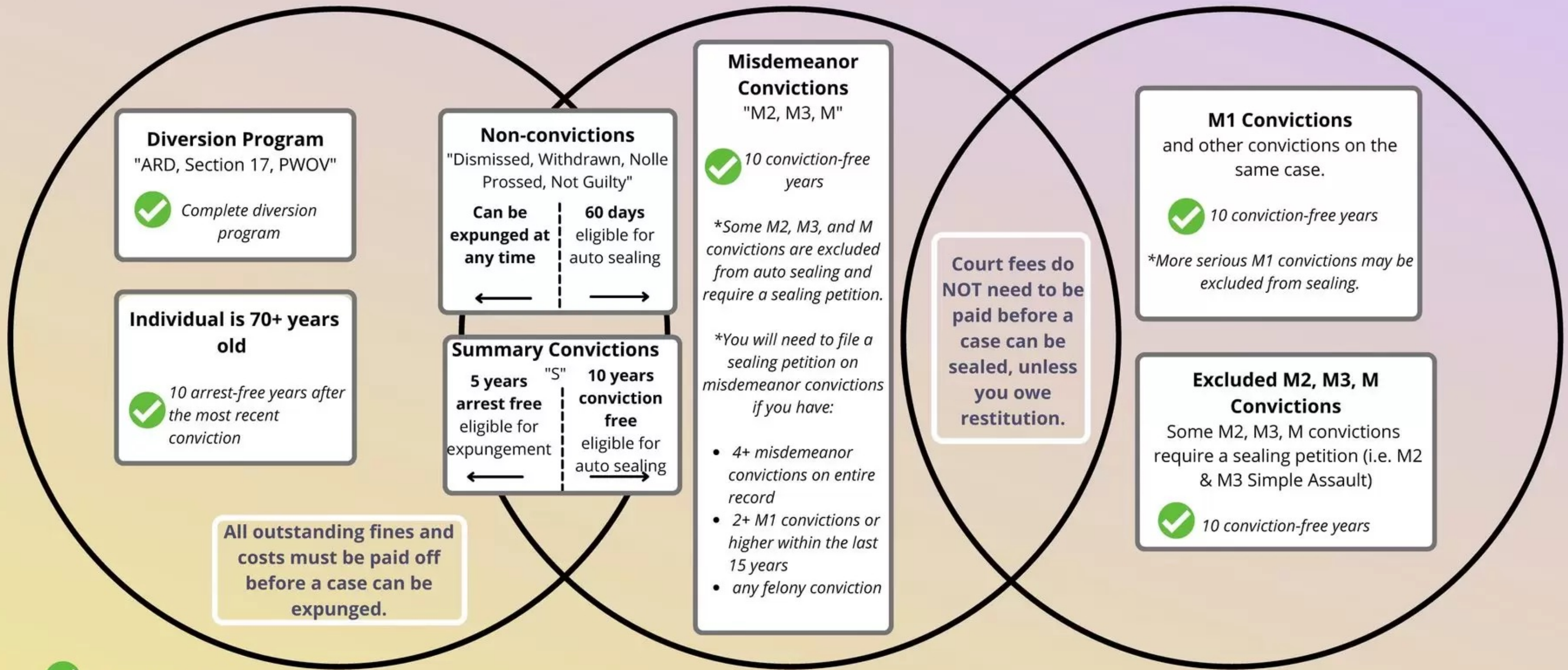




EXPUNGEMENT

AUTOMATED SEALING

PETITION SEALING



✓ = eligibility requirement

*COMMON 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)

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"

Visit the [Board of Pardons](#) website for more information.

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 8-4:30pm. Low-income Pennsylvanians may qualify for free legal assistance. Visit www.PALawHelp.org for more information.

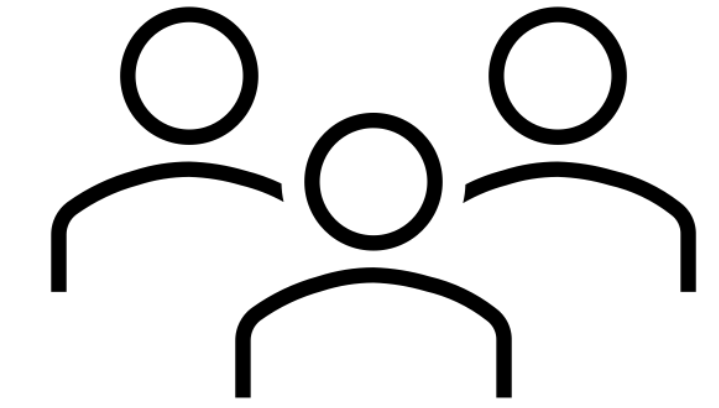
Methodology

Filling the gaps with Surveys and Interviews

Methodology

Research Alliance

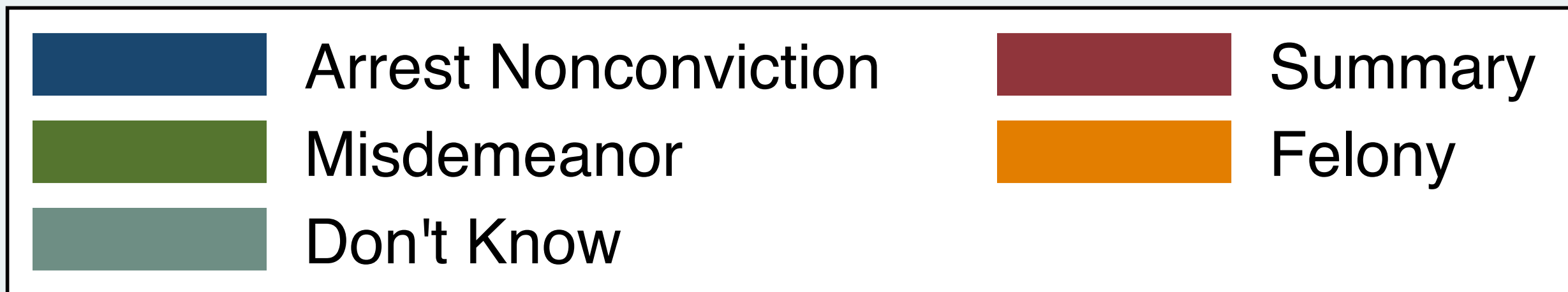
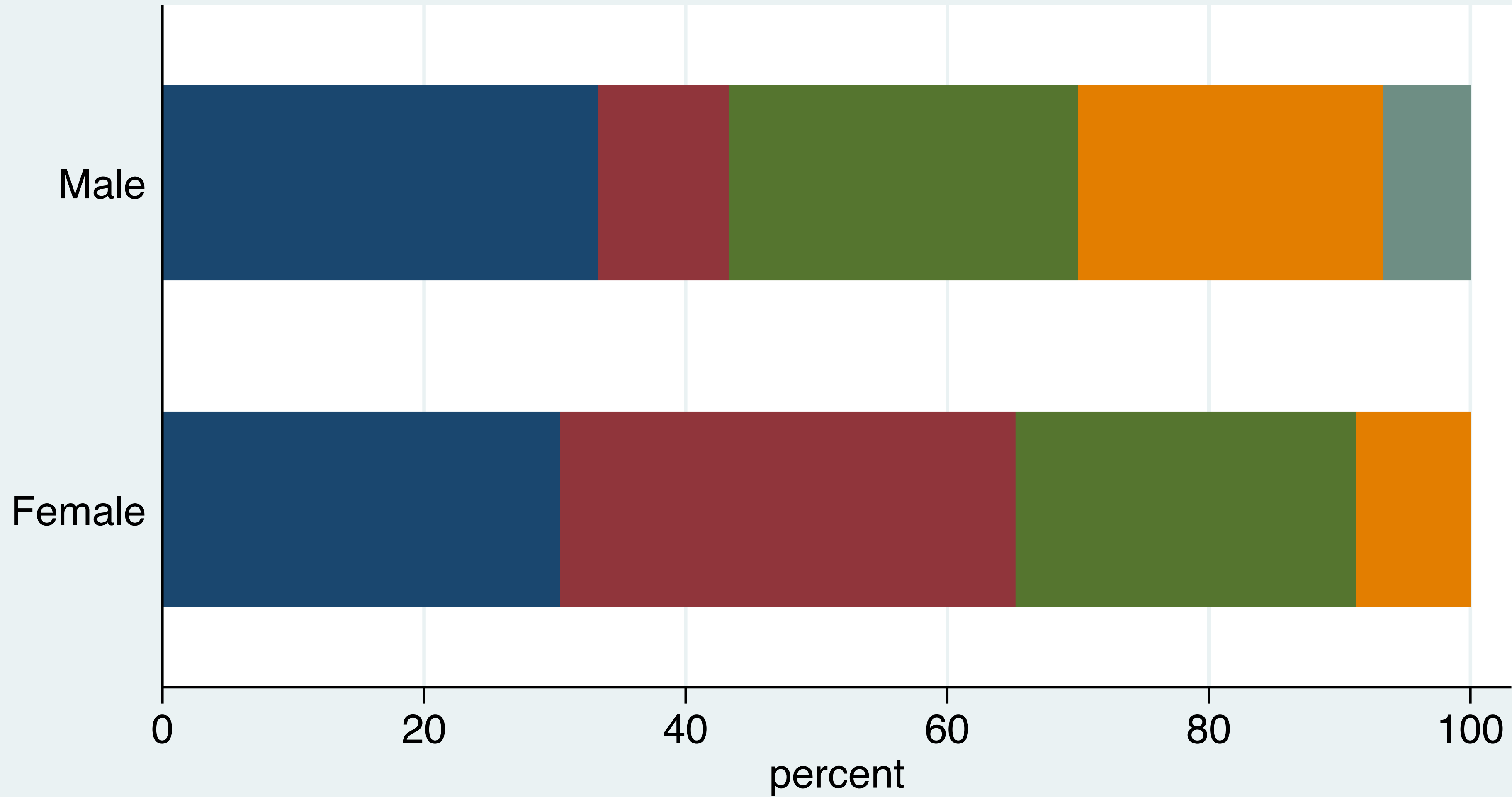
Select Summary Statistics



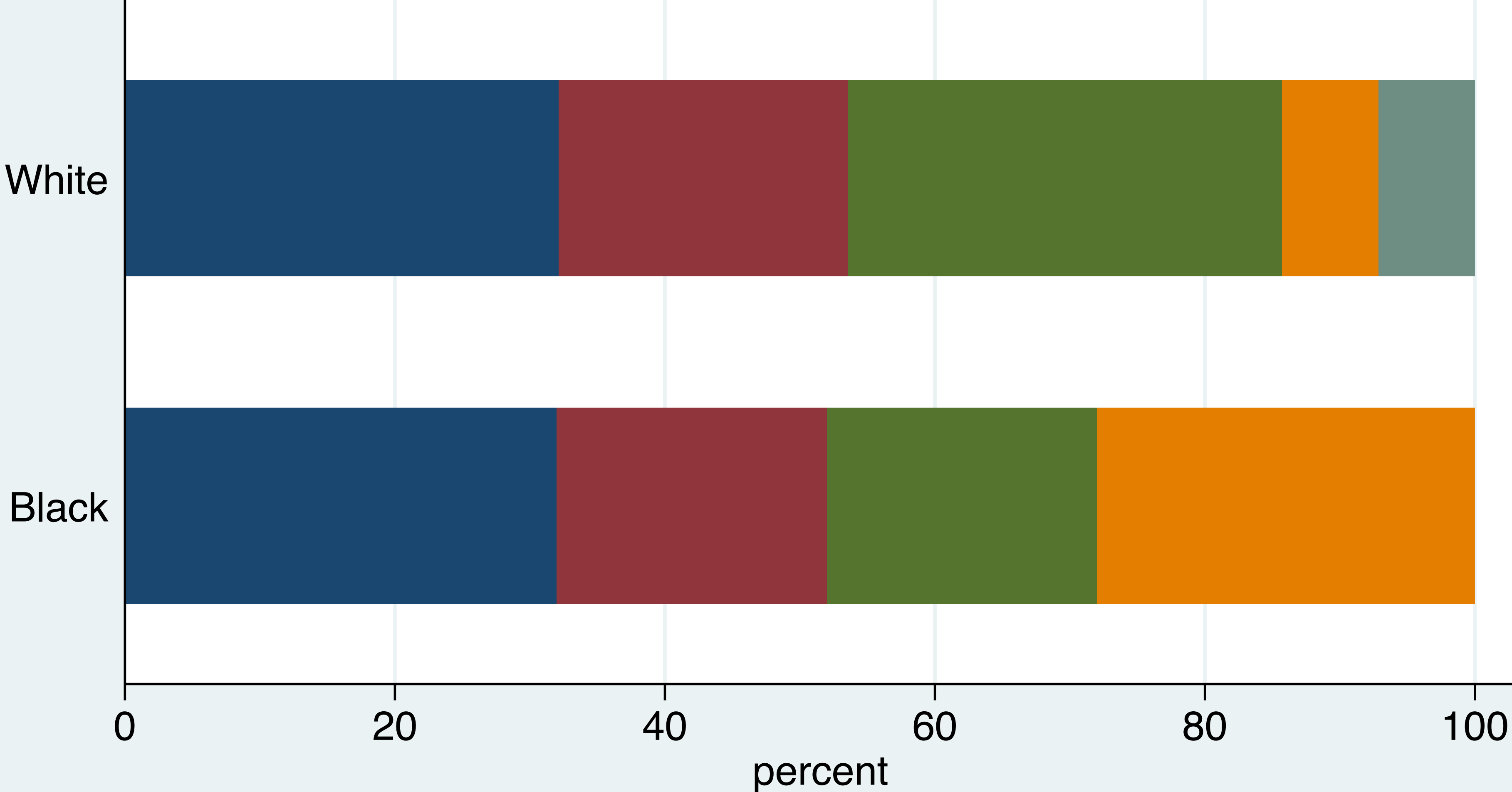
| Variable | Mean |
|------------------------|------|
| Age | 40 |
| Female | 45% |
| Black | 53% |
| Living arrangements | |
| Live alone | 35% |
| Live with one other | 33% |
| No children | 67% |
| Relationship | |
| Single | 68% |
| Divorced | 13% |
| Married | 8% |
| Education | |
| HS Diploma | 38% |
| Technical school | 23% |
| Bachelor's | 15% |
| Any college experience | 45% |
| Employment | |
| Full time | 33% |
| Part time | 15% |
| Student | 25% |
| Unemployed (looking) | 15% |



Record Type by Gender



Record Type by Race



**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 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 _____."

| | Life | | Housing | | Employment | | Education | |
|-----------------------------------|-------|-------|---------|-------|------------|-------|-----------|-------|
| | Black | White | Black | White | Black | White | Black | White |
| Strongly disagree | 0.0 | 5.3 | 23.8 | 36.8 | 4.8 | 15.8 | 9.5 | 36.8 |
| Somewhat disagree | 4.8 | 0.0 | 4.8 | 0.0 | 4.8 | 5.3 | 14.3 | 10.5 |
| Neither agree nor disagree | 9.5 | 5.3 | 14.3 | 26.3 | 9.5 | 0.0 | 9.5 | 26.3 |
| Somewhat agree | 14.3 | 21.1 | 28.6 | 0.0 | 9.5 | 26.3 | 23.8 | 5.3 |
| Strongly agree | 71.4 | 68.4 | 28.6 | 36.8 | 71.4 | 52.6 | 42.9 | 21.1 |
| Chi Sq Test P Value | | 0.60 | | 0.09 | | 0.27 | | 0.07 |

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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

