

A Brief History of Criminal Record Clearing Work Performed By Community Legal Services



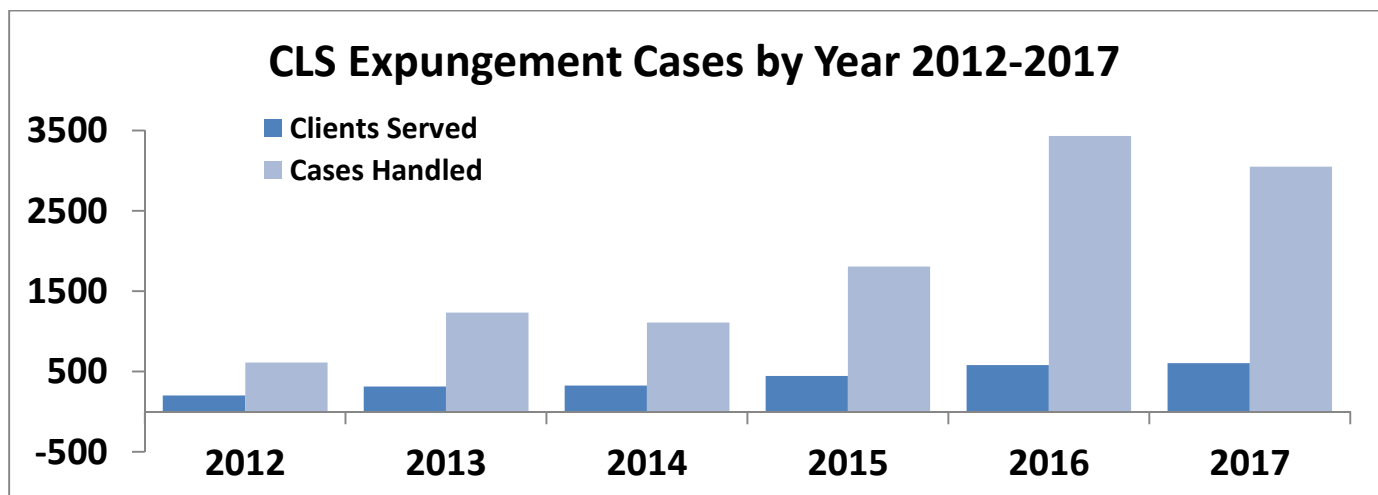
Community Legal Services of Philadelphia (CLS) has been at the forefront of legal and policy advocacy for people with criminal records for almost three decades. Here are a few examples.

- CLS started filing Title VII race discrimination charges in cases involving failure to hire for a criminal record since the 1990s and was one of the earliest advocates for the 2012 update of EEOC's criminal record guidance.
- We have established that lifetime employment bans in state law violate the PA Constitution.
- We have litigated class actions against background screeners for their inaccurate background checks.
- We have written nationally recognized reports on collateral consequences, such as the One Strike and You're Out report co-written with the Center for American Progress (CAP).
- We have raised awareness of issues through national media such as PBS, NPR, the WSJ, and the NYT.
- We hosted U.S. Attorney General Loretta Lynch and HUD Secretary Julián Castro for National Reentry Week in 2016.

CLS's record clearing work, through expungement and sealing, is notable in its own right. Read on below to learn more.

How many cases does CLS expunge or seal each year?

A growing number. In 2017, CLS served 606 clients in expungement cases, fully or partially sealing 3,049 cases, up from 611 cases expunged in 2012.



How did CLS grow its practice so significantly? Over the past few years, we have focused on ways to increase our productivity and our outreach.

- **Expungement Generator:** In 2011, CLS developed a web-based program that automates the process of generating PA expungement petitions. Production time was reduced from several hours to several minutes. The software has been shared freely with non-profit attorneys and with pro bono clinics around the state and has been used to generate over 30,000 petitions statewide.
- **Clinics:** Beginning in the fall of 2014, CLS began reaching underserved sections of Philadelphia by conducting neighborhood expungement clinics. These clinics use law student volunteers to expand our resources. Through the clinics, we have increased our reach with the City. We also have provided technical assistance to expungement clinics run by the Philadelphia Bar Assn and other groups.

*But that's not all. CLS also has been performing expungement work with **national ramifications**.*

- **National Clean Slate Clearinghouse:** CLS is part of a US Dept. of Labor contract to expand record clearing representation nationwide. Our role is to conduct outreach to nonprofit lawyers and others to encourage expungement work and to provide backup to those lawyers who are performing this work. We speak at conferences, developed a provider network, develop technological supports; and help educate the field through postings and papers.
- **Amicus support:** CLS wrote a brief to the GA Supreme Court describing policy reasons to read that state's new expungement law broadly. The brief has since been repurposed for similar cases.
- **Communications:** CLS has taken a lead in promoting the importance of record-clearing in the press (such as "The Solace of Oblivion," The New Yorker (Sept. 29, 2014)) and in national conferences (such as the ABA's National Summit on Collateral Consequences).
- **Commercial screeners reporting expunged cases:** With co-counsel from Francis & Mailman, CLS has litigated several national class actions against background screeners that report expunged cases in employment and housing background checks. We also have promoted best practices for notifying the commercial databases of expunged cases. We facilitated a story on the issue in the WSJ. We have published articles about the subject, including for the ABA Criminal Justice quarterly magazine. We conducted a national webinar for advocates, and we presented on the topic to conferences of state court judges and administrators.

But the best is yet to come.

PA's "Clean Slate" bill would automatically seal old non-violent misdemeanor convictions after 10 years and all non-convictions within weeks.

- **The idea:** When thinking about how to best expand record-clearing for our clients, CLS homed in on the possibility of automatically sealing many thousands of cases through computer queries of electronic records, rather than by the current requirement of filing individual petitions. This idea became the central recommendation of the One Strike paper with CAP.
- **Current legislation:** CLS has played a central role in drafting and advocating for the Clean Slate legislation that would implement automatic sealing in PA, as well as expanding sealing to first-degree misdemeanors. The identical bills in the Senate (SB 529 of 2017) and the House (HB 1419 of 2017) have bipartisan cosponsorship. The prime sponsors in the Senate – where more than half of the members are cosponsors – are Sen. Scott Wagner (R-York) and Sen. Anthony Williams (D-Phila.). In the House, the prime sponsors are Rep. Sheryl DeLozier (R-Cumberland) and Rep. Jordan Harris (D-Phila.). The bill is supported by Gov. Wolf.
- **The national press:** PA's Clean Slate concept has been given national attention in an article in The Atlantic, "Simplifying How the Courts Seal Criminal Records" (April 6, 2017).
- **Expansion beyond PA:** The WK Kellogg Foundation has funded CLS and CAP to provide support and funding to advocates in several other states to promote the Clean Slate automatic sealing model.

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