

Putting the Research to Use in Advocacy

Rebecca Vallas, Senior Fellow, Center for American Progress

March 26, 2021 – National Record Clearing Project

in... HEARINGS

- Impact of a record on employment/housing/economic security & opportunity...
- Benefits of record-clearing (employment & earnings go up, recidivism goes down...)
- Desistance research: People with records who remain crime-free for 4-7 years are no more likely to commit a new crime than a member of the general population

in... ADVOCACY TO CHANGE COURT PROCEEDINGS

- e.g. to make record-clearing more accessible (remove filing fees/other hurdles)
- “Second chance gap” research puts numbers to the barriers eligible folks face to getting a record cleared (national numbers; state numbers)

in... LEGISLATIVE CAMPAIGNS

- To expand eligibility for record-clearing
- To make record-clearance automatic/automated - Clean Slate

Get to know the Clean Slate Legislation

Key points about Clean Slate:

- Michigan has an expungement process, but it is currently limited to people with no more than one felony and two misdemeanors. Getting an expungement is an expensive and confusing process, so only 6.5 percent of people who are eligible even try to get one.
- People able to obtain an expungement see their likelihood of employment increase 11 percent and their income rise 25 percent within two years, according to a University of Michigan study.
- Clean Slate legislation would expand the number of people who qualify for an expungement and automate the expungement process after 10 years.
- Getting an expungement, also known as a set aside, expands economic, education and housing opportunities for people who have been involved with the justice system, as they would now be able to answer "no" when asked if they have a criminal record.



A recent study from the Paper Prisons Initiative of Santa Clara University found that of the roughly 407,000 Connecticut residents with criminal records, 89% were eligible to apply for a pardon. Any Clean Slate relief would immensely benefit Black residents, as Black men are four times more likely than whites to be incarcerated; Black women and men are three times more likely than their white counterparts to have a felony conviction.

The analysis makes note of the slow pace of the pardon-granting process. Researchers found that the Board of Pardons and Parole pardoned 626 cases each year, on average, between 2016 and 2019.

Without a Clean Slate bill, it would take 577 years to clear the backlog of people eligible to receive a pardon, the study found.

in... RAISING AWARENESS & SHIFTING PUBLIC OPINION (aka “comms”)

- *“A criminal record shouldn’t be a life sentence to poverty.”*
- How widespread criminal records are: 1 in 3 U.S. adults
- Barriers to employment, housing, education...
- Desistance research: People with records who remain crime-free for 4-7 years are no more likely to commit a new crime than a member of the general population
- COVID/economic downturn: record-clearing is more important now than ever—and necessary to promote an inclusive & equitable recovery

The New York Times

The Case for Expunging Criminal Records

A new study shows the benefits of giving people a clean slate.

By J.J. Prescott and Sonja B. Starr

Professors Prescott and Starr teach at the University of Michigan Law School.

The good news is that people who get expungements tend to do very well. We found that within a year, on average, their wages go up by more than 20 percent, after controlling for their employment history and changes in the Michigan economy. This gain is mostly driven by unemployed people finding work and minimally employed people finding steady positions.

Our results suggest that expungement is a powerful tool for improving outcomes for people with records, without risk (and possibly with benefits) to public safety. But lawmakers need to make it much easier for people to actually use that tool and get a fresh start to life.

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Relatively few people with records meet the legal requirements — but that's not the only problem. Even among those who do qualify, we found that only 6.5 percent received expungements within five years of becoming eligible. Michigan judges have discretion to reject applications, but that's not the big reason for this low rate. Rather, over 90 percent of those eligible don't even apply.

The policy upshot of our research is clear: Obtaining an expungement should be made as simple as possible. Ideally, states should follow the approach of Pennsylvania and the new California and Utah bills, and make expungement automatic once the legal requirements are met.



**USA
TODAY**

Shutting former criminals out of opportunity is economically foolish

Nearly half of all children have a parent with a criminal record, and the US is losing \$87 billion a year in GDP by not employing them.

DAVID PLOUFFE AND MARK HOLDEN | OPINION CONTRIBUTORS
| 3:44 pm EST November 25, 2018

Our nation's failed experiment with overcriminalization has burdened between 70 million and 100 million people with criminal records. That's nearly a third of the population. Millions are marked with a scarlet letter that can lead to a lifetime of closed doors.

It's not just individuals who suffer because of this discrimination — it's entire families. More than 33 million kids in the USA have a parent with a criminal record.



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In Michigan, improvements for the formerly incarcerated were seen even during the first year that the records were "set aside," according to a [University of Michigan study](#). Wages, for example, increased by 22 percent.

Shutting people with criminal records out of the workforce costs the United States up to \$87 billion in lost gross domestic product every year. Individuals who can't make a living legally are more likely to continue breaking the law and are likely to go back to prison, causing costs to rise even higher. Needless, preventable cycles of recidivism strain government resources — and make our communities less safe.

A Clean Slate in the Age of Coronavirus

Posted to [Politics](#) May 20, 2020 by [Rebecca Vallas and Sharon Dietrich](#)



While felony records carry perhaps the greatest stigma, any record — including misdemeanors and even charges that were dropped — can be a long-term roadblock to employment, since **nearly nine in 10 U.S. employers** now use background checks. People with records are **half as likely** to get a callback or job offer as a result.

Those who do find work face an average earnings reduction of **40 percent** annually.

Now, people facing the stigma of a criminal record are poised to see their permanent recession multiplied many times over.

The consequences of leaving people with records and their families behind amid COVID-19 cannot be overstated.

One in three U.S. adults have a record. **Nearly half of U.S. kids** now have a parent with a record. Allowing that large a share of the workforce to be shut out of jobs risks hamstringing the overall U.S. recovery; pre-COVID, shutting workers with felony convictions out of the labor market already cost **\$87 billion per year** in lost GDP.

And given the U.S. criminal justice system's disproportionate effect on communities of color, a slew of immoral inequities resulting from a long history of structural discrimination, including the **black-white unemployment gap** and the **racial wealth gap**, would be put on steroids — a cruel epilogue to the wholly preventable racial disparities in whose lives the virus is claiming.

in... FUNDRAISING

- Helps non-CJ funders see this as “their issue”
 - if you’re seeking funding for **direct representation**
 - if you’re seeking funding for **legislative/policy change**
- Record-clearing as a strategy for **cutting poverty, expanding economic opportunity, removing barriers to employment/housing/education, addressing racial inequality, promoting an inclusive & equitable recovery, promoting child well-being...**
- EXAMPLE: Impact on kids/families: nearly half of U.S. kids now have at least 1 parent with a record (Center for American Progress, 2015)

when you need to persuade...

- Policymakers and legislators
- Judges
- District Attorneys (esp. when they're adversaries in the policy realm)
- Media (to write about it and to write favorably about the remedies)
- Coalition partners outside CJ space (economic/budget groups; housing advocates; unions/workers' rights groups, kids' groups, left/right, business/employers....)
- Funders

other helpful research of note...

- Brennan Center (2020):
 - \$372B in lost wages annually among people with records
 - \$500,000 lifetime earnings loss for people who have been incarcerated
- Prison Policy Initiative (2018):
 - 27% unemployment rate among formerly incarcerated workers pre-pandemic (when overall unemployment was ~3-4%)
- Center for Economic Policy Research (2018)
 - \$87B in lost GDP annually due to shutting people with felony convictions out of jobs
- Center for American Progress (2015)
 - Nearly 1 in 2 U.S. kids (33 million) have at least one parent with a record; impacts children's cognitive development, school performance, even employment/earnings in adulthood