



All Pennsylvanians Will Benefit from a Clean Slate Policy for Minor Criminal Records

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Between 70 million and 100 million—or 1 in 3 Americans—have some type of criminal record.¹ In Pennsylvania, this translates into nearly 3 million of the commonwealth's citizens.² Many have only minor records, such as misdemeanors, summary offenses, or arrests without conviction. Nonetheless, even a minor criminal record can present lifetime barriers to opportunity, putting jobs, housing, education, and more out of reach. Enabling Pennsylvanians with minor criminal records to earn a clean slate would make it possible for them to get past these barriers, get to work, and provide for their families—while strengthening the economy and enhancing public safety.

What is a clean slate?

- **A clean slate allows minor nonviolent cases to be automatically sealed** after time has passed without subsequent conviction of a felony or a misdemeanor. This means they are only available to law enforcement, but not the public. For misdemeanors, that period is 10 years. For arrests that did not result in a conviction, there is no waiting period apart from processing time.*
- **A clean slate is an agreement with the person with the criminal record.** If you remain crime-free for the required period of time, your case will be sealed. No petition for sealing or court order is needed.

Why does a clean slate policy make sense?

- **People with nonviolent misdemeanor convictions** who do not commit another crime within four to seven years are no more likely to commit a crime in the future than the general population.³
- **People who have redeemed themselves are trapped by lifetime barriers.** For instance, nearly 9 in 10 employers,⁴ 4 in 5 landlords,⁵ and 3 in 5 colleges⁶ use criminal record background checks, putting employment, housing, and higher education out of reach for many. To help alleviate these barriers, 23 states and Washington, D.C., have expanded their record-clearing laws since 2009.⁷

“Since the time of my conviction, I have come to realize that one wrong decision can cause a lifetime of pain. I realize that society is not as forgiving and that because of my actions, I am not able to utilize the educational knowledge that I have gained ... I have applied for and been offered many prominent job opportunities. However, when my criminal background comes back, I lose the chance and nothing I can say will make any difference.”

Ronald Lewis, Philadelphia⁹

- **A clean slate is automatic.** Individuals do not need to file record-clearing petitions one by one. This reduces a burdensome workload for the courts and makes it easier for those trying to find employment, housing, and other basic needs for their future success.

Who benefits from a clean slate policy? All Pennsylvanians!

- **People with criminal records will be able to move on with their lives**, provide for their families, and become productive members of society.
- **Families and children of people with criminal records** will benefit as their incomes increase, their housing improves, and other obstacles to family economic security are eliminated.
- **The criminal justice system will not be burdened** with the transactional costs of many thousands of record-clearing petitions each year.
- **The commonwealth will save money** as a result of reduced incarceration.
- **Pennsylvania's economy will benefit** from not shutting qualified jobseekers out of the labor force, which costs the national economy \$65 billion a year in lost gross domestic product, or GDP.⁸
- Most importantly, **communities will be safer** as a result of lower recidivism rates due to reduced barriers to successful reentry.

For CAP's full set of recommendations to remove barriers to economic security and mobility for people with criminal records, see *"One Strike and You're Out"* by Rebecca Vallas and Sharon Dietrich¹⁰

***Update, June 5, 2017:** This fact sheet has been updated to reflect the new language of Pennsylvania's clean slate bill.

Endnotes

- 1 Rebecca Vallas and Sharon Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility," (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/poverty/report/2014/12/02/102308/one-strike-and-youre-out/>.
- 2 Rebecca Beitsch, "States Try to Remove Barriers for Ex-Offenders," Pew Charitable Trusts, June 18, 2015, available at <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/6/18/states-try-to-remove-barriers-for-ex-offenders>.
- 3 Alfred Blumstein and Kiminori Nakamura find that the risk of recidivism drops sharply over time. Specifically, they find that the risk of recidivism for individuals who have a prior conviction for a property offense drops to no different than the risk of arrest in the general population three to four years after the individual has remained crime free. Likewise, they find that the risk of recidivism for individuals with a drug conviction is no different than that of the general population after four years. For people with multiple convictions, they suggest a more conservative estimate of 10 years. See Alfred Blumstein and Kiminori Nakamura, "Redemption in the Presence of Widespread Criminal Background Checks," *Criminology* 47 (2) (2009): 331.
- 4 Society for Human Resource Management, "Background Checking—The Use of Criminal Background Checks in Hiring Decisions" (2012), p. 2, available at <http://www.shrm.org/research/surveyfindings/articles/pages/criminalbackgroundcheck.aspx>.
- 5 David Thacher, "The Rise of Criminal Background Screening in Rental Housing," *Law & Social Inquiry* 33 (1) (2008): 5, 12. Single-family rental firms also commonly screen tenants based on criminal history, and, in some cases, applicants can be turned away based on a criminal conviction. See, for example, Invitation Homes Rentals, "Resident Selection Criteria," available at <http://invitationhomesrentals.com/Chicagorentalcriteria11.2012.pdf/> (last accessed November 2014).
- 6 Center for Community Alternatives, "The Use of Criminal History Records in College Admissions Reconsidered."
- 7 Ram Subramanian and Rebecka Moreno, "Relief in Sight?: States Rethink the Collateral Consequences of Criminal Conviction, 2009-2014" (New York: Vera Institute of Justice, forthcoming), p. 13.
- 8 Melissa Kearney and Benjamin Harris, "Ten Facts About Crime and Incarceration in the United States" (Washington: The Hamilton Project, 2014), available at http://www.hamiltonproject.org/papers/ten_economic_facts_about_crime_and_incarceration_in_the_united_states/.
- 9 Ronald Lewis, interview with author, Philadelphia, Pennsylvania, November 24, 2014.
- 10 Vallas and Dietrich, "One Strike and You're Out: How We Can Remove Barriers to Economic Security and Mobility."