

Synthesis of the Research: Understanding the Significance of Criminal Record Clearing as a Poverty Reduction Strategy

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The Promise: A Public-Private Partnership to Reduce Poverty in Philadelphia

In March 2020, Mayor Jim Kenney and Philadelphia City Council unveiled the Poverty Action Plan, a series of potential solutions designed to collectively lift 100,000 Philadelphians out of poverty in the subsequent five years. One of the many solutions proposed in the Plan included forming The Poverty Action Fund to support scalable, community-based strategies for reducing the number of Philadelphians living below the poverty line.

Informed by research ranking more than 40 potential anti-poverty interventions by their strategic impact and feasibility, the United Way of Greater Philadelphia and Southern New Jersey (UWGPSNJ) took the lead on implementing community-based solutions through the \$10 million Poverty Action Fund, which launched in February 2021. This effort, known as The Promise, is an innovative public-private partnership dedicated to increasing economic mobility for Philadelphians. The Promise invests in community-based organizations to scale-up services and remove barriers so Philadelphians can stabilize and grow their income. Through The Promise, individuals and families gain access to financial stability and upward mobility—all to create a more equitable Philadelphia.

The Promise's work on the ground thus far has been carried out through the administration of two Community Challenges, in partnership with several local organizations. The Family Stability Challenge, launched in March 2021, supports four coalitions focused on increasing access to public benefits and tax credits to put families on more stable footing and lay a foundation for moving—and staying—out of poverty. The Jobs & Opportunities Challenge, launched in May 2022, supports partnerships between community-based organizations and legal service organizations that are removing barriers to quality employment by providing free legal services aimed at criminal record clearing through expungement or pardons. The Community Challenges are planting the seeds to stabilize the earnings and employment of individuals with low income, which will ultimately help Philadelphia have a stronger workforce, safer communities, and fewer people in crisis.



To provide critical background information about the need for and potential benefits of work associated with the Jobs & Opportunities Challenge, below, researchers from Drexel University's Juvenile Justice Research & Reform Lab synthesize research supporting the use of criminal record clearing as a poverty reduction strategy.

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This report synthesizes existing research on challenges related to employment, education, housing, and other important components of a successful, stable livelihood that accompany a criminal record. Additionally, it explores record clearing via sealing, expungement, and pardon as a strategy for improving outcomes for individuals with a history of criminal legal system involvement and describes the barriers to widespread use of this strategy. Finally, it describes The Promise's Jobs and Opportunity Challenge, designed to increase access to record clearing opportunities in Philadelphia.

Criminal Records are More Prevalent Than We Think, and Pose Challenges to Stability & Well-Being

In the United States, local, state, and federal systems maintain official records of individuals' legal system involvement histories that detail their arrests, convictions, and dispositions, including incarceration. One in three American adults—between 70 and 100 million people—has some type of criminal record (Vallas & Dietrich, 2014). In Philadelphia, more than 300,000 people have a criminal record (Moselle, 2022; The Promise, 2023). These records can reflect minor criminal legal histories, such as an arrest for which charges were subsequently dismissed, or more serious histories, such as multiple arrests with felony charges and convictions. Once created, a person's criminal history information is accessible by law enforcement agents, employers, landlords, and even schools through public records and databases, news reporting agencies, and for-profit information-gathering services (Westrope, 2018).

Importantly, individuals with a criminal record face considerable barriers to stability and overall well-being, regardless of the degree or number of offenses included in that record. Stigma and biases impacting individuals with a record often prevent them from pursuing and obtaining their preferred forms of employment, housing, and education (Prescott & Starr, 2020). Far too often, the collateral consequences of a criminal record—such as limits to public benefits and occupational licensing eligibility—also affect individuals' abilities to provide for their families, contributing to intergenerational poverty (Lake, 2020). Often communities of color, sexual and gender minorities, people with physical and mental disabilities, and people living in poverty experience these negative effects most severely (Craigie et al., 2020; Knight & Wilson, 2016; Prescott & Starr, 2020).

Criminal Records Pose Significant Challenges to Gainful Employment

Extant research suggests that more than 90% of employers conduct a criminal background check on potential applicants, and many such employers subsequently remove people from the hiring process based on the outcome (Craigie et al., 2020). As a result, individuals with a criminal legal history are half as likely to receive a second interview or job

offer as individuals with no such history (Pager et al., 2009). Further, Black applicants are less likely than white applicants to receive even an *initial* interview (Pager et al., 2009), indicating that Black individuals with a criminal legal record face amplified challenges during the hiring process. In a city like Philadelphia, where nearly two-thirds of the population are people of color (U.S. Census Bureau, 2021) and an estimated 20% of residents have a criminal record—a percentage that goes up dramatically in neighborhoods with concentrated disadvantage (Philadelphia Lawyers for Social Equity, 2019)—these realities leave thousands of individuals out of the workforce (U.S. Bureau of Labor Statistics, 2022). Such observed disparities result in a high and protracted unemployment rate among individuals with a history of legal system involvement—especially individuals of color—and more frequent acceptance of low-paying or low-quality jobs that offer little potential for long-term growth (Sugie, 2014). Notably, when employers enacted layoffs early in the COVID-19 pandemic, employees with criminal records were often the first let go and last rehired (Craigie et al., 2020).

Created in response to this inequity for individuals with criminal records, the “Ban the Box” movement promotes removal of questions about criminal records in employment applications. Related laws were first implemented in Hawaii in 1998 and, since then, 26 other states have enacted similar policies (National Conference of State Legislatures, 2021).¹ Though well-intentioned, many traditional ban-the-box efforts do not effectively alleviate the employment barrier associated with criminal records. In fact, recent studies found that removing criminal history information from an application process could **increase employment inequities** for young Black and Hispanic men, especially those with less formal education or previous work experience (Agan & Starr, 2018; Doleac & Hansen, 2020).

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For example, **after “Ban the Box” policies went into place, experimental results indicated that Black applicants were even less likely than white applicants to receive follow-up employer contact, compared to before such policies were enacted** (Agan & Starr, 2018). Researchers posited that, without the opportunity for an applicant to *deny* having a criminal record, employers might rely on other information (e.g., race/ethnicity, education, prior experience) they believe to be associated with criminal histories and refuse to interview these applicants (Agan & Starr, 2018; Doleac & Hansen, 2020). Thus, as a result of these implicit and explicit biases, efforts to “ban the box” can amplify disparities rather than reduce them.

¹ Of note, legislators in Philadelphia enacted a Fair Hiring Law in 2016 that goes beyond traditional “Ban the Box” policies, for example, by making it illegal for employers to consider arrests that did not result in conviction or convictions that occurred more than 7 years earlier when making hiring decisions (Philadelphia Commission on Human Relations, 2016).

Limitations on occupational licensure represent another employment barrier for individuals with a criminal record. Approximately 20% of jobs in the United States require government approval to practice in the form of an official license, and a criminal record often prevents individuals from obtaining a required license—even if that record contains no convictions (Sibilla, 2020). In recent years, several states have reformed their systems to make it easier for individuals with criminal records to obtain an occupational license (Sibilla, 2020). For example, in 2020, Pennsylvania passed a bill prohibiting occupational licensing boards from categorically denying license requests from otherwise qualified applicants with criminal records; licensing boards must now make individualized decisions for each applicant based upon whether their record includes offenses that are directly related to the license and whether approving their license request would pose a substantial risk to the public (18 Pa. Cons. Stat. § 3113).

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Employment barriers associated with criminal records contribute to a considerable loss of potential earnings for men and women with a history of criminal legal involvement. For example, a recent study estimated aggregate losses of more than \$55 billion among formerly incarcerated individuals, \$77 billion among individuals with previous felony convictions, and \$240 billion among individuals with previous misdemeanor convictions (Craigie et al., 2020).

Together, these totals are equivalent to nearly 2% of the United States' annual gross domestic product (The World Bank, 2021), lending support to the notion that widespread employment barriers for people with criminal records represent a national problem with severe economic repercussions.

Widespread employment barriers for people with criminal records represent a national problem with severe economic repercussions.

Criminal Records Pose Significant Challenges to Achieving Educational Goals

Time and again, empirical research has provided support for the relationship between formal education and reduced risk of criminal legal system involvement (e.g., Bozick et al., 2018; Lochner, 2020; Lockwood & Nally, 2015). For example, men who finish high school are eight times less likely to be arrested than those who drop out (Machin et al., 2011), and a one-year increase in average educational attainment across a state is associated with an 11% decrease in the rate of arrests in that state (Lochner & Moretti, 2004). Many other studies have found a significant relationship between correctional education and reduced recidivism, with some researchers even claiming that prison education is the single most effective tool for reducing recidivism (Esperian, 2010; Hall, 2015; Stevens & Ward, 1997). Importantly, regardless of

whether it occurs inside or outside a correctional facility, higher education is associated with positive outcomes (Duwe & Clark, 2014; Lockwood et al., 2012). Research suggests that access to higher education creates not only tangible benefits—such as access to better employment options—but also intangible benefits, such as increased desire for learning, critical thinking, and self-reflection (Evans et al., 2017).

However, individuals with a history of legal system involvement experience several barriers to pursuing their education. For example, between 60% and 80% of colleges in the United States require a criminal history disclosure from their applicants (Pierce et al., 2014; Weissman et al., 2010). In particular, colleges and universities with more competitive reputations, with higher rates of crime reported on campus, that consider race/ethnicity as part of their admissions process, or that are located in a suburban area are more likely to include questions about criminal history in their applications (Stewart & Uggen, 2020).

In addition to simply *asking* about legal system involvement—which might stigmatize individuals with a history and/or deter them from applying in the first place (Custer, 2013; Evans et al., 2019)—many schools use the information provided in responses to those questions when making admissions decisions. For example, one survey of 273 colleges and universities found that 25% of responding schools imposed an automatic rejection for some forms of criminal legal history disclosures, and close to 40% of respondents reported they would not admit a student who was in the process of completing community supervision (Weissman et al., 2010). Additionally, 90% of schools that collected and used criminal legal history information viewed any felony conviction as a negative factor in their admissions decision making, 75% viewed any drug or alcohol conviction as a negative factor, and 33.5% viewed any pending misdemeanor as negatively impacting an application (Weissman et al., 2010). Other studies found rejection rates for applicants with criminal records up to three times higher than applicants without records (Stewart & Uggen, 2020).

Even if individuals with a history of legal system involvement successfully gain acceptance to a college or university, they may face additional challenges in pursuing and obtaining financial aid. Although recent reforms have removed some restrictions, historically, individuals with certain drug-related convictions were ineligible for federal student aid, preventing tens of thousands of men and women from receiving assistance (Custer, 2020). Additionally, more than one-third of the largest state financial aid programs limit access for students with a history of criminal convictions (Bacon, et al., 2020; Pechota & Pingel, 2020). Criminal records also limit students' abilities to secure private loans and student housing (Custer, 2018). Proponents of these limitations have cited purported safety concerns about allowing individuals with criminal records onto campuses, but extant research has raised doubts about whether policies that limit access for students with previous legal system involvement actually improve campus safety (Custer, 2016; Ramaswamy, 2015; Stewart & Uggen, 2020).

Likely because schooling increases the likelihood of higher-wage employment, engagement in more risk-averse behavior, and participation in more socially integrated activities (Lochner & Moretti, 2004; Winters, 2011), higher education has been linked to improved quality of life (Edgerton, et al., 2011; Lochner & Moretti, 2004; Winters, 2011), Conversely, having less

formal education is associated with decreased employment opportunities, decreased motivation to complete education, and unlawful behavior (Crews, 2009). Despite robust evidence of formal education's link to positive life outcomes, individuals with criminal records face significant obstacles in their pursuits of higher education. Further, even when they are accepted into universities, they often do not receive sufficient support in navigating the complex network of classes, necessary accommodations, and stigma (Halkovic & Greene, 2015; McTier et al., 2018; Ross, 2019). As a result of these obstacles—plus lack of information about available reputable programs and *misinformation* targeting legal system-involved individuals (Ross, 2019; Smith, 2014)—many eager applicants with a criminal record enroll in for-profit universities that take their tuition but do not provide legitimate degrees (Ross, 2019).

Furthermore, given the disproportionate representation of Black and Hispanic/Latinx individuals in the criminal legal system, these marginalized communities are often the most impacted by the lack of access to quality education (Ross, 2019). Notably, these educational inequalities begin early in a child's life—well before the time for higher education—with significant school funding disparities across district lines based on the representation of students from families with high and low incomes, as well as on the proportion of Black and white students (Owens, 2017; Sosina & Weathers, 2019). Even though the United States spends trillions annually on its education budget (Hanson, 2022) and boasts some of the most prestigious universities in the world, these resources are often out of reach for individuals experiencing poverty, from marginalized racial/ethnic groups, and/or with histories of criminal legal system involvement.

Criminal Records Pose Significant Challenges to Obtaining and Maintaining Stable Housing

In addition to employment barriers, individuals with criminal records face considerable difficulty securing stable housing, as most applications for living accommodations require a background check (e.g., Dong et al., 2018; Jacobs & Gottlieb, 2020; Oyama, 2009). **As a result, formerly incarcerated individuals are ten times more likely to be unhoused than members of the general population** (Couloute, 2018). Although there is strong guidance from the U.S. Department of Housing and Urban Development indicating that denying housing applications based on old or unrelated criminal convictions would violate the Fair Housing Act because of the disparate impact on people of color (Kanovsky, 2016), the Fair Housing Act does not explicitly identify individuals with a previous criminal legal history as a protected class (Fair Housing Act, 42 U.S.C. § 3604). Therefore, landlords may reject rental applicants based on their criminal record and do not have to refund any application fees (White, 2020).

Following what can be a long, costly, and stressful housing application process, individuals with a criminal record and their families must often accept substandard and/or unsafe accommodations or rely on generosity from other family members or friends (Oyama, 2009). Importantly, housing instability has been empirically linked with recidivism among the formerly incarcerated (e.g., Clark, 2016; Geller & Curtis, 2011; Roman & Travis, 2006). In fact, each move can increase the odds of recidivism via rearrest in this group by 70% (Makarios et al., 2010; Tesfai & Gilhuly, 2016). The ongoing criminalization of homelessness—for example

through laws and policies that ban acts such as camping, panhandling, and living in vehicles—has likely contributed to these observed relationships (Tars, 2021).

In the United States, the federal government has prohibited public housing authorities from categorically denying applicants with a criminal legal history; however, these agencies can make individual denial decisions based on the specifics of the applicant's history (*Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 2015; Walter et al., 2017). For example, in Philadelphia, the Public Housing Authority can deny applicants housing for a history of unlawful behavior deemed violent or drug-related or perceived as impacting the health, safety, and property of others (Community Legal Services, 2019; Philadelphia Housing Authority, 2019). Across the nation, many public housing systems still operate under “one strike and you're out” rules that allow denials and even evictions of current tenants based on criminal history and activity, putting entire family units at risk (Roberts, 2011; Walter et al., 2017).

With limited rights and bargaining power, many individuals with criminal records rely on homeless shelters for short- and long-term housing (Couloute, 2018; Geller & Curtis, 2011). Importantly, this tendency does not appear to be time-limited, as one study found that more than 60% of formerly incarcerated individuals in Philadelphia who stayed at an emergency shelter in the eight years following their release did so more than once, with an average of more than one year between stays, thereby indicating long-term housing instability (Remster, 2019). Like employment challenges, housing insecurity is a crisis that disproportionately impacts people of color, as national data indicate that, among formerly incarcerated individuals, members of marginalized and minoritized communities (e.g., women of color) experience housing insecurity and unemployment at the highest rates (Couloute, 2018; Couloute & Kopf, 2018). Housing instability poses a particular challenge to retaining employment, as an involuntary loss of a home increases the likelihood of being laid off by 11% to 22% compared to workers with stable housing (Desmond & Gershenson, 2016). Additionally, employment insecurity contributes to a greater likelihood of experiencing stress related to housing affordability (Bentley et al., 2019). In this way, uncertainty and instability (e.g., recurring and unexpected changes) in one area of life can contribute to similar effects in other domains, as well as overall experiences of precarity (Cooper & Pugh, 2020).

Criminal Records Pose Other Barriers and Negative Consequences

Though barriers related to employment, housing, and education are typically the most cited challenges for people with a criminal record, these individuals experience several other negative consequences of their criminal legal system history as well. For example, many individuals with criminal records experience difficulties accessing health care and experience discrimination when receiving it (Schnittker & John, 2007; Smedley et al., 2003), face challenges obtaining social services such as government financial assistance or food stamps (Pager & Shepherd, 2008; Pager et al., 2009; Uggen et al., 2004), and have trouble participating in basic civic actions like voting (Shineman, 2019). Although people with criminal records can vote in 24 states, including Pennsylvania, the remaining 26 states restrict voting rights for individuals on parole, on probation, and/or who have completed their sentences—leaving

approximately 4.6 million people without access to this important right (Uggen et al., 2022). Additionally, there is widespread misinformation about who can vote, no doubt exacerbated by different rules related to voting for individuals with a criminal record across states. For example, in Pennsylvania, many people express an inaccurate belief that they cannot vote with a history of a felony conviction, while on probation on parole, or with an open warrant—none of which is true under Pennsylvania law (Pennsylvania Department of State, n.d.; T. Pacheco, personal communication, December 23, 2022).

Other collateral consequences of a criminal record include loss of child custody or reduced custodial rights (Chan & Erickson, 2006), as parties involved in custody decisions (e.g., judges, attorneys, evaluating psychologists) may review parents' criminal records as part of their decision-making process (Ackerman et al., 2021). Additionally, immigrants with criminal records face particular hardships, as records of certain offenses (e.g., controlled substances, firearms) can serve as grounds for inadmissibility or deportation (National Immigration Project, n.d.).

Family members of individuals with criminal records also frequently experience collateral harm. In 2015, nearly half of all children in the United States had at least one parent with a criminal record (Vallas et al., 2015). Importantly, research studies have consistently found a connection between having a parent with a history of criminal conviction and several negative outcomes, such as poorer academic performance; increased feelings of stigma, shame, and trauma; and greater risk for future offending (Besemer et al., 2017; Foster & Hagan, 2007; Travis et al., 2005).

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Parents with criminal records may also experience acute stressors in their daily lives—for example, not being able to volunteer at school events for their child or with the local Home-and-School Association because of their history of criminal legal system involvement, which can further stigmatize parents and their children (Karamagi, 2015). Such limits on these parents' abilities to fully participate in their children's schools are particularly consequential, given the link between parental involvement and academic achievement (Boonk et al., 2018; Shute et al., 2011).

More broadly, these families often suffer from instability and intergenerational poverty because, as previously discussed, criminal records severely hinder a person's ability to access housing, higher education, and higher incomes (e.g., Craigie et al., 2020; Dong et al., 2018; Karamagi, 2015). Given ongoing scarcities in adequate housing for individuals with a criminal record, many families are forced into unsafe living situations, perpetuating cycles of community destitution (Karamagi, 2015). Additionally, voter participation remains low across communities

with a greater density of residents with criminal legal system histories—even among those residents who personally have not been in contact with the legal system—potentially as a result of misinformation and stigma (Burch, 2014; Karamagi, 2015), thereby thwarting necessary political and/or structural changes.

Although various populations experience trauma, it is especially prevalent among those individuals and communities exposed to the criminal legal system (Chaudhri et al., 2019; Gibson et al., 1999; Wolff et al., 2014). Exposure to trauma is associated with various physical and mental health symptoms and diagnoses (Wolff & Shi, 2012), with many studies demonstrating that this link becomes stronger with added experiences of racism or discrimination (Chaudhri et al., 2019; Huang et al., 2014; Wolff & Shi, 2012). As a result, marginalized populations that are disproportionately pulled into the criminal legal system also suffer the most from its associated trauma (Chaudhri et al., 2019; Parker et al., 2010). These effects often compound on top of existing adverse childhood experiences (ACEs) and disadvantaged community structures (Chaudhri et al., 2019), as early childhood exposure to trauma is associated with a higher risk of experiencing other types of trauma later in life and a higher likelihood of chronic delinquency (Dierkhising et al., 2013). The prevalence of each type of ACE differs significantly between races, with 1 in 5 Black children having experienced maltreatment, compared to 1 in 10 white children (Wildeman et al. 2014).

Continued exposure to trauma increases the risk of an individual’s involvement with the legal system as an adult; compared to a person with no traumatic experiences, a person with four or more traumatic experiences is four times more likely to be arrested and five times more likely to be incarcerated (Jäggi et al., 2016). Additionally, for those incarcerated, the criminal legal system compounds existing trauma, as prisons introduce individuals to high levels of violence, sexual and physical assault, and loss of dignity (Turney et al., 2012).




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Benefits of Record Clearing

In response to growing recognition of the widespread damage of a criminal record, most states have implemented methods for sealing, expunging, or pardoning such a record (Love, n.d.). Specifically, *sealing* a record prevents the public, such as non-authorized employers, landlords, and school personnel, from accessing that record and often allows individuals to legitimately say “no” to certain application questions that ask about the existence of a criminal record (Prescott & Starr, 2020). However, these records can still be seen by government agencies (e.g., police, district attorney’s offices) and used against individuals if they experience another legal system contact, including something as simple as a traffic stop (Myrick, 2013;

Shlosberg et al., 2012). Additionally, employers in secured or licensed professions, such as childcare, healthcare, and security services, typically use background checks that pull from FBI systems, meaning that they will see be able to access sealed records.

Expunging some or all of a criminal record means erasing it and removing it from state/federal databases as if it never occurred (Myrick, 2013). However, there are several limitations on what kind of records can be expunged; for example, in Pennsylvania, most records of conviction (i.e., what follows a guilty plea or a guilty verdict at trial) can only be expunged in limited circumstances (Kaplan, 2018; Myrick, 2013). As an example, if someone faces several charges and pleads guilty to one charge in exchange for the prosecution dropping the remaining charges, those withdrawn charges can be expunged; however, the charge that resulted in a guilty plea cannot. Instead, to clear the record of that charge and conviction, the person would have to seek a *pardon*, which allows for the complete destruction of their criminal record. However, although there are very few limitations on the types of charges and dispositions that can be removed (Shlosberg et al., 2012), seeking a pardon is much more involved and time-intensive than either pursuit of record sealing or expungement. The following figure summarizes these three options for record relief (i.e., sealing, expungement, pardon).

| Summary of Record Clearing Options in Pennsylvania | | | |
|---|---|--|--|
| | Description | Process | Eligibility |
| Pennsylvania Courts  Sealing | Prevents the public from accessing criminal records. | Often automatic; otherwise, file a court petition and pay a fee (unless waived for indigency). ≈ 12-18 months | <ul style="list-style-type: none"> • Cannot seal certain serious misdemeanor convictions or any felony convictions. • Cannot seal misdemeanor convictions from the past 10 years. • Cannot seal cases for those who owe restitution. |
| Pennsylvania Courts  Expungement | Judicial order permanently erases a criminal record from state databases. | File a court petition and pay a fee (unless waived for indigency). ≈ 18-26 months | <ul style="list-style-type: none"> • Largely, only for charges not resulting in conviction. Eligible convictions include: <ul style="list-style-type: none"> • Summary convictions for those with no additional arrest or conviction in past 5 years. • If age 70+ and has no arrest or conviction in past 10 years. |
| Pennsylvania Pardon Board  Pardon | Governor's order "forgives" a criminal record. | Submit comprehensive application, complete interviews, and attend a Board hearing. Requires post-pardon expungement. ≈ 4-5 years | <ul style="list-style-type: none"> • Not eligible if currently under court supervision. • Must pay court fines and costs before pardon recommendation to Governor. • Not an official regulation, but individuals with a more distant history of system involvement tend to have greater success obtaining a pardon. |

Few empirical studies have measured the impacts of clearing one's record. However, one recent study found that 95.8% of examined individuals in Michigan whose criminal record had been sealed were *not* convicted of any crime in the subsequent five years (Prescott & Starr,

2020). In fact, this study suggested that individuals with sealed records posed a lower risk for criminal behavior than the *general population of the state* (i.e., 4.7 arrests per 100 expungement recipients compared to 6.6 arrests per 100 Michigan adults; Prescott & Starr, 2020). This significant difference held—and was even larger—when researchers controlled for variables often associated with increased risk for arrest (e.g., age, gender, income level).

Individuals with sealed records posed a lower risk for criminal behavior than the general population of the state (i.e., 4.7 arrests per 100 expungement recipients compared to 6.6 arrests per 100 Michigan adults). This significant difference held—and was even larger—when researchers controlled for variables often associated with increased risk for arrest (e.g., age, gender, income level).

Overall, the limited empirical research indicates a positive relationship between expungement and employment and wage outcomes in the following year (Prescott & Starr, 2020). On average, individuals are 13% more likely to be employed one year following record expungement than they were in the year before record expungement and earned wages for individuals with expunged records increased by 23% from the year prior to record expungement to the year following expungement (Prescott & Starr, 2020), indicating that individuals are able to obtain higher-paying jobs after securing record expungement. Of note, women and Black individuals whose records were expunged had significantly larger employment gains than other expungement beneficiaries (Prescott & Starr, 2020), suggesting this form of record relief can help reduce the disparate impacts of a record's collateral consequences.

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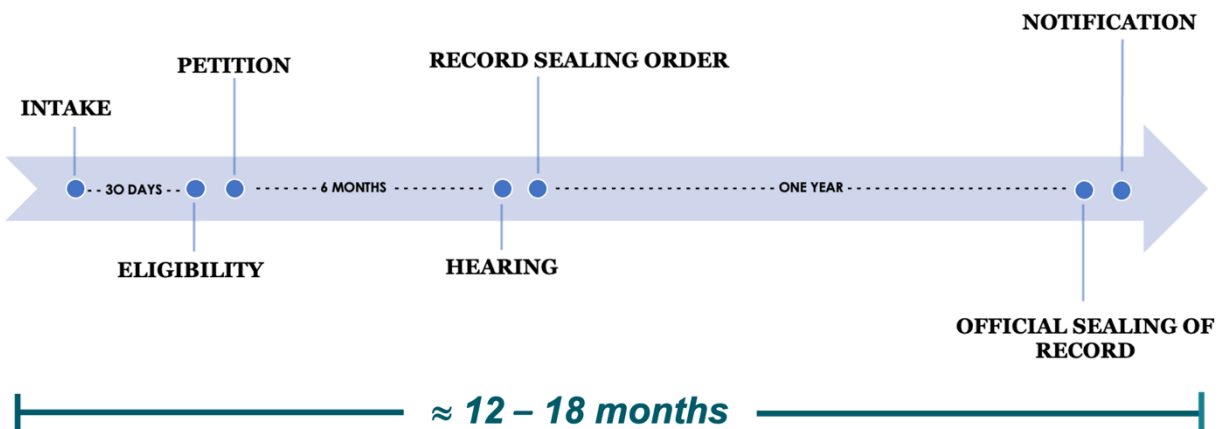
Importantly, employment-related improvements associated with full record clearing have far-reaching implications. For example, with increased employment prospects following record clearing, individuals may have more opportunities to become employed or improve their employment status, earn higher wages, and save more of their paychecks. Further, when potential landlords run background checks on applicants with fully expunged records, no criminal records associated with that individual will appear, allowing them to successfully secure more stable housing. Additionally, when applying to new jobs or colleges, these individuals will legitimately be able to deny having a criminal record (Starr, 2020), thereby increasing their chances for success. Although benefits and voting rights are not impacted by criminal records in Pennsylvania, individuals in many other states regain their right to vote following expungement,

and many people regain access to welfare and other government benefits (Shlosberg et al., 2014). Additionally, expunging a record may reduce the internalized stigma that individuals feel about their legal history and its associated record (Johnson & Drake, 2017; McWilliams, 2020).

Barriers to Widespread Use of Record Clearing

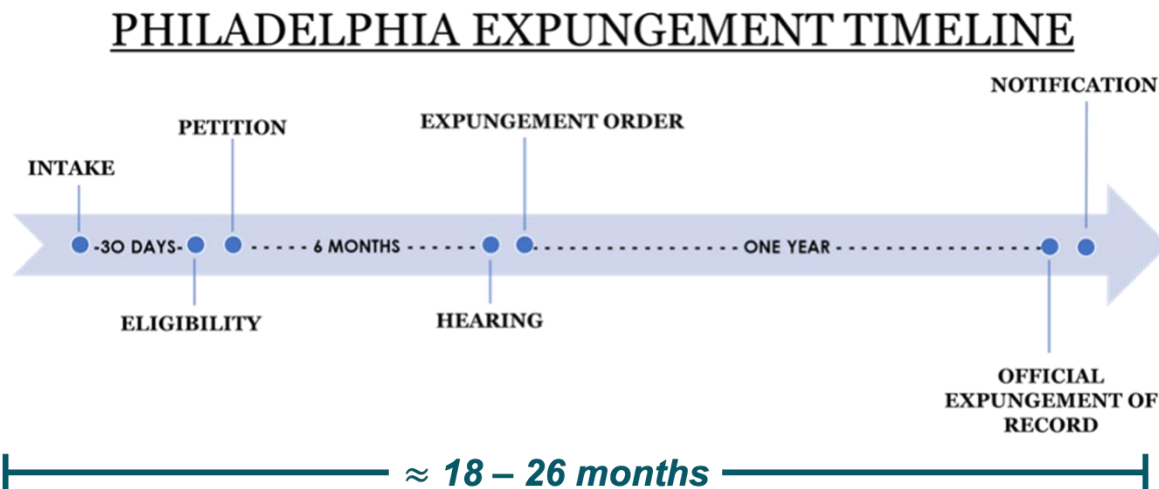
Unfortunately, despite promising evidence for the benefits of record clearing efforts, only a small proportion of individuals take advantage of available opportunities (Prescott & Starr, 2020). The widespread lack of uptake likely results from several contributing factors, including lack of information about available record clearing options, challenges associated with navigating the court and/or pardon systems, the time-intensive and often intrusive nature of some application processes, and the prohibitive fees and costs associated with each process. Further, the processes for record sealing, expungement, and pardons vary widely across counties and states, making record clearing a burdensome and unfamiliar undertaking without directive professional information or resources (Roberts, 2015; Shlosberg et al., 2012).

PHILADELPHIA RECORD SEALING TIMELINE



Expungement. In Pennsylvania, for example, the procedures for filing sealing petitions (also known as an “order of limited access”) and expungement petitions are largely the same (Pa.R.Crim.P. 790; Pa.R.Crim.P. 791). Importantly, individuals must file the relevant petition for *each* arrest or case that they would like cleared from their record, and each petition must be filed in the court of the county in which the relevant arrest or case took place. Each petition must include detailed information about the petitioner’s case, including the name of the presiding judge from the original case, court docket number(s), offense tracking numbers, the specific charges to be cleared, and the reasons for sealing or expungement (Pa.R.Crim.P. 790; Pa.R.Crim.P. 791). In many counties, petitioners must also obtain a recent copy of their Pennsylvania State Police criminal history report—a separate process that involves additional paperwork and a \$20 fee—and attach it to each petition. Fees associated with filing an expungement or sealing petition vary by county—for example, filing each petition costs \$147.00 in Philadelphia, \$161.75 in Montgomery County, and \$207.00 in Centre County—however,

applicants with limited income can request fee waivers with the submission of additional paperwork or contact with the county court system. The figures above and below illustrate the average timelines for record sealing and expungement in Philadelphia, based on conversations with Philadelphia lawyers engaged in expungement and sealing work.



After a sealing or expungement petition is filed, the District Attorney’s office in that county has a window of time (30 or 60 days depending on whether the petition is for sealing or expungement, respectively) to file an objection. Without an objection, a judge typically approves the petition *pro forma*; however, if the district attorney objects to the petition, the assigned judge will hold a hearing (often approximately six-to-eight months after the petition’s filing), at which both parties can present their case, and the judge must rule based on the balance between the Commonwealth’s interest in maintaining the record versus the petitioner’s interest in sealing or expunging it. If the judge approves the petition, a copy of the order for sealing or expunging the applicant’s record is sent to the relevant criminal legal agencies (e.g., local police, state police) for execution. Even if an individual’s request for record clearing is granted, it can take several months for the agencies to execute the judge’s order to seal or expunge the record. For example, in Philadelphia, the length of time between petition filing and formal record expungement is currently estimated at 18 to 26 months (T. Pacheco, personal communication, February 2, 2022).

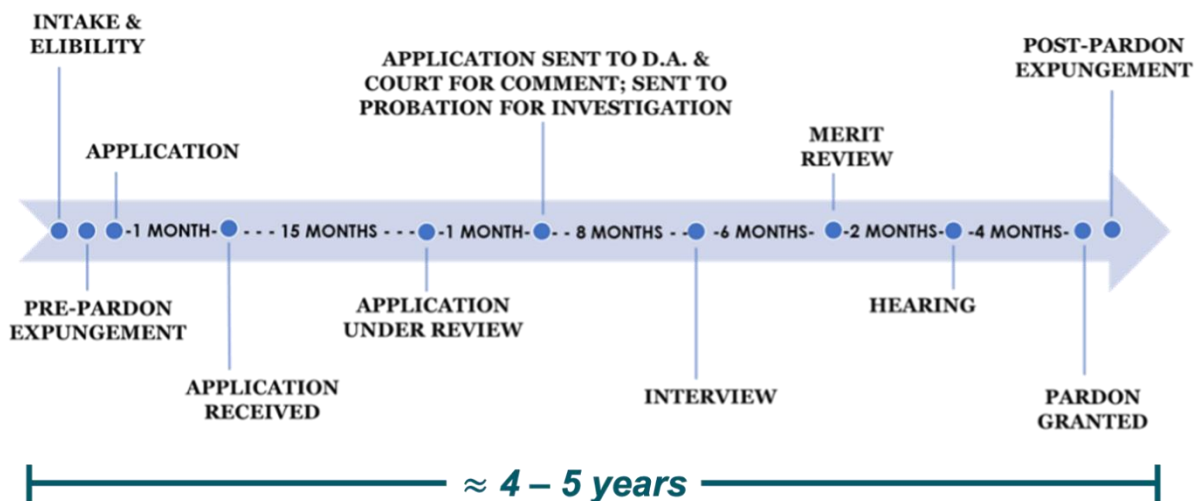
Of note, even when efforts are made to streamline these processes, impacted individuals may not reap the full benefits of record relief. For example, in 2018, Pennsylvania enacted Clean Slate legislation, which created an automated system for sealing eligible misdemeanor records (Dietrich, 2020). Although an incredible 40 million cases have thus far been sealed as a result of these efforts (My Clean Slate PA, n.d.), program beneficiaries often do not realize that their records have been sealed and, therefore, may continue to self-select out of certain opportunities (e.g., employment, housing) where they may face a background check.²

² Individuals with a record in Pennsylvania can identify whether their record has been sealed and/or whether it is eligible for additional record clearing opportunities at <https://mycleanslatepa.com/help/>.

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Pardon. Given the limited types of cases that can be sealed or expunged in Pennsylvania, many individuals with a history of criminal legal system involvement who wish to clear their records seek a pardon. A pardon is a clemency option, where the State forgives a person’s criminal record. Pardon applicants begin the process by obtaining specific documents from the court systems where their cases were disposed (e.g., Common Pleas Court, Municipal Court). The required list of documents includes the criminal complaint, affidavit of probable cause, indictment information, final plea, sentencing, and proof of payment of financial obligations (Pennsylvania Board of Pardons, n.d.). If any documents are unavailable, petitioners must obtain a letter from the court stating such (Pennsylvania Board of Pardons, n.d.). Applicants, then, must submit these forms along with several recommended documents, such as a personal statement, recommendation letters, diplomas, certifications, or other documents to support their request (Pennsylvania Board of Pardons, n.d.). After the petitioner sends off the application, it can take up to one month for receipt and acknowledgement and an additional 15 months for a review for completeness. The figures below illustrate the average timeline for obtaining a pardon in Pennsylvania, based on conversations with Philadelphia lawyers engaged in pardon work.

PHILADELPHIA PARDON TIMELINE



After the initial review, the pardon application goes to the Board of Probation for further processing, and approximately eight months later, applicants must participate in an interview with a probation officer about their application, after which the officer submits a report and recommendation about the individual’s application to the Board of Pardons. After receiving the report, the Board of Pardons conducts a final merit review to decide whether an application

should move forward to the hearing phase—these merit review sessions typically occur three times a year. Pardon hearings occur approximately two months after the merit review sessions; applicants must answer questions from the Board during these hearings, and the Board often hears about 60 to 80 cases in one day. After completing all hearings held on a given day, the Board makes its decisions about all pardon applications; applicants must receive agreement from three out of five Board members before the Board will send their pardon request to the Governor for final approval. Anywhere from a few months to more than a year later, the Governor approves or vetoes a pardon request. Importantly, after receiving a pardon, individuals must then engage in a post-pardon expungement process (as described above), contacting the court in each county where they had a criminal record to file for expungement based on their pardon.

Additional Barriers. Beyond the long and complex processes associated with pursuing record clearing opportunities, individuals who seek record clearing support are often faced with the impossible decision of whether to miss work and earning wages, find and pay for childcare, and forego other responsibilities to see a lawyer about clearing their record. Further, the burden of proof in record clearing processes often falls on the petitioner, who may have to argue against prosecutors who object to their record clearing efforts (Murray, 2017; Prescott & Starr, 2020). These barriers are especially prohibitive to those individuals already struggling with poverty and discrimination. Moreover, many individuals are unfamiliar with local record clearing options and may be unaware they are eligible (Pressley, 2022).

Increasing Record Clearing Efforts

Advocates have identified publicly accessible record clearing clinics—typically offered by public interest legal organizations—as a potential way to address some of the challenges that impede eligible individuals from pursuing record clearing opportunities (Lageson, 2016; Prescott & Starr, 2020; Radice, 2017). During such clinics, legal organization representatives offer free services directly to community members *in* the community, thereby making the process more accessible and affordable (Prescott & Starr, 2020). After meeting with individuals at these clinics, legal organization staff and volunteers often file paperwork, secure fee waivers, and support the applicant through the intensive pardon process to avoid pitfalls commonly associated with non-lawyers attempting to navigate complicated legal systems on their own (McCormack, 2021; Prescott & Starr, 2020).

In Detroit, biannual expungement fairs are a free “one-stop solution”, providing opportunities for participants to start and submit their expungement applications with the help of an attorney in one sitting without prolonging the process (Johnston, 2021). Community organizations advertised these expungement fairs, reportedly knocking on 52,000 doors to raise awareness (Johnston, 2021). Word also spread through block parties, community development programs, and churches, as word of mouth appeared to be the most successful marketing strategy (Johnston, 2021). At two expungement fairs held in 2019, 169 people completed expungement applications. In Detroit and Philadelphia, recent expungement fairs have had larger than anticipated turnouts, spurring more expungement clinic initiatives (Johnston, 2021; Moselle, 2022).

The Promise: Expanding Access to Record Clearing Through Community Clinics

As part of its efforts to reduce poverty in Philadelphia, The Promise—a public-private partnership between the United Way of Greater Philadelphia and Southern New Jersey and City government—launched its Jobs & Opportunity Challenge to remove barriers to securing, stabilizing, and growing income for city residents by supporting collaborative, community-led efforts to increase access to record clearing options (The Promise, 2023). Specifically, The Promise has provided grant funding to 18 community-based organizations, each to host two record clearing clinics in their respective communities with free onsite legal services provided by Philadelphia Lawyers for Social Equity (PLSE), Community Legal Services (CLS), and the Defender Association of Philadelphia. In addition to the free legal consultations, the community clinics also include resource fairs which representation from services such as record-friendly employers, housing assistance, substance use prevention, and more. Those individuals who are deemed eligible to apply for sealing, expungement, and/or pardon during their free legal consultation are taken on as clients of the legal organization for the duration of their application process(es) and follow-up.

Clinic host organizations were specifically chosen to reach the greatest diversity of individuals possible and to target communities with the highest need of these services, including formerly incarcerated individuals, individuals of African and Caribbean descent, Latinx and Spanish-speaking individuals, and other marginalized and underserved communities (The Promise, 2023). Furthermore, The Promise is committed to evaluating both the quality of the clinics as well as relevant outcomes for clinic attendees. To that end, The Promise has partnered with the Juvenile Justice Research and Reform Lab at Drexel University to evaluate the implementation and outcomes of the initiative, identifying who is being served and whether short- and long-term goals are being achieved, including those related to employment, criminal justice, and sense of wellbeing. Additionally, The Promise is leading a public awareness campaign about the clinics to inform the general public about the impact past convictions can have on individuals, families, and the city's economy (The Promise, 2022). Through these concerted efforts, The Promise aims to build a stronger workforce, create safer communities, and leave fewer people in financial crisis.

Conclusion

Criminal records exact a long-lasting toll on individuals by impacting their employment prospects, sustainable housing options, and educational goals. These struggles can then spread into their family relationships and communities, eventually casting a wide net of barriers and challenges across many life domains. Some evidence suggests that clearing records (i.e., via sealing, expungement, and/or pardon) should positively impact individuals' lives by improving employment and housing prospects, reducing the likelihood of returning to the criminal legal system, supporting educational achievement, and promoting overall wellbeing. However, individuals eligible for record clearing rarely pursue the opportunity—perhaps because of several structural and personal barriers. Record clearing clinics, which link eligible individuals to legal organizations that can assist throughout complicated application processes, have shown significant promise as a potential way to increase the use of record clearing opportunities.

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