

Clean Slate Program
Office of the Public Defender
City & County of San Francisco

2007-2008 Evaluation Findings

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LFA maximizes the impact of social-profit organizations through rigorous evaluation, research, and strategy development



Executive Summary

Introduction

The Clean Slate Program extends legal advocacy beyond an arrest or disposition by the Court so that clients may avail themselves of opportunities to “clean up” their criminal records, even decades after their criminal case is closed. Individuals who have had an arrest or criminal conviction in San Francisco may contact the Clean Slate Program for provision of legal assistance and advice, clarification about aspects of their criminal record, help correcting their RAP sheet, or referrals to other service and legal advocates. Clean Slate also conducts community outreach and holds weekly Walk-in Clinics at five community-based sites. All services are coordinated and provided by only three full time staff, located in the Office of the Public Defender: one attorney, one paralegal, and one legal clerk.

Why Are Clean Slate Services Critical?

When the motions pursued by Clean Slate are granted in court, many barriers to clients’ self-sufficiency are lifted, opening more pathways to achieving individual socio-economic goals. As a direct result of the legal outcomes achieved by Clean Slate, clients experience increased employability, housing eligibility, improvements in immigration status, and improvement in their sense of self-worth. Information gathered from academic literature, experts in the field, and Clean Slate clients on how these legal remedies impact client’s lives is summarized below:

- Both the stigmatization of, and legal regulation related to having a criminal record can create legal and practical barriers to gaining employment, housing, education, and public benefits.
- Criminal records are increasingly becoming more available to those outside the criminal justice system, providing greater opportunities for the record to interfere with critical systems and opportunities, such as employment and housing.
- The 1998 reauthorization of the Higher Education Act of 1965 prohibits ex-offenders pursuing higher education from receiving Federal aid, limiting the educational opportunities of those with criminal records.
- Employers are more adverse to hiring ex-offenders than other disadvantaged groups and employers’ tendency to check backgrounds has risen over the past decade.
- Lack of access to stable and affordable housing experienced by ex-offenders can also make it more difficult for parents with criminal records to locate and obtain employment.

- Clean Slate pursues seven types of legal motions on behalf of qualifying clients:
1. Expunge a Conviction Record (Ca PC§1203.4)
 2. Terminate Probation Early (Ca PC§1203.3)
 3. Reduce a Felony Record to Misdemeanor (Ca PC§17b)
 4. Obtain a Certificate of Rehabilitation (Ca PC§4852.01 et seq)
 5. Seal and Destroy an Arrest Record (Ca PC§851.8)
 6. Seal an Arrest Record (Ca PC§851.9)
 7. Record of Arrest and Release (Ca PC§849.5)

- Ex-offender parents with felony drug convictions on their records are banned from receiving Temporary Assistance to Needy Families (TANF) and Food Stamp benefits, further impacting their children’s health and wellbeing.
- Having a criminal record can interfere with an immigrant’s naturalization process.

Clean Slate Clients and Outcomes

Who are Clean Slate Clients?

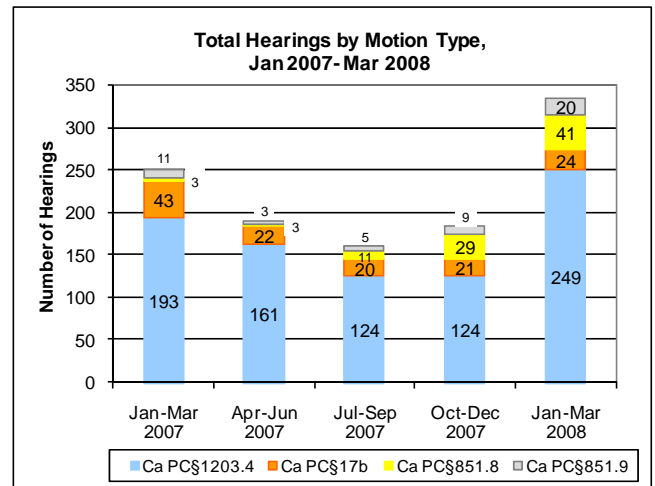
A summary of data on client characteristics, income and family circumstances, and criminal history was compiled by reviewing 99 randomly selected Clean Slate case files.

- Nearly half (49%) of Clean Slate’s clients have dependents; of those, 55% have two or three dependents.
- Just over one-third (36%) are employed, and most (75%) of those who are employed earn an annual income of \$3,000 or less.
- Over one-third (38%) report that they receive public benefits.
- Over one-third (36%) of clients have been arrested only once but on average, clients have been arrested seven times or more.
- Over half (57%) of clients were last arrested at least four years before applying to Clean Slate.
- Nearly one-third (30%) of those seeking Clean Slate’s services were never convicted of any crime for which they were arrested.

What is the impact of Clean Slate legal remedies on clients’ lives?

Ninety percent of the motions Clean Slate staff pursue on their clients’ behalf are granted in court. This high success rate removes significant barriers for Clean Slate clients to employment, housing, public benefits, civic participation, immigration, and the attainment of other social, legal and personal goals.

Excluding miscellaneous motions to correct RAP Sheet errors, Clean Slate staff filed 729 motions in 2007, of which 90% were successfully granted.¹ The vast majority of those cases were expungement cases (550), with much smaller, but substantial numbers of Ca PC§17b cases (71) as well as Ca PC§851.8 and 851.9 cases (28 total). Eight clients received a Certificate of Rehabilitation.



CLEAN SLATE received the “Program of the Year Award” in 2006 by the California Public Defender’s Association

¹ Administrative program data tracking motions and outcomes for Calendar Year 2007

For full report go to: <http://sfpublicdefender.org>