

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:

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)

- 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.
- 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.

Evaluation Overview

As one of the City and County of San Francisco's original reentry programs, the Clean Slate Program has been operating for a decade. The Office of the Public Defender engaged LFA Group (formerly LaFrance Associates, LLC) to conduct a two-pronged evaluation of the program's processes and outcomes, aiming to identify ways to expand the scope of its service provision and improve the efficiency of its operations. The following research questions guided the evaluation:

Process Evaluation

- How can Clean Slate improve their outreach?
- How can Clean Slate enhance service quality and efficiency?
- How can Clean Slate better use staff time?
- How can Clean Slate streamline their case processing and gain control over existing caseload?
- How can Clean Slate improve filing, organization, and electronic data systems for tracking client's progress and producing reports?
- How can Clean Slate serve more people?

Outcomes Evaluation

- What does Clean Slate do for their clients?/ What types of legal advocacy are provided?
- Who are Clean Slate's clients?
- What are a typical client's life circumstances?
- What barriers do clients' criminal records present for them?
- Why do clients seek Clean Slate Services?
- What is the impact of Clean Slate legal remedies on client's lives?
- What do clients gain from and value about participating in Clean Slate?

Evaluation Methods

A mixed-methods evaluation design enabled both quantitative and qualitative assessment of Clean Slate's client needs, services, and impact. The evaluation was informed by reviews of literature and Clean Slate program materials, interviews with key stakeholders, program observation, and analysis of randomly selected case files¹, including RAP sheets, and other program data. The table below includes the complete list of data collection methods used for the process and outcomes aspects of the evaluation.

¹ Random selection of case files was used to ensure that the 99 client cases reviewed would not systematically differ from non-reviewed cases. This enables us to be reasonably sure that the information compiled from the case review is representative of all Clean Slate clients, allowing general conclusions to be drawn.

EVALUATION METHOD	EVALUATION COMPONENT	
	Process	Outcomes
Review of 99 randomly selected Clean Slate case files, including RAP sheets	✓	✓
Observation of Clean Slate outreach sessions conducted at a community-based organization serving ex-offenders	✓	
Observation of a Clean Slate Walk-in Clinic	✓	
Review of Clean Slate program materials, reports and web-based information on the Office of the Public Defender's website	✓	
Review of internal Clean Slate program data	✓	✓
Interviews with potential clients seeking intake through a Clean Slate Walk-in Clinic	✓	
Interviews with Clean Slate staff	✓	✓
Interviews with 13 prior Clean Slate clients	✓	✓
Interviews with legal experts		✓
Review of academic research studies examining life consequences of criminal records		✓

Clean Slate Program Processes

The process evaluation assessed the processes by which Clean Slate reaches out to and serves its clients. Strengths and areas for development are identified for three areas of activity: **outreach and marketing**; **client intake**; and **case processing**.

Outreach and Marketing

In order to increase community awareness about the Clean Slate Program's legal remedies available, the staff attorney and paralegal conduct approximately four community outreach sessions per month. Clean Slate also disseminates program materials through community based organizations that serve potential Clean Slate clients.

Strengths

- ✓ Clean Slate makes its program information and outreach materials available in multiple languages and tailored to audiences with low literacy levels. This helps ensure that Clean Slate services are made available to vulnerable populations that may have few or no other legal resources.
- ✓ Clean Slate has initiated production of an educational video to introduce potential clients to the program. This may reduce the burden on the small Clean Slate staff by expanding

their reach beyond in-person outreach sessions, reducing their time spent clarifying the basics of Clean Slate processes with new clients, and helping clients with lower literacy levels be more clear on the process from the start.

Recommendations

We offer these recommendations for building on Clean Slate's existing strengths and successes to improve its outreach processes and increase efficiency in helping new clients access services:

- Outreach presentations should include background information about the structure of the criminal justice system and the role of criminal records, a description of Clean Slate's purpose and qualifications, expectations about clients' responsibilities.
- Outreach materials should clearly define the scope of Clean Slate services and provide referrals for collateral issues.
- An anonymous web-based questionnaire could help some clients self-identify whether or not they qualify for Clean Slate services and then outline the process of filing motions. Because this requires Internet access and computer literacy, a similar paper-based screening tool should also be made available for potential clients that cannot access the web-based tool, and can be offered at community-based organizations and other outreach sites.
- Increased outreach to referral sources such as defense attorneys, probation officers, and community-based organizations could help target Clean Slate's services to more clients who could benefit from having their criminal records addressed.

Client Intake

The Clean Slate program accepts new applicants via mail, phone, online or in person. Potential clients are required to complete a Clean Slate application form, which asks for background information regarding demographics, income, criminal history, and their reason for seeking legal assistance. A RAP Sheet with the client's criminal history in San Francisco is also required at intake in order to verify arrests or convictions that may qualify for an available legal remedy. Clean Slate staff see both new applicants and current clients on a drop-in basis at their Walk-in Clinics located in five locations throughout the community.

The vast majority of new cases are expungements (CA PC§1203.4 or 1203.4a) but Clean Slate also accepts a substantial number of requests for Seal and Destroy (CA PC§851.8) actions.

Strengths

- ✓ The variety of venues available for potential clients to apply for Clean Slate services maximizes accessibility of the program and provides multiple intake channels.
- ✓ A highly qualified and knowledgeable staff ensures that clients receive accurate information about their cases and expected processes at the time of intake.

Recommendations

- Improved outreach and education materials, such as a video in the waiting room, would smooth the intake process by properly preparing clients. More clients would arrive ready with paperwork, understanding the process, and ready to fulfill their obligations.
- Create a contract agreement between clients and Clean Slate in order to hold both clients and staff accountable to follow-up in a timely manner and allow for a standardized script of the terms of agreement.

Case Processing

The process for Ca PC§1203.3, 1203.4, 1203.4a, 17b, 849.5, 851.9, and 4852.01 is as follows:

1. Clean Slate staff review the application, review the client's criminal records, and create a case file.
2. Clean Slate staff request additional documentation from other agencies and from the client to support the client's application.
3. Upon receipt of all necessary documents, the motion is prepared and a declaration is sent to the client.
4. Upon receipt of the signed declaration, the motion is served and a court date established.
5. The motion is heard in court where the matter is either continued, granted, or denied.
6. Records of the outcome are sent to the client and relevant agencies.

The process for Ca PC§851.8 is different because it requires establishment of factual innocence and additional layers of legal process are required before the motion can be heard. Therefore, processing of these cases requires intensive investigation and documentation of the circumstances surrounding the arrest.

Strengths

- ✓ Staff are knowledgeable and committed, and serve an extremely high volume of clients with only three full-time positions.
- ✓ The newly developed Clean Slate database to store and track client and case information will increase the efficiency of case processing and make it easier for Clean Slate staff to retrieve and use case information to serve clients.

Recommendations

- Reduce Delays and Closures due to Client Non-Response by:
 - Clarifying and enforcing client obligations;
 - Assigning each case to a single case manager at intake;
 - Establishing customer service standards; and
 - Hiring additional staff, even if only in the short term. An additional clerk could help process the backlog of cases and assist with other administrative tasks to which Clean Slate staff do not have time to give their attention. Additional staff would also help meet the high demand for Clean Slate services, including outreach and education.
- Reduce the number of non-qualified clients admitted to Clean Slate by:
 - Re-strategizing Ca PC§851.8; and
 - Strengthening relationships with other agencies.

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.