

LOUISIANA NEEDS A CLEAN SLATE

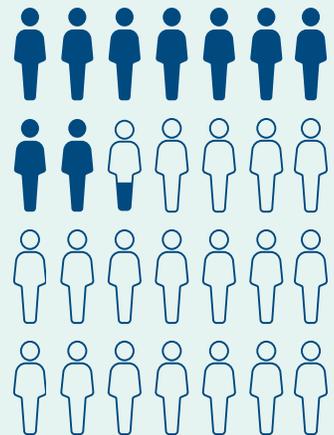
Louisiana faces several challenges connected to its criminal justice systems: the highest incarceration rate in the country, a high poverty rate (partly due to lack of a statewide reentry system for people to get back on their feet after they're released from supervision), and no easy way to clear old criminal records. While these are complex challenges, one common-sense policy solution can simplify the state's overly complicated process of clearing old criminal records for thousands of people. By addressing this one challenge, we can remove barriers to employment and education for those who have served their sentences. This is more important than ever in the wake of COVID-19 to ensure that Louisianans with criminal records aren't left behind when the economy begins to reopen.

WE CAN ALL AGREE THAT A CRIMINAL RECORD SHOULDN'T BE A LIFE SENTENCE TO POVERTY - IT'S TIME TO MOVE TOWARD GIVING LOUISIANANS A CLEAN SLATE.

WHAT WOULD A CLEAN SLATE POLICY MEAN FOR LOUISIANANS?

- + A clean slate can remarkably change the lives of Louisiana's children, half of whom have a parent with a criminal record. Removing barriers to employment for parents can help ensure their children have stable housing, perform better in school, and can even improve children's employment achievements into adulthood.
- + A clean slate makes Louisiana safer by getting more people back to work, thereby reducing recidivism through higher employment rates.
- + A clean slate ensures that we won't hamstring our post-COVID-19 economic recovery by preventing the **1.2 MILLION** Louisianans living with criminal records from returning to the workforce. Removing these barriers means less long-term government support like unemployment or emergency aid related to homelessness.
- + A clean slate means that everyone looking for work post COVID-19 has a fair chance at finding employment and supporting local businesses. Louisianans with old criminal records who secured a job but lost it in the COVID-19 crisis might suddenly find that an old record will hamper their ability to return to their career.
- + A clean slate saves all Louisiana taxpayers money by reducing the court system costs that currently go towards processing record-clearing petitions.
- + A clean slate means judges, prosecutors, legal practitioners, and citizens can participate in record-clearing safely and efficiently. Automated record clearing means less person-to-person contact, which is critical as we adjust processes to ensure social distancing practices to help prevent the spread of COVID-19.

**1.2 MILLION IS
ONE THIRD OF
LOUISIANA'S POPULATION**



“ Louisiana's clean slate legislation provides an opportunity for persons who have been involved in the criminal justice system to navigate the complex and expensive expungement process. People with criminal backgrounds confront numerous barriers in their effort to return to their community as productive citizens. Reforms that remove unnecessary barriers and provide greater opportunities for employment, housing, and assimilation into their communities have a positive effect on recidivism rates and keep our communities safer.. ”

- SCOTT PEYTON, LOUISIANA RIGHT ON CRIME

LOUISIANA'S RECORD-CLEARING PROCESS IS EXPENSIVE AND OVERLY COMPLICATED.

Even though Louisiana law already provides for expungement of old criminal records in many instances, the procedure to clear a record makes it nearly impossible.

- ✦ **Louisiana has the highest filing fee in the country:** At a minimum of \$550 per qualifying conviction, Louisiana leads the nation in expungement filing fees. This cost is beyond the reach of most people who are impacted by the criminal justice system.
- ✦ **A lack of uniformity means a time-intensive, confusing process:** Each court/judicial district may require filing different court records with the required expungement forms and each clerk may have different costs to obtain those records. Several clerk's offices do not keep the required motion paperwork at the office to provide to expungement-seekers. In some cases, when records are lost (in natural disasters, for example), there is increased difficulty and extra steps in retrieving and clearing.
- ✦ **No centralized record-keeping:** To clear a record, an expungement-seeker has to get paperwork from at least three different agencies - paperwork from the Clerk of the Court, a certification letter from the District Attorney's office, and a background check from the parish sheriff or the Louisiana State Police. If the local records and state records do not match, an expungement-seeker may need to request other records and amend the legal paperwork. Sometimes, they have to pay and file in different places, or carry materials by hand from one place to another.
- ✦ **Requires frequent individual follow-up:** Courts may not move the process forward without frequent, persistent follow-up from an expungement-seeker or their attorney. Most people don't have the time to devote to this process.
- ✦ **Current laws often don't align with realities of court practices:** For example, if the clerk waits for the legal maximum of 60 days before scheduling an expungement on a docket, the decision could be further delayed 4-6 weeks depending on the court's calendar. After an expungement is granted, the State Police might need an additional 2-3 months to clear the record and send the person official confirmation the record has been sealed.

HOW DO WE MOVE TOWARD A CLEAN SLATE SYSTEM?

Passing a set of legislation that:

- ✦ Allows for continued study and data analysis to determine an efficient and cost-effective process for automation
- ✦ Speeds up the paper-based expungement process for both the court and petitioners - freeing up court time
- ✦ Accommodate first-time offenders to reduce recidivism

CURRENT LEGISLATIVE PROPOSALS

Pass HCR29: Reauthorize the Task Force, consisting of the Louisiana District Attorneys Association, the Louisiana State Police, and the Louisiana Supreme Court, among others, to continue the work they have been doing over the past year to plan for record clearance automation.

Pass HB 510: Allow the Louisiana State Police to share confidentially de-identified criminal justice system data with the Task Force's technical assistance partners so we can determine the scope and impact of Clean Slate automation for Louisiana going forward.

Pass HB 178: Supports judicial discretion by extending eligibility for expungements for individuals who receive alternatives to incarceration, especially in cases where defendants are in recovery treatment programs.

Pass HB 179: Provide an opportunity for people with disabilities, veterans who may suffer from PTSD and cannot work, family members or caretakers of disabled veterans who cannot work, and retired people to benefit from expungement by eliminating the current requirement for ten years of employment documentation for six specific convictions.

Pass HB 241: Permit individuals who are ALREADY eligible for multiple expungements to achieve reentry success sooner by eliminating secondary waiting periods. This bill also clarifies that the current prohibition on expungements applies only to individuals in physical custody of DOC.