



Free markets. Real solutions.

## R SHEET ON THE CLEAN SLATE INITIATIVE

October 2021

### BACKGROUND

**A**fter decades of overcriminalization and mass incarceration, [1-in-3 Americans](#) now have a criminal record. The record persists even if the individual is not convicted or has successfully completed their sentence and repaid the debt to society. This record acts as a permanent barrier to education, employment and housing stability. Digital access to criminal records [makes it easier](#) for employers to disregard suitable candidates based solely on a prior criminal conviction. Similarly, banks, educational institutions and landlords use this information to disqualify applicants.

Though expungement processes exist, they are underutilized due to the cost and cumbersome steps. [The Clean Slate Initiative](#) is a bipartisan policy model that offers people a second chance by sealing their criminal records after they have been crime-free for a certain number of years. States are empowered to use the model to seal criminal records automatically so that individuals can pursue and secure the resources they need to remain law-abiding.

### CURRENT DEBATE

Advocates for the Clean Slate Initiative [argue](#) that automatic record sealing is a necessary first step in restoring post-conviction rights for eligible persons after their sentence has been served and they have remained law-abiding for a specified period of time. The current system is too time-consuming and cost-prohibitive to be used as intended, resulting in [millions](#) of Americans having their prior contacts with the legal system on full display. The ease of access prevents these individuals from securing the basic resources they need to remain contributing members of society.

[Seventy percent](#) of American voters, across party lines, support state-level clean slate legislation and see it as a commonsense approach to improving reentry and reducing recidivism. A University of Michigan [study](#) found that record sealing significantly increased employment

### SUMMARY

- The Clean Slate Initiative is a policy model that empowers states to enact legislation to seal criminal records for qualified candidates automatically.
- Sealed records make it easier for individuals to obtain the basic education, employment and housing resources they need to remain law-abiding.
- Detractors fear such legislation puts employers, landlords and the general community unnecessarily at risk.
- Research supports the efficacy of clean slate legislation in bolstering individual opportunities and local and national economies with no additional threat to public safety.

opportunities and wages for justice-involved individuals while reducing recidivism. The streamlined process also decreases the burden on the criminal justice system and reduces taxpayer costs associated with reentry failure. Additionally, the legislation bolsters local and national economies and increases public safety. Increased employment and earning potential translates to less crime and safer communities. Advocates estimate that excluding an entire population of potential employees from the labor market costs the U.S. economy [\\$87 billion annually](#).

According to [The Center for American Progress](#), clean slate legislation also improves opportunities for the children and spouses of formerly convicted persons. Half of the nation's children have at least one parent with a criminal record. This experience impacts brain development, school performance and future earning potential for the child.

Parties opposed to clean slate legislation [fear](#) that absent readily available access to criminal histories, they will be unable to hire employees and volunteers safely. Additional concerns are raised when the opportunities involve vul-

nerable citizens—particularly children, the elderly, and those with mental or physical disabilities.

Opponents also argue that a provision in the [bill](#) that pertains to the destruction of fingerprints, photographs and court records is problematic for law enforcement personnel who rely on such information for investigation purposes. Disagreement exists in determining eligibility standards and length of time one must remain crime-free to qualify for record sealing. Lastly, opponents believe that automatic record sealing [undermines](#) the significance of the law violation and denigrates the impact of the American legal system.

## ACTION ITEMS

In order to assuage the concerns of adversaries, individual state legislatures must craft the language of the bill to define the inclusion and exclusion criteria for eligibility while providing an automatic process for criminal record sealing. Clean slate legislation is critical to ensuring the housing and employment stability associated with reduced criminal offending. These are basic life necessities that people with criminal records need but are unable to access because of their previous contacts with the legal system.

Record sealing allows individuals an opportunity to develop the social capital that deters them from future law violations while improving familial outcomes and stimulating the economy.

[Research](#) dispels the myth that a criminal record should inherently and permanently disqualify an individual from stable and suitable housing, education and employment. The community is no less safe when eligible records are sealed, even for crimes of violence. These individuals are no more likely than the general population to commit a new offense [4-7 years](#) after their most recent offense.

Criminal records ensnare people in a lifetime of poverty and instability that encourages, rather than discourages, criminality. Existing mechanisms for record relief are insufficient and burdensome on the individual and the criminal justice system.

The Clean Slate Initiative is a commonsense approach to reducing recidivism, increasing public safety and restoring the ability of millions of Americans to secure stable employment and housing. This legislation incentivizes justice-involved individuals to complete their sentence

and remain law-abiding so that their records can be wiped clean. Individuals, families and communities can thrive when the prohibitive barrier of a criminal record is removed and all eligible citizens are able to participate fully in society.

## CONTACT US

For more information on this subject, contact the R Street Institute, 1212 New York Ave. NW, Washington, D.C. 20005, 202-525-5717.



Dr. Christi Smith  
Fellow, Criminal Justice & Civil  
Liberties  
[cmsmith@rstreet.org](mailto:cmsmith@rstreet.org)



Jillian Snider  
Director, Criminal Justice & Civil  
Liberties  
[jsnider@rstreet.org](mailto:jsnider@rstreet.org)