



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

2007-2008 Evaluation Findings

March 2009

Prepared for:

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rigorous evaluation, research, and strategy development**



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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.

I. Introduction

Clean Slate Program Overview

The San Francisco Office of the Public Defender engaged LFA Group (formerly LaFrance Associates, LLC) to evaluate Clean Slate, one component of the Office of the Public Defender's Clean Slate/Reentry Unit, which provides a blend of legal, social, and practical support through its Clean Slate and Social Work components. The Clean Slate Program extends legal advocacy past a disposition by the Court so that clients may avail themselves of opportunities to “clean up” their records, even decades after their criminal case is closed.

The Clean Slate/Reentry Unit is the only such dedicated program within a Public Defender's Office in the country. The Clean Slate/Reentry Unit addresses the complex legal and social problems confronted by low-income people involved in the criminal justice system in San Francisco. The Unit strives to eliminate the lifetime barriers to employment presented by having a criminal record, and to maximize the health and self-sufficiency of indigent clients of the Public Defender who are in need of reentry services, including counseling, substance abuse and mental health treatment, education, housing, and support for families.

While provisions in state law allow individuals to “clean up” their records of criminal arrests and/or convictions, most individuals are not aware these provisions exist, nor have access to legal assistance to pursue such relief. Clean Slate services include: 1) Expungement of Criminal Convictions not resulting in a state prison commitment, for which individual can demonstrate s/he has been rehabilitated; 2) Early Termination of Probation if rehabilitation can be demonstrated and there exists a compelling reason, such as a job opportunity dependent on early termination of probation; 3) Reduction of Felony to Misdemeanor Conviction if the interest of justice is served, or an agreement for the reduction was made at the time of conviction; 4) Certificate of Rehabilitation for criminal convictions that resulted in State Prison term completed at least seven years prior, with demonstrated rehabilitation; 5) Seal and Destroy Arrest Record for an arrest not leading to a conviction, in which the individual can demonstrate that s/he is factually innocent of the charges for which s/he was arrested; 6) Seal an Arrest Record upon successful completion of a court administered drug diversion program; and 7) Record of Arrest and Release for an arrest and release without charges for any offenses, for which there is insufficient evidence to demonstrate factual innocence.

Clean Slate pursues seven types of legal action, or 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)

Individuals who have a criminal record in San Francisco may contact the Clean Slate component directly, without having to locate his/her former deputy public defender. Individuals can access assistance by completing a single Clean Slate application, available in both English and Spanish at the Walk-in Clinics located at community-based sites, on the Office of the Public Defender's website (www.sfpUBLICDEFENDER.ORG), and via phone or mail by request. Clean Slate distributes

over 6,000 brochures (English and Spanish language) annually, conducts regular community outreach, and holds weekly Walk-in Clinics at five community-based sites, in predominantly African American and Latino neighborhoods most heavily impacted by involvement in the criminal justice system.

Many individuals receive legal advice, clarification about aspects of their criminal records, help correcting their RAP sheets, or referrals to other services and legal advocates. Cases that result in legal action are only a small portion of the total work of the program. In 2007, the Clean Slate program had 2,045 contacts with new clients at their five Walk-in locations and Clean Slate pursued legal action in about 800 cases.²

As of the end of 2007, the Clean Slate program had an open caseload of 4,453 people, yet even this impressive number being served is only a fraction of the program's potential clientele – all those living in San Francisco with local criminal records.³ The Public Defender's Office defended over 20,000 cases in 2007, 9,575 of which were felony cases, and nearly 1 in 5 adults in California are living with a criminal record. Currently, many of Clean Slate's open cases are awaiting legal action. The impetus for this evaluation was partially driven by the desire of the Public Defender's Office to identify ways to serve even more clients that could benefit from Clean Slate's legal services.

Clean Slate Program Evaluation Goals

The first component of the Clean Slate evaluation examined program *processes* – how efficiently the program delivers services. Process evaluations seek to understand how well programs function in terms of their procedures and policies, use of staff time, provision of efficient and high quality services, and organization with regard to administrative and management needs. The Public Defender's Office was interested in a process evaluation that would yield concrete recommendations for improving Clean Slate policies and practices, streamlining case processing, and increasing their capacity to serve more potential clients.

A second component of the evaluation looked at program *outcomes* – the impacts that Clean Slate services have on clients' lives. Outcomes evaluations seek to understand whether services have had the intended effect or consequence. Having a criminal record poses legal and social barriers to achieving personal goals and establishing a healthy, independent lifestyle. Thus, desired outcomes for Clean Slate clients include reduced barriers to employment, education, public benefits and housing, helping them to achieve increased self-sufficiency.

² Administrative program data tracking new Walk-in clients and motions filed by month, January-December 2007. This total number of motions filed this year is lower than in most years because the Clean Slate unit was without an attorney from August 2007 through November 2007.

³ Administrative program data tracking new cases and total active files for Calendar Year 2007

The following research questions guided evaluation methods and provide the framework for this report:

Process Evaluation

- How can Clean Slate improve outreach to potential clients?
- 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 better manage existing caseload?
- How can Clean Slate improve filing, organization, and electronic data systems for tracking client's progress and for producing reports?
- How can Clean Slate serve more people?

Outcomes Evaluation

- What does Clean Slate do for clients? What types of legal advocacy are provided?
- Who are Clean Slate's clients? What are their demographic characteristics and typical client's life circumstances?
- What barriers to clients face from having a criminal record?
- 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?

II. Evaluation Methods

Process

In order to examine program processes, LFA conducted multiple, in-depth interviews with Clean Slate staff,⁴ shadowed program staff conducting consultations and intakes with clients at the Walk-in Clinic, and interviewed thirteen current and former Clean Slate clients. Interviews with Clean Slate clients were twenty-five minutes to one hour in length and examined how they learned about Clean Slate, their reasons for seeking services, their experiences throughout the process, final legal outcomes, and satisfaction with services.⁵ Methods for evaluating outreach processes in particular included in-person observation of an outreach session conducted by Clean Slate's staff attorney, and a systematic review of all brochures and documents used for outreach about the program.

LFA also reviewed existing Clean Slate documents and communications to gain insight into the program's processes, including quarterly reports, grant applications, client correspondence templates, and the Office of the Public Defender's website.⁶ LFA analyzed existing Clean Slate data on program activities by utilizing numerous spreadsheets maintained by Clean Slate staff to track program data such as:

- Number of clients seen at Walk-in Clinics;
- Number of Motions filed of each type, and the outcomes of those motions; and
- Number of cases that closed prior to filing a motion, and the reason for case closure.

Finally, LFA selected a random sample of 99 Clean Slate cases that were closed in the previous two years. Case file review provided additional data on client characteristics, outcomes, referral sources, and time taken to complete Clean Slate legal processing from intake to case closure.⁷

Process evaluation research methods are summarized in the list below:

- Observation of a Clean Slate outreach session conducted at a community-based organization serving people with a record of arrests and/or convictions;
- Site visit and observation of Clean Slate Walk-in Clinic;
- Interviews with:
 - Clean Slate staff
 - Thirteen prior clients of the Clean Slate program;
- Review of 99 randomly selected Clean Slate case files including RAP Sheets; and
- Review of Clean Slate program materials, reports, data, and program information on the Public Defender's website.

⁴ See Appendix A for the interview protocol used with Clean Slate staff.

⁵ See Appendix B for the interview protocol used with former Clean Slate clients.

⁶ See Appendices C and D for Clean Slate program procedures, application, and brochure.

⁷ See Appendix E for the Clean Slate Case File Review Sheet.

Outcomes

LFA and the Office of the Public Defender designed a mixed-methods approach to the outcomes evaluation that leveraged existing research and expertise to maximize the available resources. The potential impact of Clean Slate's work was supported by LFA's review of academic research studies that examined the consequences of living with a criminal record. LFA then built on existing research by interviewing legal experts in field. Thus, the outcomes evaluation component relies on both established academic research and on the insights of legal advocates to understand the consequences of holding a criminal record, and the legal and social benefits that result from cleaning up one's record. LFA then conducted interviews with thirteen current and former Clean Slate clients and with Clean Slate staff in the in order to ascertain whether the experiences documented in the literature specifically apply to Clean Slate clients.

Finally, LFA reviewed the case files of 99 randomly selected former Clean Slate clients. Random selection of case files was used to ensure that the 99 client cases reviewed would not systematically differ from non-reviewed cases. Although case files do not contain information on client's life circumstances after their involvement with Clean Slate, revealing data were available on client's circumstances at intake to the program including demographics, income sources, and criminal history information

The methods used to conduct the Clean Slate outcomes evaluation are summarized in the list below:

- Review of academic research;
- Interviews with:
 - Legal experts and Clean Slate staff
 - Potential Clean Slate clients seeking intake through the Clean Slate Walk-in Clinic
 - Prior clients of the Clean Slate program; and
- Review of 99 randomly selected Clean Slate case files including RAP Sheets.

III. Clean Slate Processes

Direct Client Outreach

Overview

When they first seek out the program, Clean Slate's clients often have limited information about their legal rights or what is involved in cleaning up their criminal record. Many clients would be better prepared for entry into the program if they first learned basic information such as how to read their RAP Sheet, the structure of the court system, and the available legal remedies to clean up their record. Many clients beginning the Clean Slate application process have never seen their RAP Sheet and are startled or confused by what they find written there.

I didn't know anything about it. After the arrest [my father] said that every state has a Clean Slate program and he felt that it was very good to do that process. So I didn't know anything about it, never heard about anything like that.

-Clean Slate client

In order to strengthen community awareness about the Clean Slate legal remedies, the staff attorney and paralegal conduct approximately four outreach sessions at locations in the community per month. Reentry programs, job-training programs, and other services targeting people with a prior conviction are prioritized as outreach locations. The location and schedule of outreach sessions depend on particular program cycles in order to maximize exposure of the Clean Slate program with new potential clients. Outreach sessions consist of about 10-15 minutes of presentation and 30 minutes of question and answer time.

Well, I understood that the process didn't take it off your RAP Sheet or anything like that. But I had heard pretty good things from other people in the city who just had a positive experience with the San Francisco Public Defender's Office.

-Clean Slate client

In the outreach session that evaluators observed, attendees were visibly engaged, curious, and attentive. Clean Slate staff successfully established rapport and a safe learning environment. Clean Slate staff also took time to address legal questions, which attendees likely have no other resources to address. However, the session was a short 35 minutes, and time did not allow for a complete description of Clean Slate's legal foundation or processes. Additionally, Clean Slate staff report challenges keeping up with less essential clerical duties, such as stocking hand out materials at the various community and government organizations, due to the volume of open cases.

Recommendations for Outreach Sessions

Because the Clean Slate staff spend a maximum of 8-12 hours per month conducting outreach activities (oral presentations and replenishing flyers and materials throughout the community), many potential clients remain untapped. With more staff hours devoted to outreach in the community, Clean Slate could reach many more San Francisco residents with thorough and accurate information about their legal rights and the Clean Slate program. However, the lean Clean Slate program, with only 3 staff members, already struggles to keep up with their incoming cases, so directing additional resources and staff time toward outreach and increasing the caseload at this time may not be advisable. Achieving outreach goals with limited resources is challenging, especially if Clean Slate accepts the challenge to go beyond pitching the program in

order to help people understand the consequences of a criminal record and empower them to be proactive in an often frustrating and confusing criminal justice system.

Assuming that some outreach sessions will continue to take place, LFA has outlined below, recommendations to improve the quality of existing outreach sessions and outreach materials. These improvements will help ensure that potential clients are prepared with documentation and reasonable expectations when they apply.

- The staff attorney and paralegal, currently doing outreach sessions, should not be the main people responsible for them because giving oral presentations and replenishing flyers does not require advanced legal expertise.
- Presentations should be certain to include three components: (1) basic background information about the structure of the criminal justice system and the role of criminal records; (2) a description of Clean Slate's purpose and scope, including definitions of who qualifies for the program; and (3) clear expectations about client's responsibilities to follow through with paperwork and appointments in a timely manner. The presentations would be enriched by including visual aids and more consistently providing the standard hand-outs or packets with the Clean Slate brochure, Clean Slate applications, referral resources, and other pamphlets with legal background information for attendees who learn best by reading.

In addition, a strategic approach to outreach that balances the aim to serve more clients with the current high case volume that is stretching existing staff and resources could incorporate the following short-, medium- and long-term goals:

- Short term goals should focus on increasing case processing efficiency, *not* on increasing the current caseload.
- Medium term goals (2-3 years) should focus on outreach within the Public Defender's Office, outreach to other criminal justice agencies, and outreach to programs in the community.
- Long term goals (3-5 years) should include increased outreach and education directly to potential clients in the community.

Recommendations for Outreach Materials

In addition to attending an in-person outreach presentation, LFA evaluators reviewed letters, flyers, handouts, and the Clean Slate website. The following summarizes findings and recommendations from this document review.

The Clean Slate application packet and letters to clients convey an enormous amount of information regarding the Clean Slate process and requirements. Spanish language materials are available on the web and in print, increasing the accessibility of Clean Slate materials and services to Spanish speakers. Furthermore, the website is very comprehensive. It is clear that materials are designed to encourage participation in the program and reduce potential clients' barriers to application. However, inviting participation without always explicitly explaining the necessary qualifications and client responsibilities could potentially create higher intake volume without efficiently targeting eligible participants. Outreach materials could set more realistic expectations

among clients by including a stronger emphasis on client responsibilities and eligibility, as well as clarity around program scope, legal limitations and process timelines.

An additional challenge related to the outreach materials is the high literacy level that follows largely from needing to communicate specific information about legal processes. Materials may be more helpful to a diverse audience if the language were simplified for lower literacy levels and the design were less “dense,” with fewer words to a page and more graphic information. For instance, the Clean Slate Program Description included in the application packet includes one page of text summarizing each possible motion that Clean Slate can pursue on behalf of clients, with clearly delineated steps and procedures outlines on the back. However the language on this important document is at a high literacy level. For instance, Step #6 is packed with legal language that may not be well understood by most clients: “Once we receive the signed affidavit or verification form from you we will file your petition and send you a letter in the mail indicating the date scheduled for a hearing on your petition.” While there may be no simple substitution for legal terms, it may be useful to follow each legally-worded step with a plain-language explanation of the specific actions clients need to take.

Having all materials available in multiple languages would also reduce the burden on staff to clarify issues on the phone and in person with English language learner clients. Not all forms and letters have been translated into Spanish or other frequently spoken languages. In-house interpreters are available for a few key languages. It would be more efficient to provide translated materials than to require English language learner clients to come into the Walk-in Clinic merely for translation when they could otherwise access information themselves.

Because the pool of potential clients for Clean Slate is so broad, outreach materials should clearly define the scope of Clean Slate services and provide referrals for collateral issues. Below are two sets of recommendations on implementing improvements. The first set of recommendations would involve lower immediate costs, while the second set of recommendations would lead to more significant improvements in community knowledge and enhance program efficiency over the long term.

Low Effort

1. Write an outline for standard outreach curriculum to ensure outreach sessions cover key topics:
 - What is a criminal record?
 - What to expect on your RAP Sheet
 - Program activities and purpose
 - Qualifications and eligibility
 - Process and timeline
 - Expectations and paperwork needed
2. Have staff or interns at the Office of the Public Defender design complementary informational packets. Be conscientious about information overload in the print packet, especially for people with lower literacy levels. Have all materials available in Spanish and ensure that packets are replenished regularly. Packets should contain:
 - Application
 - Explanation of:

- Qualifications for each process
- Process and timeline
- Required paperwork
- RAP Sheet request
- State RAP Sheet request
- List of referral agencies for other related issues
 - Referral to other Public Defender Offices for non-SF crimes
 - Immigration and employment related issues
 - SFPD if arrest record is incorrect

High Effort

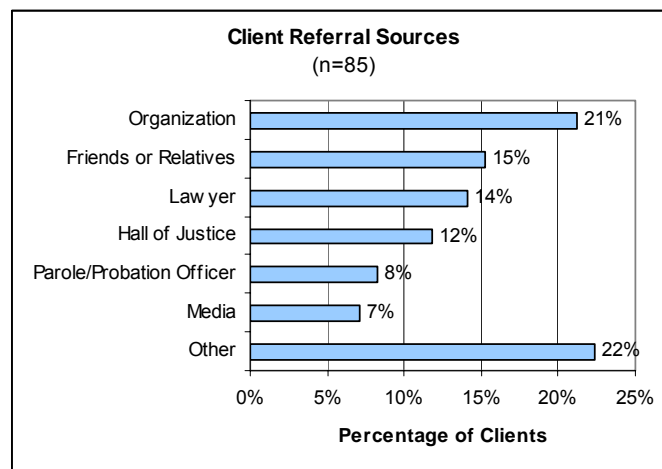
To make more ambitious improvements to outreach materials, Clean Slate could hire an outside consultant to re-design print and web-based materials. Consistent framing and aesthetics would make print information more helpful to potential clients. Clean Slate could also take advantage of interactive media, such as a web-based questionnaire or a video for teaching potential clients about the process.

Referral Sources

Overview

LFA examined case file records indicating how clients had heard about the program and found that more than one-third (34%) were referred to Clean Slate by someone within the criminal justice system: their parole or probation officer, lawyer, or someone from the Hall of Justice. Another 21% were referred by another organization. The remainder heard about Clean Slate from friends, relatives, media or “other” sources (see Exhibit 1).

Exhibit 1.



Additionally, thirteen current and former Clean Slate clients were asked about referral sources in interviews, telling a similar story. Of those interviewed, nearly a third (31%) had heard about the program directly from Clean Slate staff or another criminal justice agency. The same proportion had heard about Clean Slate from an employer, a job training program, or a service provider and four had heard about Clean Slate from family, friends, or general word of mouth. One interviewed client had found Clean Slate by doing independent internet research.

Considering these interview and case file data together, it is evident that Clean Slate has been successful at disseminating information about the program to a wide variety of sources. Social service providers and general members of the community are critically important publicists, directing more than a third of Clean Slate clients to the program. Direct outreach by Clean Slate staff in the community accounts for a significant portion of potential clients, but is balanced by referrals from many other sources in the criminal justice system and the community.

Recommendations for Working with Referral Sources

The relatively low proportion of Clean Slate clients who cite their own defense attorney as their referral source may be attributable to the time elapsed since most clients' last arrest (see Exhibit 13). Because only 15% of clients have had any arrest within a year of seeking Clean Slate services, and close to 60% had not had any criminal justice involvement in over four years, clients are likely to be in closer contact with other organizations and community members than with their attorneys at the time that they are referred to Clean Slate. Given that a cleaned record has important implications for employment, education, and other socio-economic opportunities, it may be advantageous to decrease the amount of time that Clean Slate clients live with their criminal records. Encouraging and supporting defense attorneys to raise awareness about Clean Slate services among the clients they represent may increase the proportion of clients seeking Clean Slate services with more recent records. Clean Slate's outreach to Adult Probation offices, ongoing for the past few years, may also help attract clients with more recent records to the program.

Program staff at community-based organizations are already disseminating information about Clean Slate in the community. Providing a richer, more accurate understanding of the Clean Slate program to these "emissaries" in the community could help draw in appropriate clients, and help community members better understand when they are not eligible for services. Caseworkers and program staff may be in the best position to spend time with potential clients coaching them to understand whether Clean Slate is right for them, making it valuable to cultivate their understanding of the program.

After implementing strategic changes related to educating and collaborating with various sources of referrals, Clean Slate staff may want to analyze key client characteristics by referral source to assess whether certain sources or strategies result in more efficient recruiting of appropriate clients to the program.

Client Intake

Overview

The Clean Slate program accepts new applicants via mail or phone, or in-person at one of their five Walk-in Clinics. 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

They make it available to the entire community as far as where they have locations on different dates so you don't have to come to the Public Defender's Office. A lot of ex-offenders have aversions to officers... you know- that clinical, quartered system. So the [satellite locations] make it accessible, very easy to follow up and follow through.

local criminal history is also required at intake. Using the local RAP Sheet, Clean Slate staff are able to verify

How did you first come into contact with Clean Slate?

Originally, I got the number and called. But I am more of a hands-on type person, so I went down to the Public Defender's Office on Tuesday and I met with [a Clean Slate staff member] and she basically told me what she needed me to do.

-Clean Slate client

I never did the Walk-In Clinic. I just showed up in Court and did everything through mail, whatever they asked me to give them.

-Clean Slate client

arrests or convictions that may qualify for an available legal remedy. Clients obtain their local RAP Sheet in person at the Hall of Justice or request it via mail from the San Francisco Police Department. Clean Slate staff assist clients who have difficulty with the process or who do not reside locally to obtain their RAP Sheet.

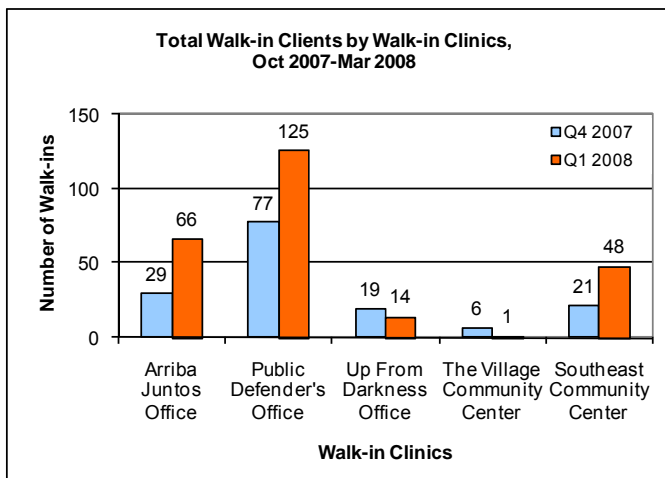
Among clients who are residents of San Francisco, the largest proportion resides in Visitation Valley (15%) and the Bayview (13%), yet the Walk-in Clinics in these neighborhoods are the least busy (see Exhibit 2). The Public Defender's Office may wish to explore why these Walk-in Clinics are under-utilized and explore the potential to increase the number of clients who take advantage of these satellite locations in their neighborhoods.

Walk-in clients sign in at the front desk, where staff verify that they have a completed application and RAP Sheet. Clients then wait until the staff attorney or paralegal can see them in order to review their RAP Sheet, discuss options, and describe the process. Wait time at the Public Defender's Office location can be over an hour long. At the Arriba Juntos Office and the Southeast Community Center, wait time can vary but averages about 10 minutes. Clients who go to the Up From Darkness office in the Western Addition or the Village Community Center in Visitation Valley rarely have to wait to be seen. After a brief conversation with legal staff about arrests or convictions on their record that qualify for a remedy, clients are given the option to move forward with one or more of the cases. They are then provided direction on next steps and paperwork they will need to obtain for Clean Slate to argue their case.

In general, clients were very satisfied with the intake process, regardless of whether they applied in person or via mail. The overall satisfaction with service is particularly impressive given that staff process many new cases during just a few hours at busy Walk-in Clinics. Interviewees also noted the convenience of the satellite Walk-in locations. These Clinic locations help Clean Slate reach clients in a

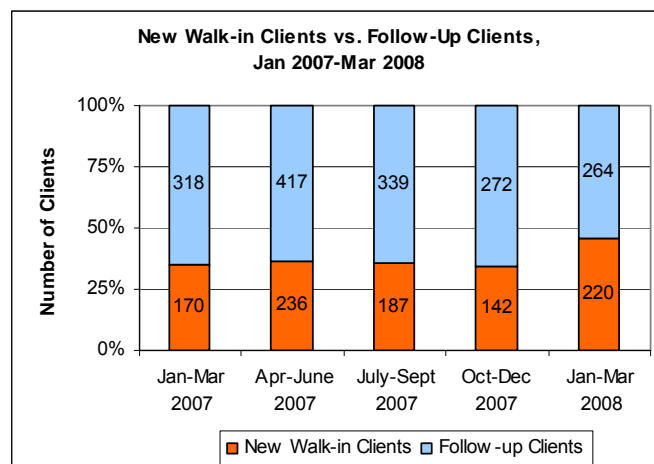
At the [Walk-In Clinic] they explained to me what was happening, what could be done, what couldn't be done. The next meeting was when I turned in my homework.
-Clean Slate client

Exhibit 2.



Arriba Juntos Office (Mission)
Public Defender's Office (South of Market)
Up From Darkness (Western Addition)
The Village Community Center (Visitation Valley)
Southeast Community Center (Bayview/ Hunters Point)

Exhibit 3.



comfortable and convenient setting. Generally, the program has succeeded in feeling accessible to clients with diverse preferences since staff provide feedback and guidance in a variety of ways: on the phone, in person, and in written letters.

Recommendations

The speed and efficiency required to process large numbers of new applicants unfortunately but necessarily can compromise customer service capacity and attention to detail in the intake process. For instance, at one Walk-in Clinic, a new client arrived upset at seeing offenses that s/he had not committed on her/his RAP Sheet. S/he had difficulty absorbing the information that Clean Slate cannot rectify miss-assignment of arrests. Because this client arrived angry and confused, he had difficulty listening and left the intake without understanding his required next steps for pursuing the expungement he had originally intended to address.

An educational video in the waiting room will smooth the intake process by properly preparing clients. More clients would arrive ready with paperwork, understanding the process, and ready to fulfill their obligations. Clean Slate is currently making such a video to show in the waiting room during Walk-in hours. This video should be designed with multiple audiences in mind so that it is also useful tool for outreach and education to referral agencies. This video can then serve dual purposes: (1) ease intake and reduce the time spend clarifying the basics of Clean Slate processes with new clients, and (2) reduce the burden on staff to conduct in-person outreach.

An additional step to help clarify roles and responsibilities at intake would be an agreement for services or agreement for services between Clean Slate and the client. Such a contract would hold both clients and staff accountable to follow-up in a timely manner, and would also provide an opportunity for intake staff to follow a standardized “script” with clients by reading through the terms of agreement. An agreement for services should include the following elements, which together raise the bar on service quality, professionalism, and client responsibilities:

1. Agreed upon legal action(s)
2. Agreement that client meets qualifications and has disclosed to best of their knowledge any disqualifications such as a pending matter in another county
3. List of required documents
4. Timeline for client to submit documents
5. Clean Slate’s policy when client do not submit in a timely manner, e.g.:
 - a. One letter and one phone call following up on deadline date
 - b. Letter notifying of case closure after grace period (e.g. two weeks)
 - c. Case closure after period of non-response (e.g. one month)
6. Explanation of next steps and timeline after documents are submitted
7. Assignment to a single point of contact/case worker for questions and issues prior to court date.
8. Strict adherence to Clean Slate’s current policy on responding to client inquiries, e.g.:
 - a. Return calls within 48 hours
 - b. Respond to letters received within 5 business days
9. Clear explanation of process by which clients can report customer service complaints
10. Process by which clients can request follow-up appointments

Case Processing

Overview

While the intake process is universal, after intake Clean Slate staff manage each case differently depending on the client's situation and the legal remedy being pursued. For instance, preparing a motion for Seal and Destroy (Ca PC§851.8) requires a very different type of investigation than does Expungement (Ca PC§1203.4).

LFA worked closely with Clean Slate staff to document the case processing of each type of remedy and to identify sources of potential delays at each step. Appendix F contains detailed process diagrams illustrating the steps Clean Slate staff follow on behalf of their clients.

Very broadly speaking, Ca PC§1203.3, 1203.4, 1203.4a, 17b, 849.5, 851.9, and 4852.01 follow similar processes, with the exception that certain types of cases require persuasive evidence that the client has been rehabilitated, while other cases can be granted as a matter of right. Those clients who need evidence of rehabilitation have more work to do and require extra follow up from staff.

The process for all of the above legal remedies is as follows:

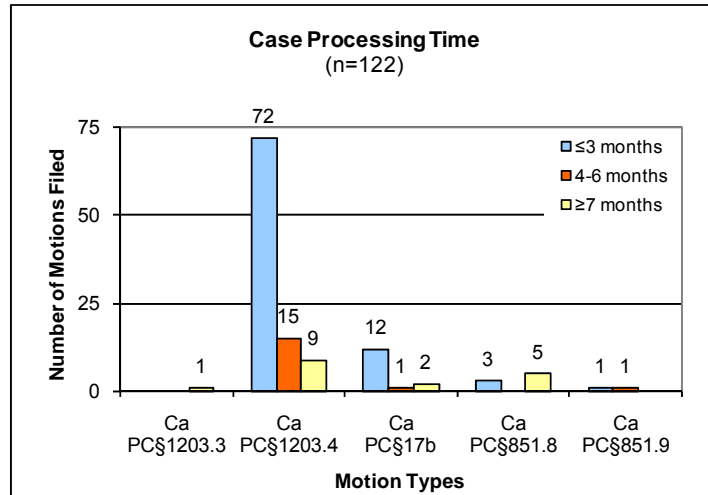
1. Clean Slate staff review the application, review the client's criminal records, and create a file.
2. Clean Slate staff request additional documentation from other agencies and from the client.
3. Upon receipt of all necessary documents, the motion is prepared and a declaration is sent to the client.
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. Record of the outcome are sent to the client and relevant agencies.

The process for Ca PC§851.8 is different for two reasons (1) building enough evidence to establish factual innocence requires intensive investigation and documentation of the circumstances surrounding the arrest; (2) additional layers of legal process are required before the motion can be heard, such as an informal petition signed by the client, subpoena and investigation requests submitted to court, and a timeliness motion to "preserve time" for all cases in which nearly two years have already passed since the arrest date.

Case Processing Time

The overall efficiency of Clean Slate is astonishing, with 800 legal motions filed in 2007-08. The expertise, focus, and dedication of Clean Slate’s lean team (only three staff) are largely responsible for success of the program. In addition to an experienced and motivated staff, program efficiencies are enhanced by the fact that logical, linear, steps are defined for each type of case. Clean Slate has established standardized steps to progress the case consistently forward. Furthermore, staff collaborate well together in order to move cases through the process. For instance, the staff attorney spends time providing advice to other staff as they work to gather evidence for a given case. Nevertheless, program efficiency could further be improved. Client non-response, delays from other agencies, and inefficient technology and tracking systems all contribute to delays. See the case processing diagrams in Appendix F for more details about the triggers for delays throughout the process.

Exhibit 4.



Success Rate

Clean Slate has a very high success rate on cases that are heard in court, particularly for Ca PC§1203.4 and 17b cases. Ninety percent of all cases heard are granted. Some cases in which a motion was filed were not granted because they were taken off calendar/withdrawn from the court calendar or because they were denied by the Judge. In January to March of 2008, 13 Ca PC§1203.4 cases were taken off calendar or withdrawn because it came to light that the client had a pending case in another county or had been convicted of an offense that did not qualify for expungement according to law. In the first quarter of 2008, 60 PC§851.8 cases were denied due to insufficient evidence for factual innocence or because the motion was not timely (had passed the two year marker for filing).

Exhibit 5.

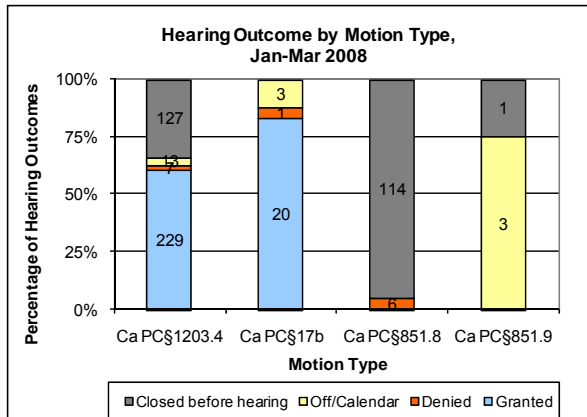
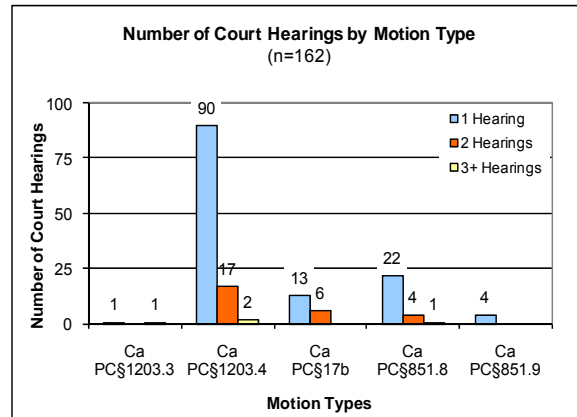


Exhibit 6.



Recommendations

The recommendations section that follows recommends five strategies to reduce case processing time, reduce early case closures, and improve overall program efficiency.

1. Reduce the number of non-qualified clients admitted to Clean Slate
2. Keep clients engaged throughout the process
3. Address technology problems
4. Strengthen relationships with other agencies
5. Re-Strategize Ca PC§851.8

1. Reduce the number of non-qualified clients admitted to Clean Slate

Require that the application is filled out completely and signed

A substantial number of Ca PC§1203.4 cases close because the client has an out of county conviction or a pending case that they did not disclose on their application. Clean Slate only learns about these matters after running the client's name through the Court's Case Management System (CMS) database or requesting their state RAP sheet.

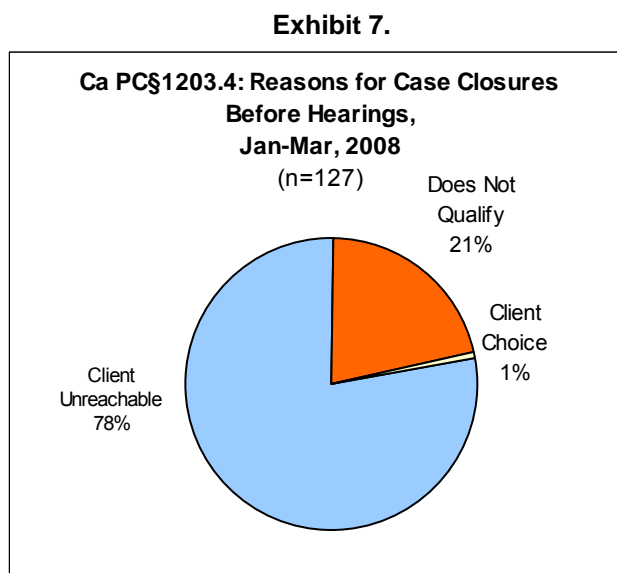
Create a Web-Based Questionnaire

An anonymous web-based questionnaire could guide potential clients through a series of questions that identifies whether or not they qualify for Clean Slate services. For community based programs serving many people with prior criminal justice system involvement, an electronic questionnaire would enable case management staff to help their clients take the first step in achieving legal relief and relieve Clean Slate staff of this first screening of potential clients. The questionnaire should conclude by outlining next steps and clearly delineate the paperwork that clients must bring to their first Clean Slate meeting. 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.

2. Keep client engaged throughout the process

Many processing delays and premature case closures happen when clients fail to stay engaged with the Clean Slate program. As shown in Exhibit 7, 78% of Ca PC§1203.4 cases were closed before hearing, because Clean Slate staff were not able to reach the client at the address or phone number provided on the application.

It is universally challenging to maintain contact with the very low income, transient, and often homeless populations that the Public Defender's Office serves. Efforts to maintain momentum and engagement with clients, including more frequent check-ins about



case status, may help Clean Slate reduce delays and closures due to client non-response.

Establish Customer Service Standards

In interviews, most clients reported feeling that Clean Slate staff were dedicated, informative, and responsible in meeting their needs. However, some former clients reported difficulties reaching staff, delays in having their calls returned, and suspicions that their case “fell through the cracks.” Ensuring that clients experience more consistent attention can help both client satisfaction and program efficiency. When staff are inconsistent in following up, clients may be less likely to take their own obligations seriously and thus contribute to case processing delays.

Existing standards and practices for returning phone calls, emails, and letters within specific timeframes are designed to help the program run smoothly while ensuring that clients feel engaged and respected. Unfortunately, with only three staff, it is impossible to maintain consistently high standards for customer services. This issue of inconsistent client attention is an area that would benefit from streamlined case processing and additional staff.

Hire Additional Staff

Because Clean Slate handles such a high volume of cases, it is inevitable that staff occasionally fall behind or cannot return all calls in a timely manner. It would be unreasonable to expect staff to meet consistent customer service standards unless the caseload per staff person is at a manageable level. Not only would the program be able to serve more people with more staff, but overall program efficiency would improve. By lowering the caseload per person to a more manageable size, each case could be processed more quickly.

Assign Each Case to a Single Case Manager at Intake

Clean Slate can improve the overall intensity and consistency of case management services by assigning each case to a single case manager after intake. The current system of sharing all cases makes for confusion and diffuse responsibility. For instance, when a client calls in, their case file may be sitting on the desk of a staff person who was working on the case. The client then has to remain on hold while the call recipient locates the paper file, delaying the process. The newly created Access database will eliminate such delays. Conducting intake, building Ca PC§851.8 cases, writing motions, and appearing in court all require legal expertise and must be undertaken by the Clean Slate Attorney. However, the bulk of work on most cases after intake involves corresponding with the client and with outside agencies to collect documents. After intake, each case could be assigned to either the Clean Slate staff clerk, or to the Clean Slate paralegal, who would be responsible for corresponding with the client and preparing the file and the documentation needed for a motion to be written. That same case manager would be responsible for ensuring the client is notified of court dates and court outcomes. By assigning clients to a single case manager, processes will be more streamlined and services will be better coordinated. Having a single contact at Clean Slate will also alleviate some of the clients’ confusion with the process and better direct clients’ questions to the appropriate staff member.

Enforce and support client obligations

Clean Slate should continue to provide caring, individualized support to those who are motivated to participate but also be up front with clients about their obligations for participation in the program. Because Clean Slate is free and designed to serve indigent clients as part of the Public Defender’s Office, it faces challenges in serving clients who may not be fully committed to follow-through or whose current circumstances make it difficult for them to do so. Creating

non-monetary “barriers to entry” will help the program focus service on people who are truly motivated to clean up their criminal record. A more rigorous intake process, making client obligations clear, is an important screening mechanism. If possible, coupling obligation clarity with support for meeting these obligations – for example, assistance with preparing letters and other documentation – as well as referrals for meeting ancillary needs may help clients be more responsive and better able to deliver their necessary documents and obligations.

3. Address Technology Problems

The Clean Slate office experiences some technology slow-downs that can interfere with efficiency at multiple steps of the process. Basic office supplies and appliances, such as a functional copy machine, are essential for the function of any program. Office supplies and technology are particularly critical for Clean Slate because the program engages complex, multi-step, legal processes that require much paper-work and correspondence.

More importantly than the office supply and copier issues that most offices experience are the challenges with case record infrastructure. For example, program staff cannot share internal tracking sheets or open electronic files from other sources. Staff also lack access to client information from off-site Walk-in Clinics. Every time a current client comes in with a question about the status of their case, staff must call the office and have the file pulled and read, which can take up to 15 minutes. The Excel tracking sheet currently maintained by staff would help answer basic questions if staff could bring a laptop to read and update the file. An appointment system would also ensure that staff are prepared to discuss particular cases. If Clean Slate is to serve more people more efficiently, they must adopt improved case management and tracking systems.

Recommendations on low, medium and higher effort options are provided below.

Low Effort

Build on the existing Excel tracking sheets for improved visual scan and completeness. If the Clean Slate team reviewed these tracking sheets to ensure that they contained all relevant client information and case-processing steps, they could enable the program to be more organized and efficient. Simple upgrades to computers and software would allow staff to share and update the tracking sheets in real time.

Medium Effort

Using the existing tracking sheets as a foundation, build an Access database that includes user-friendly forms for doing data entry on clients at relevant points in their case process. Access has two substantial advantages over Word and Excel, the programs now used for tracking data. Access can link forms to spreadsheets, so that staff can enter data into a very user-friendly form without having to navigate busy spreadsheets of data. Access can also create custom reports that would make it easy to report on client demographics, caseload activity, and program effectiveness. For instance, an automated report could produce a list of clients who need a 30 day letter.

Update: A client database has been developed and is now in place.

High Effort

The most flexible, functional, and user-friendly option for data management would be to purchase an “off the shelf” case management system from one of many available vendors. More and more programs rely on web-based products to maintain client and program data. Implementing such a system would involve higher up-front costs for customizing the system to Clean Slate’s needs, training staff, and doing data entry on current clients. However, once implemented it would increase efficiency if staff use the program consistently. It is recommended that Clean Slate explore the options and expense for such data management system. It may not be financially viable for a small program like Clean Slate to invest in such a system.

As an alternative to investing in a web-based system specifically for the Clean Slate program, staff should investigate Gideon’s development and the Public Defender’s involvement with JUSTIS. Gideon/JUSTIS may be able to accommodate Clean Slate’s needs.

4. Strengthen relationships with other agencies

In addition to delays created by lack of client response, many delays noted in the attached case processing diagrams reflect problems receiving paperwork from other agencies and programs. The Adult Probation Department, the Police Department, and even the Public Defender’s Office itself create delays for the Clean Slate program. The Police Department takes 4-6 weeks to provide a copy of the RAP Sheet, the County Clerks Office takes 2-3 weeks to provide the court docket, and the Adult Probation Department refuses to provide record of whether fines, fees, and restitutions have been paid by Clean Slate’s client. The Public Defender’s Office should consider how to continue to build bridges with outside agencies where ever possible. Some agencies may be unable or unwilling to collaborate without added incentives, so approaching negotiations with willingness to compromise may be necessary. Clean Slate could open dialogue through discussion of a memorandum of understanding agreement which acknowledges the role and responsibilities of Clean Slate and highlights the benefits of a cooperative policy. Roadblocks posed by outside agencies often hinge on a single uncooperative individual, rather than an agency-wide policy. In these cases building personal relationships may help information and materials flow in a more timely manner.

5. Re-Strategize Ca PC§851.8

Arrests rarely qualify for the Seal and Destroy process if two or more years have passed since the date the incident occurred. However, in prior years the District Attorney did not oppose waiving the time limit. Now that this rule in the penal code is being enforced more strictly, Clean Slate has a backlog of Ca PC§851.8 cases which have exceeded or are nearing their time limit. Clean Slate is closing many Ca PC§851.8 cases prior to hearing when clients do not submit all of the required documentation evidencing rehabilitation within the time limit. Currently, Clean Slate outlines the required documentation in an

introduction letter and again in a 30-day follow up letter. Clean Slate needs a strategy to efficiently process their existing caseload of Ca PC§851.8 cases and a new policy on how to handle such cases in the future. Exhibit 8 displays the reasons for closing Ca PC§851.8 cases prior to hearings in the first quarter of 2008, and Exhibit 9 specifies the reasons given for these cases not qualifying – the most common reason for case closure – for Ca PC§851.8 motions.

Clean Slate has recently implemented a process to slow their acceptance of Ca PC§851.8 cases, which are resource intensive and often unsuccessful, until they have formulated a clear strategy for success. Ca PC§851.8 cases take 2-4 times more attorney time than any other type of motion because building and arguing the case for factual innocence is time consuming. Furthermore, these cases are less and less successful in court. From January to March of 2008, 114 Ca PC§851.8 cases were closed before any motion was filed because the attorney determined that the cases were not appropriate for PC§851.8 relief. Sixty cases were filed and heard in court, and all which were denied. In early 2009, Clean Slate instituted a process to prioritize the filing of Ca PC§851.8 motions for clients that submit all required documentation within 30 days of application to Clean Slate. This new process has allowed Clean Slate to close cases that would otherwise remain open, with no motions filed, and quickly reaching the two-year mark. This new process of prioritizing the acceptance of Ca PC§851.8 cases with all required documentation has increased the likelihood for success, and is reducing the backlog of cases that have exceeded or are nearing their time limit.

Exhibit 8.

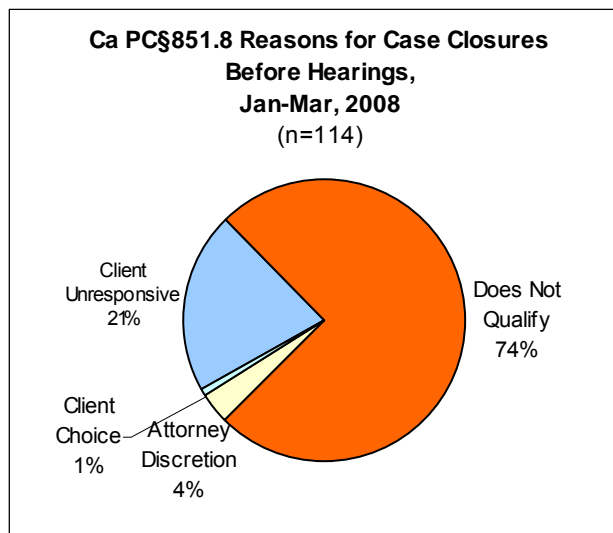


Exhibit 9.

Reasons Cases Do Not Qualify for Ca PC§851.8 Jan-Mar 2008 (n=85)	
Beyond two years of arrest ¹	75%
Detention Only ²	12%
Diversion Dismissal ³	11%
Other County Arrest ⁴	1%
No disposition/arrest in County Clerks Office ⁵	1%

¹ Ca PC§851.8 only qualify within two years of arrest.

² Not an arrest, Ca PC§851.8 does not apply.

³ Not available by law; Ca PC§851.8 does not apply.

⁴ Arrests outside of San Francisco City and County do not qualify.

⁵ No record of arrest.

IV. Clean Slate Services, Clients, and Program Outcomes

Program Activities

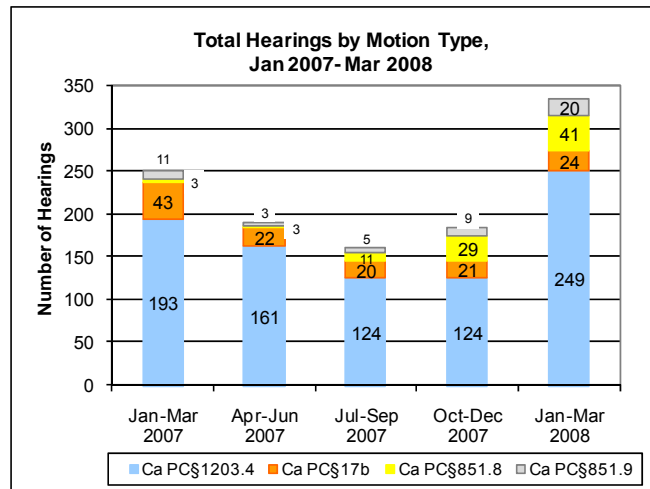
Clean Slate pursues seven types of legal action, or motions, on behalf of qualifying clients:

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)

In addition to these seven motions, Clean Slate assists clients with many collateral and related issues, such as employment, housing, public benefits, civic participation, immigration and other issues complicated by the criminal record. Staff spend time filing miscellaneous motions to correct state and local RAP Sheets, getting conditions taken off RAP Sheets that should have already been removed, and ensuring that all Clean Slate petitions successfully granted are reflected on the RAP Sheet. Each type of RAP Sheet error must be handled differently. Clean Slate staff report that about 50% of issues can be cleared up simply by notifying the police department of error. However, another 50% require some legal process or court order for the correction to take place. For instance, search conditions tied to probation sometimes remain on the RAP Sheet long after probation has ended. If that individual is pulled over in the future, police officers will see incorrect information regarding their right to search.

Administrative data tracked by Clean Slate staff on hearings, new cases by motion type and case outcomes in 2007 and the first quarter of 2008 are summarized in Exhibits 10 through 12. Excluding miscellaneous motions to correct RAP Sheet errors, Clean Slate staff filed 729 motions in 2007, of which 90% were successfully granted.⁸ 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.

Exhibit 10.



⁸ Administrative program data tracking motions and outcomes for Calendar Year 2007

Exhibit 10 shows the number of motions heard in court during each quarter of 2007 and the first quarter of 2008. Data were not available on Ca PC§849.5 and 1203.3.

Exhibits 11 and 12 show that 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). There are far fewer intakes for all other motion types. In general, Ca PC§17b and 1203.3 motions are pursued in tandem with an expungement.

Expungement: Ca PC§1203.4

Expungements represent the primary motion pursued by the Clean Slate Unit. In 2007, Clean Slate filed 550 petitions for Expungement. Expungement does not erase a case from the record entirely but it results in a notation on the individual's RAP Sheet indicating that the conviction has been "dismissed." Both state and local RAP Sheets should reflect the expungement. However, Clean Slate staff estimate that 25% to 30% of expungements are not properly documented and require follow up with the California Department of Justice or San Francisco Police Department in order to fully update clients' RAP Sheets. Expungement also allows individuals to

reply "no" on most private employment applications that ask whether they have been convicted. Certain individuals qualify for expungement by matter of right (Mandatory Petition), while other expungements can be granted by judge's discretion (Discretionary Petition).

Individuals are eligible for a mandatory expungement if:

1. They were convicted of a misdemeanor or felony but were not sentenced to state or federal prison.
2. The conviction was not for listed sex offense or for an infraction.
3. They successfully completed all terms of probation, had no new arrests during the probationary period, and paid off all fines, fees, and restitutions.
4. They are not on probation or parole and do have any pending charges in any county.

Individuals are eligible for a discretionary petition even if they fail to meet criteria 3 or 4, if they are able to present a compelling reason for the court to grant the petition. In San Francisco, this often requires evidence to persuade the court they are fully rehabilitated despite violations of probation or new criminal matters that have occurred since the original offense.

Exhibit 11.

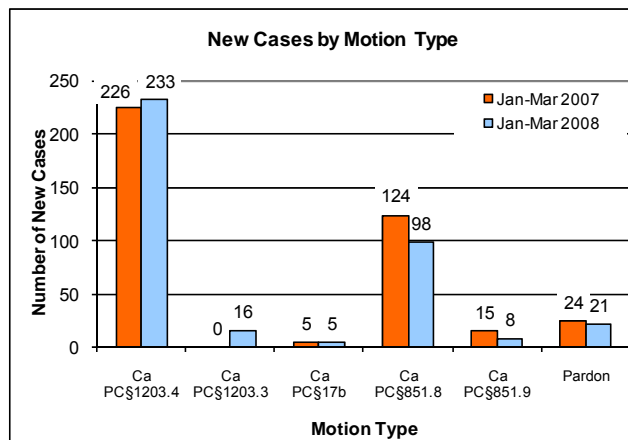
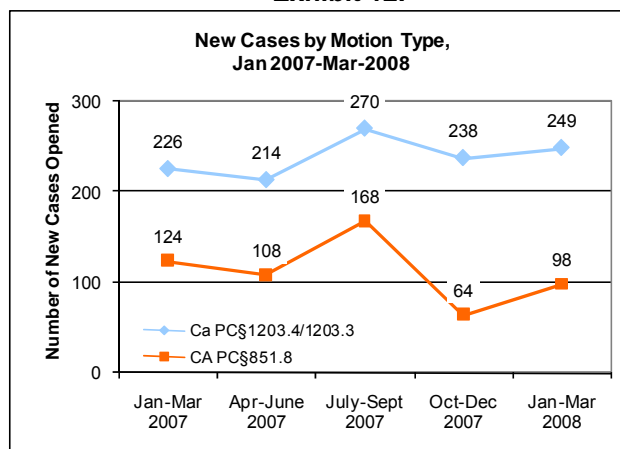


Exhibit 12.



Terminate Probation Early: Ca PC§1203.3

People who are on probation do not qualify to have their conviction record expunged and face additional barriers. The court can terminate the period of probation before the complete term has been served in cases where “the ends of justice will be subserved,” meaning that the client has a concrete and persuasive reason for needing the early termination- such as a job offer that depends upon being off probation. The penal code also requires “good conduct and reform of the person so held on probation,” meaning that they must have successfully fulfilled all conditions of probation. In some cases, early termination was also agreed upon at the time of conviction.

Once probation is successfully terminated, Clean Slate may pursue an expungement. Ca PC§1203.3 and 1203.4 are always pursued in tandem.

Reduce a Felony to a Misdemeanor: Ca PC§17b

Certain types of offenses may be prosecuted as either a felony or a misdemeanor. Clients with a felony conviction sometimes, at the time of conviction, receive an agreement for the conviction to be reduced to a misdemeanor conviction after part of their probation term has passed. For those listed offenses, and in cases where there is a compelling reason to reduce the conviction, the Court may reduce the level of the conviction on record for a probationer. Ca PC§17b may be pursued in tandem with Ca PC§1203.3 and 1203.4 for clients on probation.

Certificate of Rehabilitation: Ca PC§4852.01 et seq

Clients who were convicted of felony or certain misdemeanor sex offenses and sentenced to prison do not qualify for expungement, but can apply for a Certificate of Rehabilitation and a Pardon. In order to qualify, they must have been released from incarceration at least seven years ago and demonstrate that they have been fully rehabilitated, meaning they “live an honest and upright life, conduct [them]self with sobriety and industry, exhibit a good moral character, and conform to and obey the laws of the land.”

The Certificate of Rehabilitation is granted by Court as evidence of rehabilitation and then considered by the Board of Prison Terms, which conducts Pardon Investigations on behalf of the Governor. Whenever a person is granted a full and unconditional pardon by the Governor the client regains all rights of citizenship, including the right to vote.

If granted, the Department of Justice and the Federal Bureau of Investigation are required to make a record so that whenever the conviction is reported, it includes the fact that the client received a certificate of rehabilitation, or pardon, or both. However, reports from the Public Defender’s Office staff indicate that the state RAP Sheets do not reflect this information.

Seal and Destroy an Arrest Record: Ca PC§851.8

If a person was arrested but not convicted, then they may petition to have their arrest records sealed by the police department. The police department and the Department of Justice also “request the destruction of any records of the arrest which they have given to any local, state, or federal agency or to any other person or entity. Each such agency, person, or entity within the State of California receiving such a request shall destroy its records of the arrest and such request.” Furthermore, reference to the arrest in other investigative police reports must include the notation “Exonerated” when referring to the arrestee. After the Seal and Destroy is granted, the person may legally state that they were never arrested.

In order to have their arrest record sealed and destroyed, the client must be found “factually innocent,” meaning that the court has no reasonable cause to believe that they committed the offense and the petition must be filed within two years of the date of arrest unless there is a valid reason for not requesting the seal and destroy earlier.

Seal an Arrest Record: Ca PC§851.9

Some clients are eligible to have their arrest record sealed without proving that they are factually innocent of the crime. These clients are served by Ca PC§851.9 which allows people who enter a “deferred entry of judgment” for specific types of drug crimes, and who then successfully complete a court administered drug diversion program, to have their arrest record sealed. As in the case with Ca PC§851.9, the client may then state that they were not arrested for that charge.

Records sealed pursuant to Ca PC§851.9 are not tied to fingerprint images or criminal history records. However, the arrest can be disclosed in future court hearings where relevant to certain drug-related cases.

Record of Arrest and Release: Ca PC§849.5

People who are arrested and then released without being charged with any offense, are entitled to have their arrest record include a record of release. After this action, the arrest is not termed an “arrest” but a “detention only.” When there is insufficient evidence to demonstrate factual innocence, Clean Slate pursues Ca PC§849.5.

Who are Clean Slate’s Clients?

What follows is a summary of data on client demographics, income and family circumstances, and criminal history. These data help describe Clean Slate’s client base and highlight the many barriers that this population faces to establishing a stable, self-sufficient, and thriving livelihood after arrest or incarceration. Data were compiled by reviewing 99 randomly selected Clean Slate case files. Case files include 1) initial applications for Clean Slate services, 2) RAP Sheets with local San Francisco arrests and convictions, and 3) Clean Slate progress notes with information on client correspondences and court dates.

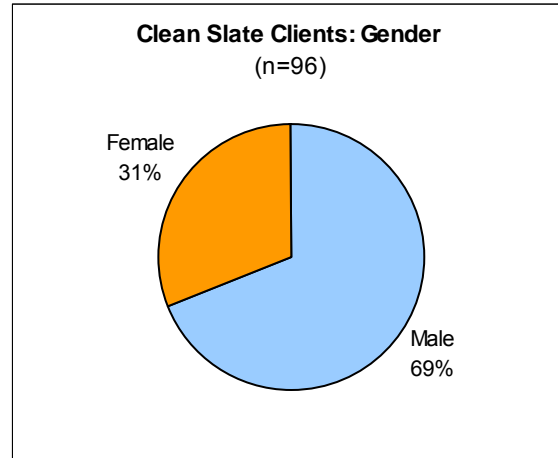
Limitations of Case File Data

Data on initial application forms are self-reported by clients. Self-reported data should be interpreted cautiously, as some clients may feel uncomfortable fully disclosing personal and financial matters. The data that follow on gender, dependents, annual income, and income from public benefits are drawn from initial application forms. Please note that some clients did not respond to every question on the application. Thus, for each graph the “n” denotes the number of clients for whom data were available.

Local RAP Sheets were used to analyze the criminal backgrounds of Clean Slate clients and were also used for information on race. However, RAP Sheet data are imperfect and contain data entry errors. Race data, in particular, is known to be less reliable and should be interpreted cautiously. It is also important to note that the San Francisco RAP Sheets only contain local criminal history. Arrests and convictions that occurred in another county are not captured in this analysis of Clean Slate client’s criminal history.

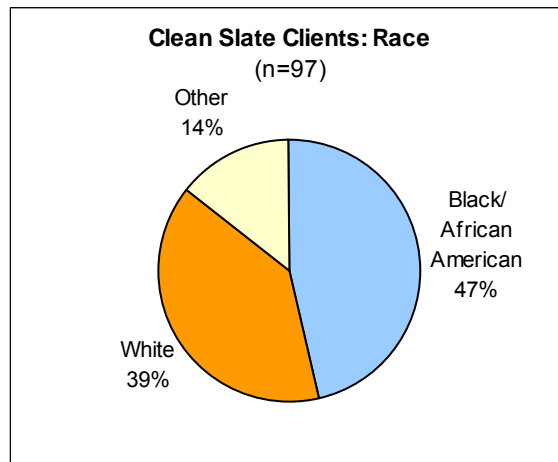
- Males comprise 69% percent of the sample, while the remaining 31% was female.

Exhibit 13.



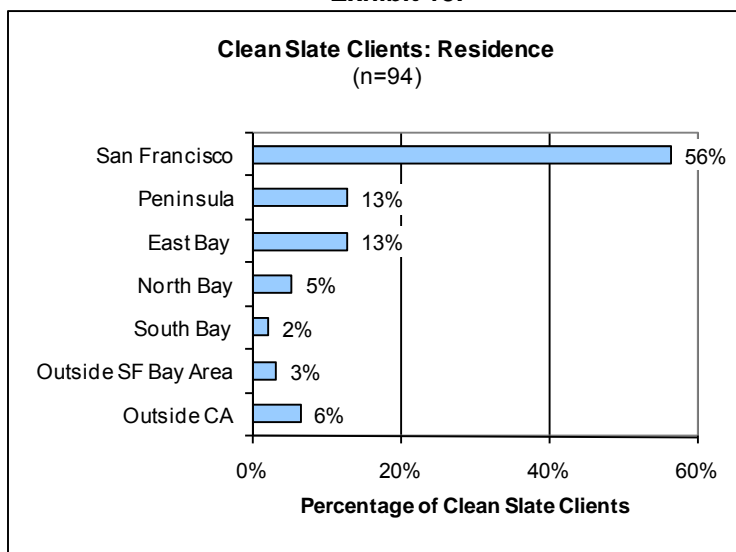
- According to data from client RAP Sheets, almost half (47%) of the sample is Black/African-American, while Whites accounted for 39%. Fourteen percent identified as "Other." Note that RAP Sheet data are entered by law enforcement officers at the time of arrest and booking. Officers use their own discretion in determining race and, because this information may not be self-reported by the individuals themselves, it may be inaccurate. Furthermore, the database which holds this information (CMS) only has three options for race/ethnicity. Currently the Sheriff's Department and Police Department are updating systems to address this issue.

Exhibit 14.



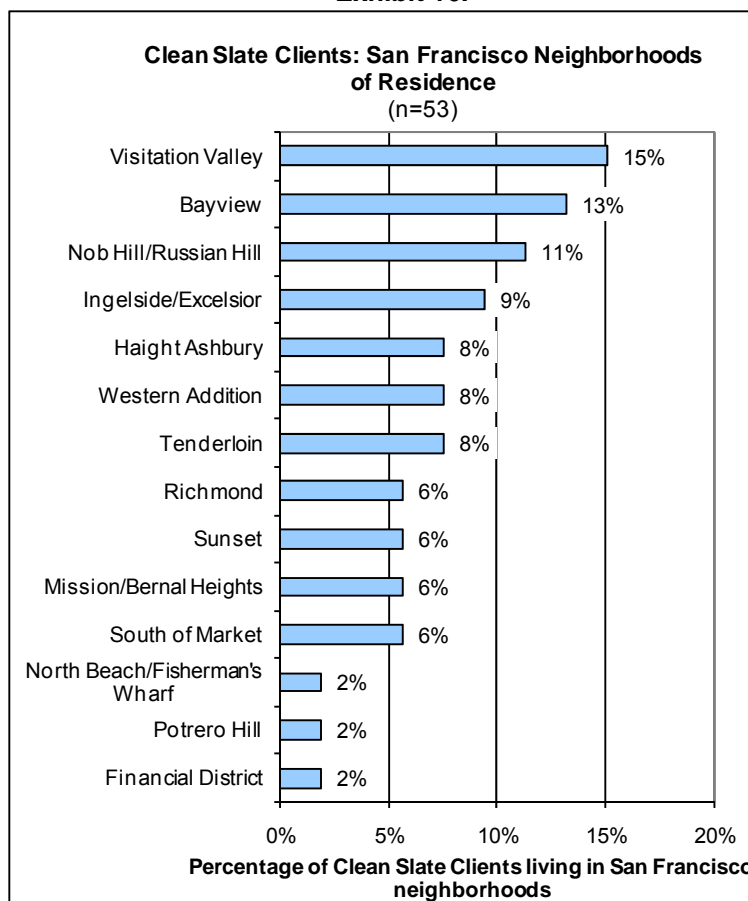
- Over half (56%) of Clean Slate clients reside in San Francisco, while 33% of the program's clients reside in other parts of the SF Bay Area.

Exhibit 15.



- Clean Slate clients who reside in San Francisco live predominantly in the Southeast (Bayview, Visitation Valley, Excelsior) and Russian Hill/Nob Hill neighborhoods.

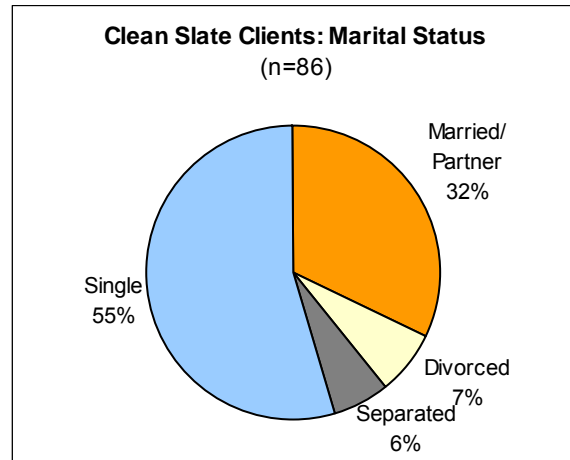
Exhibit 16.



Visitation Valley=94134; Bayview=94124; Nob Hill/Russian Hill=94109; Ingelside/Excelsior=94112; Haight Ashbury=94117; Western Addition=94115; Tenderloin=94102; Richmond=94121; Sunset=94116, 94122; Mission/Bernal Heights=94110; South of Market=94103; North Beach/Fisherman's Wharf=94133; Potrero Hill=94107; Financial District=94104.

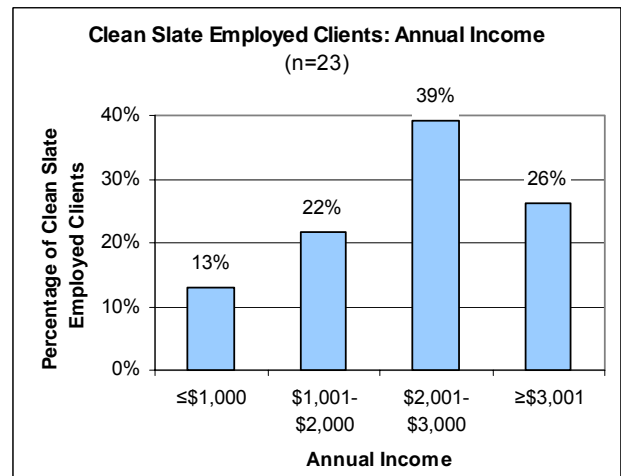
- More than half (55%) of Clean Slate clients are single, while a smaller proportion (32%) are married or are living with a partner. The remaining 13% are either divorced or separated from their partner.

Exhibit 17.



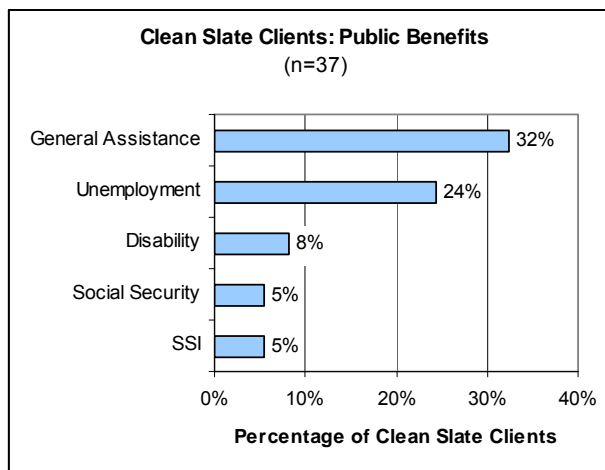
- Nearly half (49%) of clients have dependents. Of those with dependents (n=22), 32% have one dependent and 55% have two or three dependents. Fourteen percent have four dependents or more.
- Just over one-third (36%) of clients are employed. Of those, three quarters earn an annual income of \$3,000 or less. The median annual income of Clean Slate clients who are employed is \$2,500.

Exhibit 18.



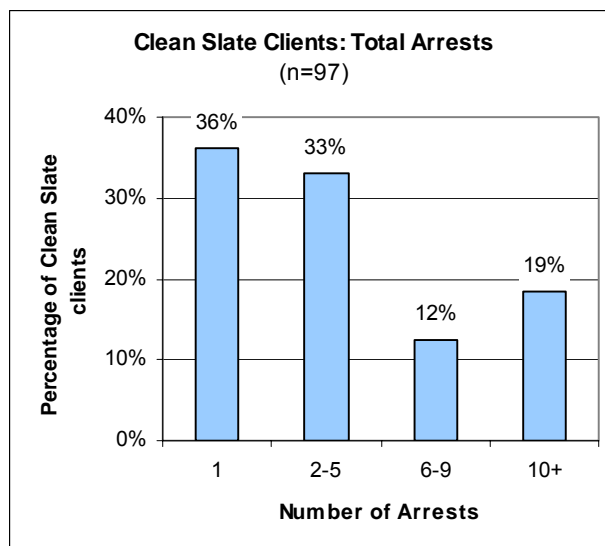
- Thirty-seven clients (38%) report that they receive public benefits. Of those, nearly one-third (32%) receive General Assistance, 24% receive unemployment, and 18% receive supplemental income from disability, Social Security, or SSI. On average, clients receive \$350 in public benefits per month.

Exhibit 19.



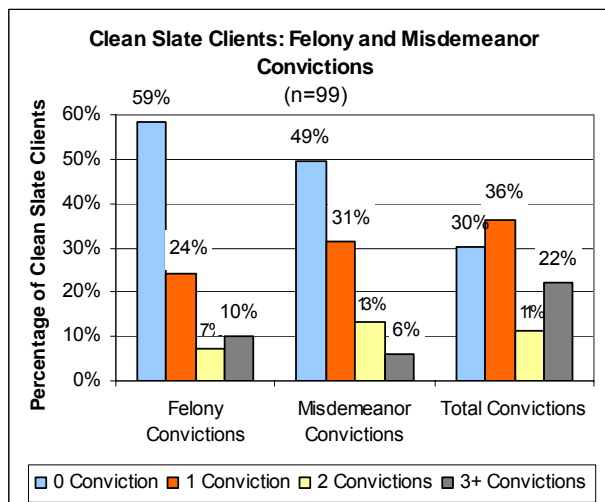
- Over one-third (36%) of clients have been arrested one time. Another one-third have been arrested two to five times, while 31% have been arrested six times or more. On average, clients have been arrested seven times.

Exhibit 20.



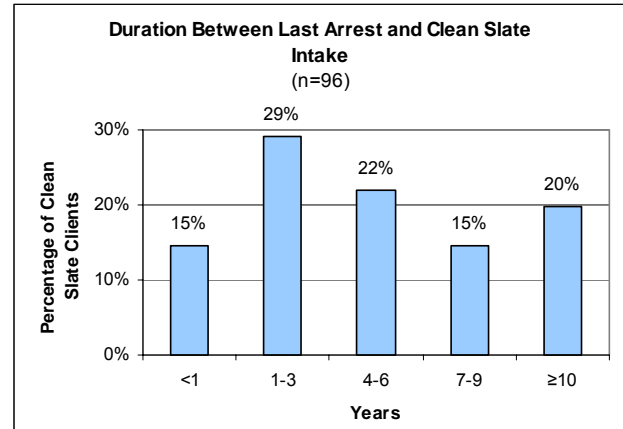
- As shown in Exhibit 21, 41% and 51% of clients have been convicted of at least one felony or misdemeanor, respectively. On average, clients have two total convictions. Nearly one-third (30%) of clients were never convicted of a crime.

Exhibit 21.



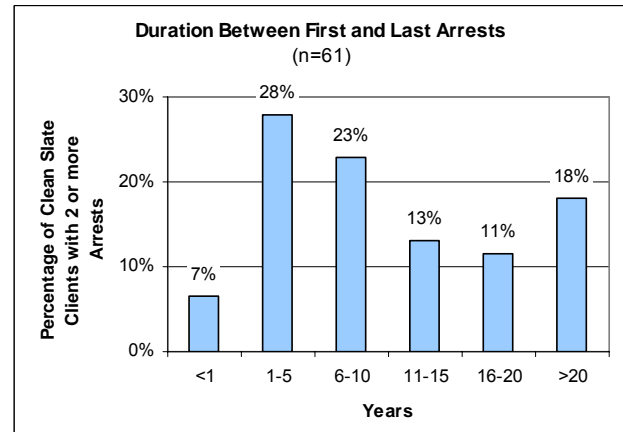
- Based on data from client RAP Sheets, over half (57%) were last arrested at least four years before applying to Clean Slate. One in five had not been arrested in over ten years.

Exhibit 22.



- Many Clean Slate clients have had criminal justice involvement over a long time period. Nearly two-thirds (65%) had arrests that spanned at least six years.

Exhibit 23.



What Do People Gain from Clean Slate Services?

When the motions pursued by Clean Slate are granted in court, their clients experience direct legal benefits, as well as positive impacts on their employability, housing eligibility, immigration status, and sense of self-worth. The following section summarizes information gathered from academic literature, experts in the field, and Clean Slate clients on how these legal remedies impact client's lives.

I have a child now, a three year old son. You know, I want to participate in helping him financially. So in order for me to do that I need to get a better job, and those jobs are looking into your background. When they see that you have been arrested, they don't want to deal with you.

--Clean Slate client

Criminal records are increasingly accessible

My main concern was employment. I was working at the time [of my conviction] and if I had to find a new line of work it would be detrimental to me. Although I have had very little police contact except for that incident, still, it was right on my record. So basically it was crucial to me that I deal with it.

--Clean Slate client

According to the U.S. Department of Justice’s most recent review of state privacy and security legislation, “criminal history record information is increasingly becoming more available to non-criminal justice users, although the degree of openness varies from state to state.” Currently, 23 states, including California, have some form of public access statutes that pertain to some aspect of criminal history record information. In California, under the state Public Records Act and the California Constitution, residents have the right to access public information maintained by state government agencies, including the Department of Justice. Although only law enforcement agencies and authorized applicant agencies are allowed to access complete criminal history records from the Attorney General, private firms and companies are increasingly using low cost internet resources to check criminal background information.

Professional Licensing and Employment Issues

The deal is when you apply for a state license, you have to declare everything. I needed the expungement in order to be licensed to practice law.

-Clean Slate client

Employer preferences towards the checking of criminal backgrounds and the hiring of ex-offenders have been documented by past works by Holzer, et al. (2003).⁹ Holzer, et al., used data from a series of employer surveys administered in various large metropolitan areas between 1992 and 2001. Some of the most salient findings from this study included:

- Employers are much more averse to hiring ex-offenders than they are towards any other disadvantaged group, such as welfare recipients;
- Employers vary in the willingness to hire ex-offenders according to the characteristics of their businesses and the jobs they are seeking to fill;
- The type of offense committed and the amount of meaningful work experience the offender has since release also affect employers’ willingness to hire ex-offenders; and
- Employer tendency to check backgrounds is far from universal, but has risen over the previous decade.

I was licensed with the Board of Behavioral Sciences and I wound up losing my job as a result of the arrest. So the Board of Behavioral Science investigated and cleared me but I had to go through the whole process again with the Board [in California] for my license here. So it was definitely something that affected my career.

-Clean Slate client

In the Multicity Study, Holzer, et al., asked employers in four major cities if they would accept an applicant with a criminal record. Only 12.5% of employers said they would “definitely accept” such an application, while 25.9% said they “probably would.”

Having the record cleaned (expunged) has probably helped a little, but the certificate of rehabilitation- that’s what helps because once I have it on the table, it changes the whole tone of the conversation between the employer and myself.

-Clean Slate client

Education

Under the 1998 reauthorization of the Higher Education Act of 1965, “students with a prior conviction of possession or sale of controlled substances cannot obtain Pell grants or student loans” (Community Legal Services, Inc, 2002). By not having access to these loans, ex-offenders who wish to seek more gainful means of employment are limited in their ability to do so, as

⁹ Holzer, et al. (2003). Employment Barriers Facing Ex-Offenders. *Urban Institute Reentry Roundtable Discussion Paper.*

higher educational attainment tends to increase employment opportunities and reduce recidivism. There is substantial evidence that demonstrate that participation in prison education programs reduce re-arrest and re-imprisonment rates.

The ban was originally intended for students who were already receiving Federal aid when convicted; however, the Federal Department of Education has universally applied the ban to students with convictions from before entering college. Given that most ex-offenders are from low-income backgrounds, this barrier to education for ex-offenders is actually a “double-punishment” for low-income students, affecting them disproportionately more than those who are more affluent and do not need financial aid to advance their education. Also, while the law does provide an exception to the ban for individuals who “complete certain drug treatment programs, individuals may be unable to take advantage of this provision because of the shortage of treatment programs for women with children.”¹⁰

Immigration

In 1996, Congress enacted two laws – the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) – that both increased the number and types of crimes (“aggravated felonies”) for which immigrants could be deported. Now, over 50 crimes can trigger deportation.

¹¹ Local law enforcement agencies, in collaboration with the INS, have the authority to place people in deportation proceedings if a criminal record or an undocumented status appear during a routine law enforcement background check.

I went to England to see my friends and when I came back, I was pulled aside by the customs. They detained me at the airport (they basically have a little jail at the airport) and took my green card away. I guess their computer didn't say that the case was dismissed, and only said that I was arrested. This was a year and a half after the incident. I had to call my friend and ask her to go to my house and find the [record of the dismissal]. I mean, two years later and I can't come back to the country without being arrested!

-Clean Slate client

Having a criminal record can also interfere with an immigrant’s naturalization process. Depending on the type of crime committed, how long ago the crime was committed, and the immigrant’s legal status, citizenship rights can be denied and the applicant placed in deportation proceedings. Also, legal permanent residents live with the possibility of lawfully leaving the country to visit his or her native country, and return to the United States only to be apprehended by INS border officials for past crimes. This type of apprehension is “not based on outstanding warrants, but rather on any record of a prior conviction that can now be considered grounds for removal, even if he or she completed a criminal sentence.”¹²

For legal residents, expungement can ultimately improve their chances of becoming U.S. citizens and protect them from the legal ramifications of the 1996 AEDPA and IIRAIRA laws. However, the appropriate role of Clean Slate to play for clients having immigration issues is

¹⁰ Community Legal Services, Inc. (2002). Every Door Closed: Facts About Parents with Criminal Records. *Every Door Closed Fact Sheet Series*. No. 1 of 8.

¹¹ Bernstein-Baker, J. and Hohenstein, J. (2000). Chapter 6: Divided Families: Immigration Consequences of Contact with the Criminal Justice System. *Every Door Closed: Barriers Facing Parents with Criminal Records*. Pg 91-104.

¹² Community Legal Services, Inc. (2002). Every Door Closed: Facts About Parents with Criminal Records. *Every Door Closed Fact Sheet Series*. No. 1 of 8.

complex. In some cases, raising the visibility of a client’s criminal record through the legal process can be detrimental to the client. Furthermore, expungement does not completely eliminate the criminal record. Staff report that pursuing expungement can be risky because it “locks in” a prior conviction. Clients with immigration issues are advised to return to the court in which they received the conviction and reverse their plea in order to completely “undo” the conviction.

Public Benefits and Housing

Ex-offender parents with felony drug convictions on their record are banned from receiving Temporary Assistance to Needy Families (TANF) and Food Stamp benefits per the 1996 welfare reform law. While 31 states have modified the law to fit state-wide circumstances, the law is still in effect all over the country. Also, ex-offenders in violation of their parole or probation or who have outstanding bench warrants are banned from receiving Food Stamps, Supplemental Security Income (SSI) until such issues are resolved.¹³

One of the most critical pieces of rebuilding lives and families after incarceration is stable and adequate housing. However, the Department of Housing and Urban Development’s “one strike and you’re out” policy makes it very difficult for families to secure subsidized housing if one member has a criminal record. “Families may be evicted for the criminal behavior of a household or guest, which occurs on or off the premises, regardless of whether or not there has been an arrest or conviction, and even if all the criminal charges against the alleged offender are ultimately dismissed.”¹⁴

Were there any other issues that you were facing that influenced your decision to work with the Clean Slate program?

For my children, you know, I was showing that I was taking responsibility with the early termination, following up, and not having police contact or anything like that.

-Clean Slate client

Lack of access to stable and affordable housing can make it more difficult for parents to locate and obtain employment and for their children to perform well in school, which then have implications for the ex-offender’s ability to comply with any work-related, child care, and parole or probation requirements.

Stigma and Shame

Fessinger, et al. (2005), identified that one of the potential benefits of expungement of criminal records with drug-related offenses is a chance to avoid the social stigma of being an ex-offender¹⁵. Stigma not only creates barriers to employment, housing, education, and public benefits- but also psychological consequences after criminal justice involvement. As criminal records become increasingly accessible, ex-offenders are continually confronted by their past, and even when criminal charges were dropped, having been arrested can harm her/his reputation in the community.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Fessinger, David, et al. (2005). Expungement of Arrest Records in Drug Courts: Do Clients Know What They Are Missing? *Drug Court Review*, 5, 13-21.

V. Conclusion

This evaluation of Clean Slate Recommendations for building on Clean Slate's strengths and increasing its capacity to serve more clients efficiently and effectively are reiterated below.

Outreach and Marketing

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

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

Strengths

- ✓ Staff are knowledgeable and committed, and serve an extremely high volume of clients with only three full-time positions.
- ✓ A 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 that Clean Slate staff do not have time to give their attention to.
- Reduce the number of non-qualified clients admitted to Clean Slate by:
 - Re-strategizing Ca PC§851.8; and
 - Strengthening relationships with other agencies.

Key Informant Interviews: Processes and Protocols

Introduction for Staff of the Public Defender's Office:

Thank you for taking the time to speak with me today about Clean Slate. I very much appreciate your time and input.

The purpose of this interview is to gather more information about Clean Slate's processes and to begin to separate aspects of the process that can be streamlined within the Public Defender's Office from those processes that are required by the penal code or other agencies.

I have many questions that are specific to each of the Clean Slate processes. Should I ask these questions of you now, or save them for Belle, Louise, and Debra?

I will also ask you to share your perspectives on the strengths of Clean Slate and opportunities for the program moving forward.

I expect the interview to last 30 minutes to an hour. Do you have any questions for me before we begin?

**Key Informant Interview Protocol:
Staff of the Public Defender's Office**

Interview Date: _____	Interviewee Name: _____
Organization: _____	Title: _____

Notes on the Interview Process:

Expungement Process Questions:

2. What qualifications, documentation, and evidence are required in order to file for expungement?
3. The law states that the defendant can either withdraw the guilty plea or that the “court sets aside verdict of guilty” does Clean Slate pursue both legal avenues?
4. What barriers to successful completion of the process face potential applicants?
5. Law states that petitioners are required to reimburse the court for cost of services.
 - How much is it?
 - How does the petitioner prove undue hardship?
 - What is the process for reimbursement to occur?
 - Is cost a barrier to pursuing expungement?
6. Timeline for expungement is 3-4 months. What are the steps?
 - Are you aware of any delays or kinks in the current process?
7. Are there other outcomes for the expungement other than the client being able to say that they were not convicted of the crime?
 - Other ways this information is sealed from Law Enforcement agencies?

Seal and Destroy Process Questions:

8. What qualifications, documentation, and evidence are required in order to file for seal and destroy?
 - What proves “factual innocence” conversely, what would be “reasonable cause” to believe the client committed that offense?

9. What barriers to successful completion of the process face potential applicants?
10. Timeline for seal and destroy is 10-12 months. What are the steps?
 - Are you aware of any delays or kinks in the current process?
11. The law states that the “law enforcement agency” destroys records of the offense. But the DA has to “concur.” What does the SFPD have to do/what does the DA have to do in order to seal and destroy?
12. Law states that when petition to law enforcement is denied, petition may be made to the Sup Court. When SFPD/DA denies, does Clean Slate pursue petition with the Superior Court?
13. In either circumstance, what does the DOJ/Superior Court do to seal and destroy? Are the records REALLY destroyed?
14. What are the positive outcomes for the client?
 - E.g., the SFPD reports are supposed to say “exonerated” but does it limit the use of the past arrest reports in a future prosecution?
15. What are the “valid reasons” for not requesting seal and destroy within 2 years?
 - What does it mean for the prosecutor to “be prejudiced” by the time delay?
 - Does PD usually pursue make the case for seal and destroy if two years have passed?
16. Is there any cost associated with seal and destroy for the client?

Certificate of Rehabilitation Process Questions:

17. What qualifications, documentation, and evidence are required in order to file for certificate of rehabilitation?
18. What barriers to successful completion of the process face potential applicants?
19. Timeline for certificate of rehab is 10-12 months. What are the steps?
 - Are you aware of any delays or kinks in the current process?
20. Certificate of Rehab must be granted by the Governor (State level action).
 - Confirm: PD will serve those who were arrested in other parts of State?
21. Are there other outcomes for the Cert of rehab other than the client being able to 1) vote 2) own a gun?

End Probation Process Questions:

22. What qualifications, documentation, and evidence are required in order to file for early termination of probation?

Appendix A: Clean Slate Staff Interview Protocol

- Can't any probation officer request early termination for good behavior? Why must client prove necessity for job & fulfillment of all conditions of probation?
23. What barriers to successful completion of the process face potential applicants?
24. Timeline for early termination is 3-4 months. What are the steps?
- Are you aware of any delays or kinks in the current process?
25. Are there other outcomes for the early termination other than the client not needing to report to PO or to the Court?
- What are the difficulties associated with being on probation?
 - Is the information effectively conveyed via courts and law enforcement systems to that if arrested the SFPD does not see their probation status?
26. Does the PD's office generally pursue End Probation simultaneously with expungement or sequentially?

Reduce Felony to Misdemeanor Process Questions:

27. What qualifications, documentation, and evidence are required in order to file to reduce a felony to a misdemeanor?
- What determines whether, at the time of prosecution, there is an agreement to reduce to misdemeanor? E.g., more likely in the case of wobbler crimes?
 - Are there any circumstances in which felony can be reduced when it was not previously agreed to by DA?
 - Why must they still be on probation?
28. What barriers to successful completion of the process face potential applicants?
29. Timeline for early termination is 2-3 months. What are the steps?
- Are you aware of any delays or kinks in the current process?
30. What positive outcomes for the reduction to misdemeanor do clients experience?
- What are the difficulties associated with being a felon but not misdemeanant?
 - Is change the information effectively conveyed via courts and law enforcement systems (e.g., if arrested the SFPD does not see their prior felon status)?

Global Feedback:

31. Are any of these processes more likely to be completed from the point of initial client contact to a successful finding?
32. Are any of these processes particularly labor intensive or burdensome?
33. Do any of the processes yield more valuable outcomes for clients?
- E.g., Is an expungement more valuable than a seal and destroy?

Appendix A: Clean Slate Staff Interview Protocol

34. Do any of the processes constitute the bulk of your work?
 - Bulk of clients?
35. How many clients qualify for multiple processes?
 - Which ones?

Vision for Change:

36. What types of changes would you hope to come out of the evaluation process?
37. What is your vision for Clean Slate in one year? In three years? In 10 years?
 - What do you see as the needs of the target community in the next 10 years?
38. What are the some of the changes that will be necessary for Clean Slate to achieve this vision?
 - Are there any elements of Clean Slate that should definitely be reconsidered?
 - Are there some specific things that Clean Slate absolutely should do?
 - Are there some specific things that Clean Slate absolutely should not do?

Next Steps:

39. We anticipate interviewing 3-4 individuals in the Criminal Justice System or collaborative CBOs who are not staff of the Public Defender's Office. Who do you recommend we speak with?
40. Is there anyone in the Public Defender's Office who we should speak in addition to you and the program staff?
41. Is there anything else you would like to share?

Thank you for your time!

Key Informant Interview Protocol: Clean Slate Walk-In Client Repeat Clients

Interview Date: _____ Interviewee Name: _____

Is this your first time at the Walk-In Clinic?

NOTES:

1. How did you first hear about the Clean Slate program?
 - From whom?
2. Before meeting with people from Clean Slate, what did you know about your rights and the process for cleaning up your record?
 - Explain “cleaning up record” as necessary: expunge conviction, seal up arrest record, etc.
3. What motions or goals did you want legal help with?
4. What motions or goals did you get legal help with?
 - Did they work with you to:
 - Expunge a prior conviction?
 - Terminate probation?
 - Reduce a felony to a misdemeanor?
 - Get a certification of rehabilitation?
5. Were those initial goals or motions successful?
6. What happened next? Did Clean Slate help with you on any other legal issues or work with you again after the motion was granted?
7. Did you get what you expected from the program?
 - Did you receive the services and results you expected?
8. Was the process how you expected it would be?
 - Did it take longer than you thought it would? How much longer compared to your expectations?
9. Were there any issues you were facing in your life that played into your decision to work with the Clean Slate program?
 - e.g. child custody issues, immigration status, employment, housing
10. Did Clean Slate help you take care of these issues?
 - What other benefits have you received from going through the Clean Slate process?
11. What was difficult for you about going through the Clean Slate process?
 - What made it hard for you to get what Clean Slate what they asked for?
 - What else was challenging about the process?
12. Is there anything else you want to share about your experiences the Clean Slate program?

THANK YOU FOR TALKING WITH US!

Key Informant Interview Protocol: Clean Slate Walk-In Client New Clients

Interview Date: _____ Interviewee Name: _____

Is this your first time at the Walk-In Clinic?

NOTES:

1. Why did you come to the Walk-In Clinic today?
 - What services are you seeking?
 - What type of case do you have?
 - Expunge a prior conviction
 - Terminate probation
 - Reduce a felony to a misdemeanor
 - Certification of rehabilitation
 - What are you hoping will come out of the meeting?
2. How did you first hear about the Clean Slate program?
 - From whom?
3. What do you know about your rights and the process for cleaning up your record?
 - Explain “cleaning up record” as necessary: expunge conviction, seal up arrest record, etc.
4. What other issues in your life, e.g. child custody issues, immigration status, employment, housing, etc. played into your decision to come to the Clean Slate program today?
5. How do you think the Clean Slate program will help?
6. Is there anything else you want to share with us?

THANK YOU FOR TALKING WITH US!



Office of the Public Defender
City and County of San Francisco

Jeff Adachi
Public Defender

Teresa Caffese
Chief Attorney

CLEAN SLATE PROGRAM
HOW TO APPLY:

STEP #1 - FILL OUT FORMS: The “Clean Slate Program Application” and “Application For A Court Appointed Attorney.” can be obtained by calling main office or viewing website.

STEP #2 - OBTAIN A COPY OF YOUR CRIMINAL HISTORY (“RAP”) SHEET Cost: \$5.00 (or use fee waiver form)

In person: You can get a copy of your San Francisco criminal history record in person with the fee waiver form that has been attached to the application. Simply take the fee waiver form or \$5.00 to the SFPD Identification Bureau along with a valid picture identification card.

By mail: Rap sheets can also be obtained by mailing the \$5.00 fee (***cashier’s check or money order***) and a notarized written request letter for the rap sheet, copies of your state identification and social security cards to the SFPD Identification Bureau. If you need further assistance in obtaining your RAP sheet, please contact us directly.

S F P D Identification Bureau
Hall of Justice
850 Bryant Street
Room 475 - 4th Floor
San Francisco, CA 94103

Open to Public for RAP Pick-Up
Monday - Friday
8:00 a.m. - 3:00 p.m.

STEP #3 - Return all three items (1) completed application form; (2) request for court appointed attorney form and (3) copy of your local RAP sheet to the:

PUBLIC DEFENDER’S OFFICE
Attn: Clean Slate Program
555 Seventh Street, 2nd Floor
San Francisco, CA 94103

Either in person (Monday-Friday 9:00-5:00)
Or by Mail

Our office is about 1 block away from the Hall of Justice so we suggest that whenever you pick up your RAP sheet you immediately stop by our office and drop your application off with the front desk. You do not need to meet with the attorney to drop off the package and the front desk can make a copy for your records.

Please remember to keep a copy of all documents you submit to us for your own records.

STEP #4 - Once we receive and review your application and rap sheet, you will receive an introductory letter within four weeks letting you know what the next step of the process, depending on which services you are requesting.

PLEASE ALWAYS LET US KNOW ANY CHANGE OF ADDRESS OR TELEPHONE NUMBERS!

If you have any further questions:

- * Feel free to visit our website at www.sfpublicdefender.org
- * We have **walk-in clinics** in several San Francisco locations (**see attached flyer**)
- * We can be reached at **(415): 553-9337**
(Clearly leave your name, phone number and a brief message)
- * You may also reach us via e-mail at cleanslate@sfgov.org

CLEAN SLATE PROGRAM

How We Can Help Clean Your Record

EXPUNGEMENT: (Penal Code Section 1203.4):

We can have your conviction dismissed so that when you apply for most jobs, you can legally say that you were not convicted of that crime. To qualify, the following must be true: **(1)** you are not on probation or parole; **(2)** you are not currently charged with a crime; **(3)** you are not currently serving a sentence and **(4)** your conviction is from San Francisco City and County.

A simple expungement takes approximately 3 - 4 months.

SEAL AND DESTROY AN ARREST RECORD: (Penal Code Section 851.8):

To qualify, the following must be true: **(1)** you were arrested in San Francisco City and County and not convicted; **(2)** you are factually innocent of the charges for which you were arrested in other words no reasonable cause exists to believe that you committed the offense for which you were arrested; and **(3)** you are seeking this petition within **2 years** from the date of your arrest **unless** you have a valid reason for not requesting to seal the arrest record earlier **and** the prosecutor is not prejudiced by the delay in time. If all three of the above conditions are true, we may be able to seal and destroy the record of your arrest.

A simple sealing and destroying of an arrest record takes approximately 10 - one year.

CERTIFICATE OF REHABILITATION: (Penal Code Section 4852.01 et seq):

Convictions that resulted in a state prison sentence cannot be expunged. However, you may qualify for a certificate of rehabilitation. Once a certificate of rehabilitation is granted it is forwarded to the Governor's Office as an application for a pardon. To qualify, the following must be true: **(1)** you live in San Francisco City and County; and **(2)** it has been minimum of 5 years to a maximum of 10 years since your discharge from incarceration or release on parole or probation.

A simple certificate of rehabilitation takes approximately 10 - one year.

END PROBATION: (Penal Code Section 1203.3):

If you are still on probation, we may be able to terminate probation and then ask for an expungement. **You must have a very good reason for the early termination**, such as having a job offer that depends on your not being on probation or the early termination was agreed upon at the time of your conviction. Additionally, you must have successfully fulfilled all conditions of probation before requesting early termination.

A simple early termination of probation takes approximately 3 - 4 months.

REDUCE A FELONY TO A MISDEMEANOR: (Penal Code Section 17b)

If you have a felony conviction and are still on probation, we can reduce the felony to a misdemeanor **if there was an agreement** at the time of your conviction.

A simple felony reduction takes approximately 2 - 3 months.

CLEAN SLATE

2009

NEW HOURS

WALK IN CLINICS

**Every Monday 3-5 pm
Arriba Juntos
1850 Mission Street**

**Every Tuesday 9-11 am
Office of the Public Defender
555 7th Street**

**1st Wednesday of the Month
3-5 pm
Up From Darkness
1075 Fillmore Street**

**4th Wednesday of the Month
3-5pm
Village Community Center
1099 Sunnydale Avenue**

**1st and 3rd Thursday of the Month
9-11 am
Southeast Community Center
1800 Oakdale Avenue**

CLEAN SLATE PROGRAM FINANCIAL APPLICATION
(Required for all applicants)

PLEASE PRINT

NAME:

LAST _____ FIRST _____ MIDDLE _____

Address: _____ City, State, Zip _____

Phone (_____) _____ Birthdate: ____/____/____ Age: _____

Married or Living w/ Life Partner Separated Divorce Single

Are you employed? Yes No What is your ANNUAL GROSS INCOME? \$ _____

EMPLOYER'S NAME: _____ Address: _____

City, State, Zip _____ Work Phone: (_____) _____

I RECEIVE MONEY FROM: Welfare Disability Social Security Unemployment Relatives

TOTAL AMOUNT RECEIVED ANNUALLY: _____

Does anyone contribute to your monthly expenses? Yes No

Who? _____ Monthly Amount(s): \$ _____

Is your spouse employed? _____ SPOUSE'S ANNUAL GROSS INCOME: \$ _____

PLEASE LIST YOUR MONTHLY BILLS:

Amount of Rent/Mortgage/Utilities: \$ _____ Child/Spousal Support: \$ _____ Credit Cards \$ _____

Other Debt: _____ Do you own your own home? Yes No Value of Home: \$ _____

Number of persons you support _____ AMOUNT OF SUPPORT PER MONTH \$ _____

Do you have a bank account?

Yes No

Do you or your spouse own an Automobile, Truck, RV, Trailer, Motorcycle or Boat?

Yes No YEAR/MAKE: _____ APPROXIMATE VALUE: \$ _____

Do you or your spouse have any money coming from Tax Refunds, Lawsuits, Pensions, Trust Funds, an Estate, or any other compensations? Yes No AMOUNT EXPECTED: \$ _____

I declare, under penalty of perjury, that the information provided above is true and correct. I further understand that at the conclusion of my case, the court may order a fee hearing to determine my present ability to pay some or all of the cost to the City and County of San Francisco. If the court finds I have the present ability to pay, I understand I will be ordered to reimburse the courts and the city and county of San Francisco

SIGNATURE: _____ **DATE:** _____

RAP SHEET - FEE WAIVER FORM
This Form must be taken in person

**HALL OF JUSTICE
ID BUREAU**

850 Bryant Street
Room #475 - 4th Floor.

Monday - Friday

9:00 a.m. - 12:00 noon

1:00 p.m. - 3:00 p.m.

This is to certify that _____ is being represented by our office for an expungement of his/her arrest record. He/She is indigent and therefore entitled to a copy of his/her arrest record without costs.

DATED: _____.

DEBRA HOFFMANN
Deputy Public Defender
(415) 553-9337

CONTACT US TO GET STARTED:

Public Defender's Office
553-1671

Clean Slate
553-9337

e-mail: cleanslate@sfgov.org
website: www.sfgov.org/pd

For those who can afford to retain counsel:
Lawyer Referral Service
989-1616

Or write to:

The Public Defender's Office
c/o Operation Clean Slate
555 7th Street
San Francisco, CA 94103

A MESSAGE FROM PUBLIC DEFENDER JEFF ADACHI:

"Many people who have been convicted of a crime don't realize that they may be eligible to have their conviction dismissed. We created Operation Clean Slate to help people through this process. We hope that this program is helpful and that those eligible will participate."

JEFF ADACHI

San Francisco Public Defender

TERESA CAFFESE

Chief Attorney

WANT A CLEAN SLATE?



The San Francisco Public Defender's Office can help you with your criminal records so that your past mistakes won't affect your chances for a job, a professional license or credit now that you've finished paying for your offense.

IT'S EASY AND QUICK TO CLEAN UP YOUR RECORD.

If you've ever been arrested, convicted of a crime or been found delinquent in juvenile court, you could be eligible to have your criminal record "cleaned" by a simple process.

Some records, such as marijuana possession and juvenile offenses, can be totally destroyed.

Other records can be changed from felony to misdemeanor status.

San Francisco residents who have completed a term in prison may be eligible for a Certificate of Rehabilitation.

Walk-in Appointment Clinics

The Public Defender's office operates five walk-in clinics where you can meet with a Clean Slate lawyer. No appointment is needed.

Mondays: 2 p.m. - 4 p.m.

1850 Mission Street (Arriba Juntos Office)

Tuesdays: 9 a.m. - 11 a.m.

555 7th Street (Public Defender's Office)

Wednesdays (1st & 3rd): 2 p.m. - 4 p.m.

1075 Fillmore Street (Up From Darkness Office)

Wednesdays (4th): 2 p.m. - 4 p.m.

1099 Sunnydale Ave. (The Village Community Center)

Thursdays: 9 a.m. - 12 p.m.

1800 Oakdale Ave. (Southeast Community Center)

HERE'S WHAT TO DO:

1 GET A COPY OF YOUR CRIMINAL RECORD.

You need help, call the San Francisco Public Defender's Office at **553-1671** and we'll help you get a copy of your record.

2 FIND OUT IF YOU QUALIFY.


If your offense falls into one of the following categories, you could be eligible to have your record cleaned:

- Juvenile cases.
- Marijuana possession or paraphernalia offenses.
- Felonies or misdemeanors with probation.
- Felonies which could have been charged as a misdemeanor.
- Arrest or detention without conviction.
- Narcotics offenses with rehabilitation completed.
- Sex related offenses with registration requirements.
- Wrongful arrest.

3 FIND OUT IF YOU QUALIFY FOR THE PUBLIC DEFENDER'S PROGRAM.

You can drop by one of our community walk-in clinics where you can meet with a Clean Slate lawyer. If you meet the financial eligibility standards of the San Francisco Public Defender's Office, the PD's Office can file the proper papers with the court for you.

All services are FREE if you qualify.

 Minimum 30% post consumer recycled

Appendix E: Clean Slate Case File Review Sheet

Client ID: _____ Date of Application to Clean Slate: _____

CLIENT INFORMATION	
1. Date of Birth	_____ / _____ / _____
2. U.S. Citizen?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Reasons for coming to Clean Slate.	<input type="checkbox"/> Help with employment <input type="checkbox"/> General assistance <input type="checkbox"/> Financial Aid <input type="checkbox"/> Other, specify: _____
3. Address (street number, street and zip code only)	_____, _____

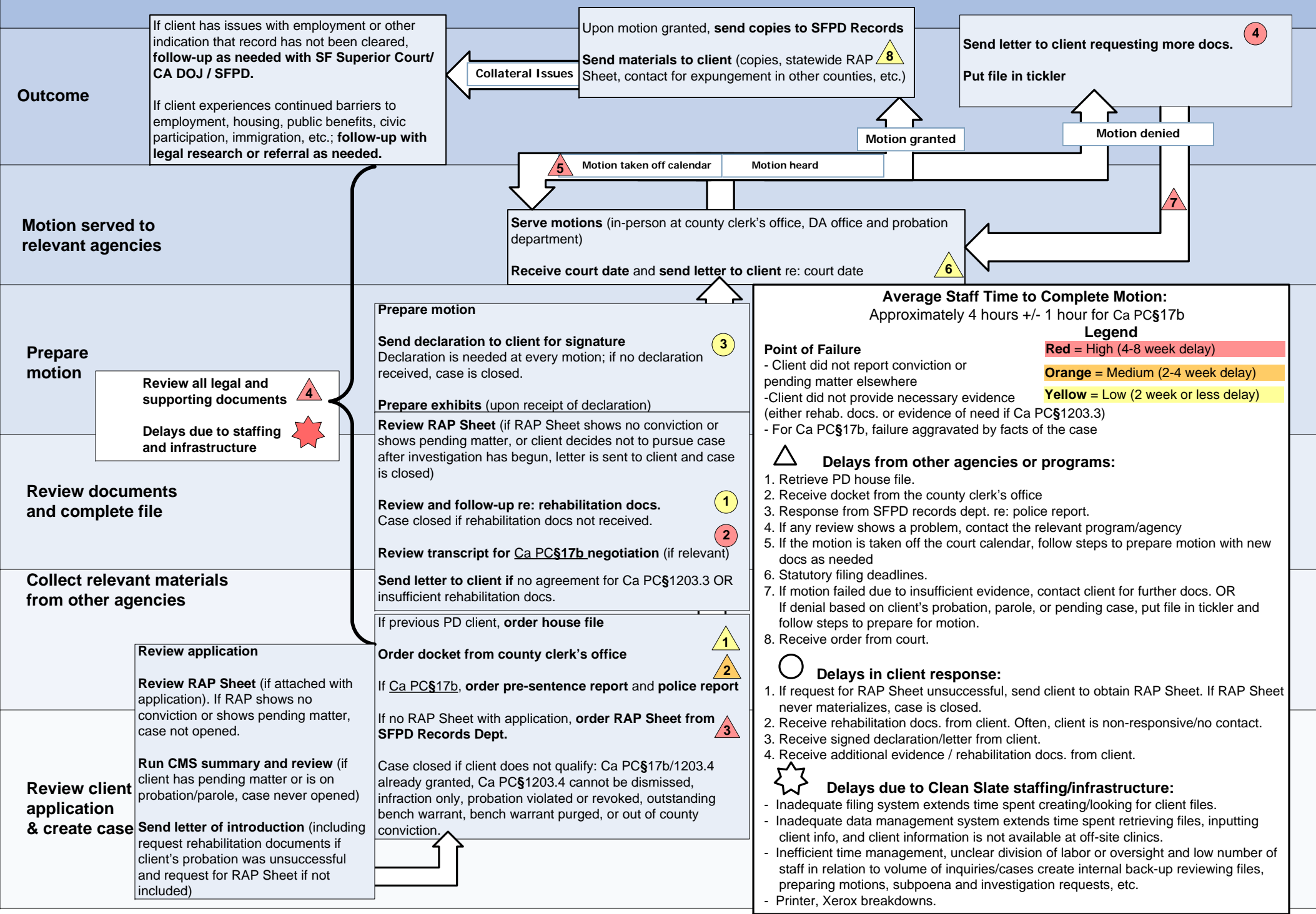
Crimes in Other Counties	County	Arrest?	Convicted?	Charge/Conduct
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____
Date of Event: _____		<input type="checkbox"/>	<input type="checkbox"/>	_____

MORE CLIENT INFORMATION	
13. On Probation?	<input type="checkbox"/> No <input type="checkbox"/> Yes → Where & until when _____
14. On Parole?	<input type="checkbox"/> No <input type="checkbox"/> Yes
15. Currently serving a sentence?	<input type="checkbox"/> No <input type="checkbox"/> Yes
16. Currently charged with a crime?	<input type="checkbox"/> No <input type="checkbox"/> Yes
17. How did client hear of Clean Slate?	<input type="checkbox"/> Lawyer <input type="checkbox"/> Organization <input type="checkbox"/> Parole Officer <input type="checkbox"/> Other, please specify: _____
18. Marital Status	<input type="checkbox"/> Married or living with life partner <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Single <input type="checkbox"/> Widowed
19. Is Client Employed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
20. Annual Gross Income	\$ _____ / YR
21. Sources of Non-Work Income	<input type="checkbox"/> Family/Friends <input type="checkbox"/> Public Benefits, specify: _____
22. Total amount received annually from non-work income	\$ _____ /YR
23. Is Spouse Employed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
24. Spouse's annual gross income	\$ _____ /YR
25. Has dependents?	<input type="checkbox"/> No <input type="checkbox"/> Yes → How many? _____
26. Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Transgender
27. Ethnicity	_____

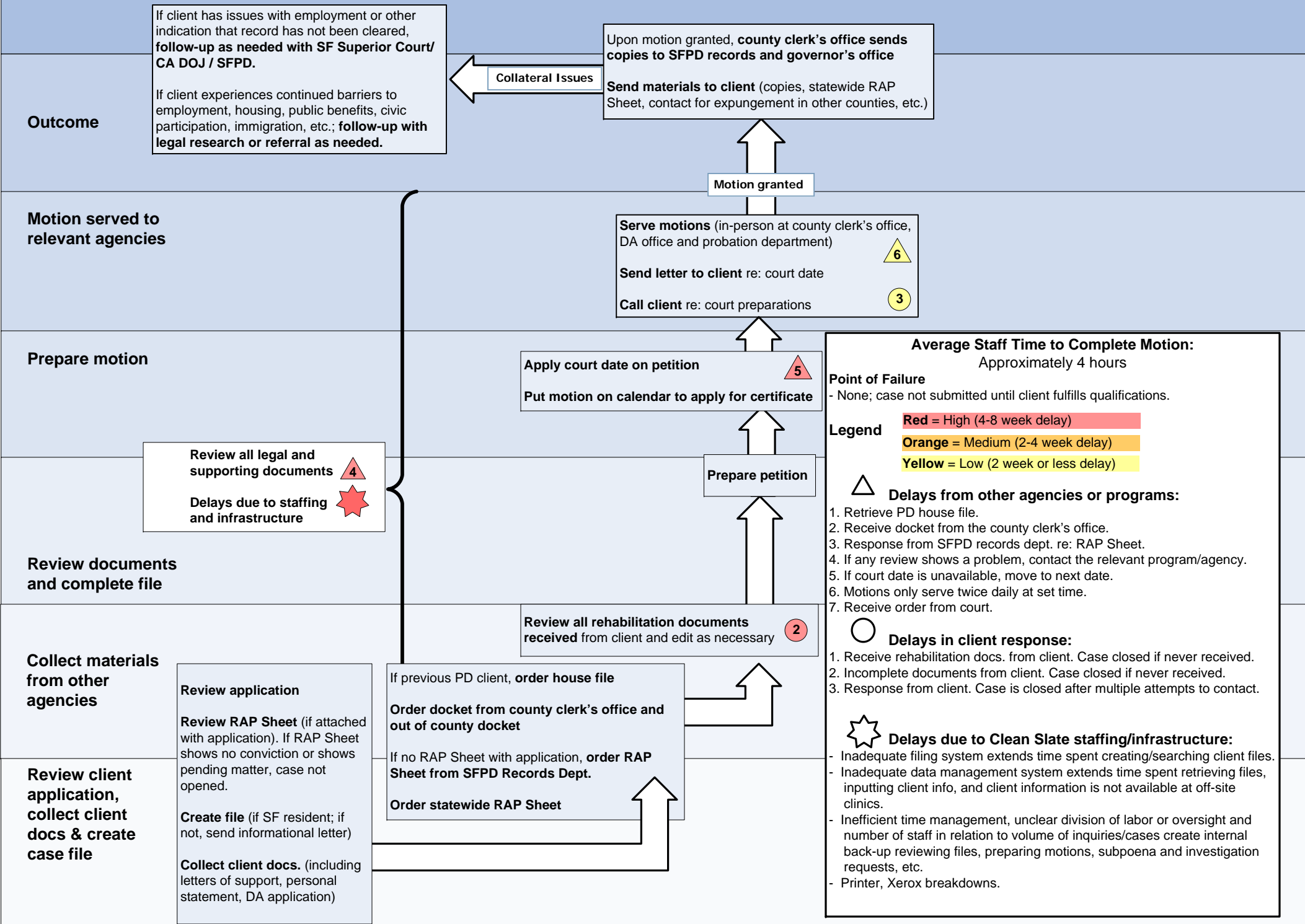
OPTIONAL NOTES	
1. Additional information on client's circumstances (i.e. barriers posed by criminal record)	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
2. Client outcomes since participating in Clean Slate.	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
3. Any additional or follow-up services provided by Clean Slate.	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
4. Notable delays in processing (please explain).	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Appendix F: Clean Slate Process Chart

Ca PC§1203.3 (Early Termination of Probation), Ca PC§1203.4 (Expungement; successful completion of probation)
 Ca PC§1203.4a (Expungement; no probation) & Ca PC§17b (Reduction of a Felony to a Misdemeanor) Ca PC§851.90 (Seal Arrest)



Appendix F: Clean Slate Process Chart—Ca PC§4852.01 (Certificate of Rehabilitation)



Appendix F: Clean Slate Process Chart—Ca PC§851.8 (Seal and Destroy)

Prep testimony & serve motions

Prep testimony & serve motions

Build case & prepare motions

Collect relevant materials from other agencies & Build Case

Review client application & create file

If client has issues with employment or other indication that record has not been cleared, **follow-up as needed with SF Superior Court/ CA DOJ / SFPD.**

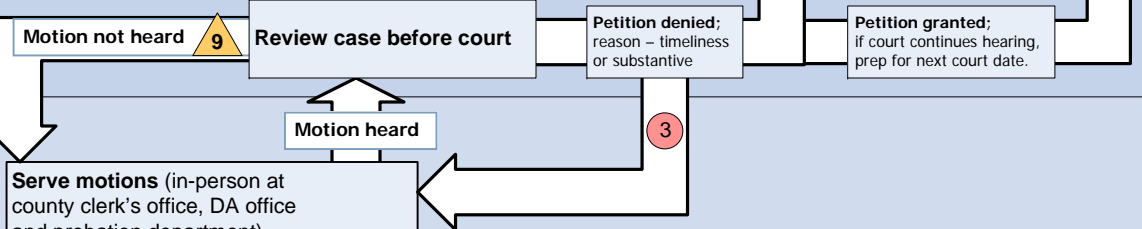
If client experiences continued barriers to employment, housing, public benefits, civic participation, immigration, etc.; **follow-up with legal research or referral as needed.**

Upon petition denied, talk with client re: denial or appeal process.

Send denial letter (note: send appeal within 30 days)

Refer client to clerk's office.

Upon petition granted, send letter to client with order.



Motion not heard ▲ 9

Motion heard

Serve motions (in-person at county clerk's office, DA office and probation department)

Send letter to client re: court date

Prep testimony and prep for court date

If Ca PC§851.8, **prepare substantive motion** ▲ 7

If Ca PC§851.8, **prepare subpoena and investigation requests** ▲ 8

File timeliness motion. ● 2

File informal petition (with client signature; case closed if informal petition never received). ● 1

Collect additional evidence of need from client to build the case ▲ 5

DA reviews package

If previous PD client, **order house file**

Order **CAD tape** ▲ 1

Order docket from county clerk's office ▲ 2

If no RAP Sheet with application, **order RAP Sheet from SFPD Records Dept.** ▲ 3

File request for police report ▲ 4

Case closed if client does not qualify: not factually innocent, bench warrant purged, defendant deceased, out of county, diversion dismissal, beyond 2 year deadline or conflict of interest.

Review all legal and supporting documents ▲ 6

Delays due to staffing and infrastructure ★

Review application

Review RAP Sheet (if attached with application). If RAP Sheet shows no conviction or shows pending matter, case not opened.

Run CMS summary and review (if client has pending matter or is on probation/parole, case never opened)

Review time issues (talk with client re: timeliness and good cause issues / factual innocence). Case closed at attorney discretion if not factually innocent or client opts not to pursue.

Average Staff Time to Complete Motion:
Approximately 11 hours

Point of Failure

- Client compromised case through completion of diversity program
- Client did not provide necessary evidence; lack of support/witnesses, weak personal statement
- Timeliness

Legend

- Red = High (4-8 week delay)
- ▲ Orange = Medium (2-4 week delay)
- ▲ Yellow = Low (2 week or less delay)

Delays from other agencies or programs:

1. Retrieve PD house file.
2. Receive docket from the county clerk's office.
3. Response from SFPD records dept. re: police report.
4. Police legal is not providing any reports at this time.
5. Statute allows 60 days for DA review before court filing.
6. If any review shows a problem, contact the relevant program/agency.
7. If no police report is ever provided, file motion with court on discovery issue; statutory filing time.
8. PD procedure requirements.
9. Delay before next court date.

Delays in client response:

1. Receive client signature. If never signed, case is closed.
2. Work with client to develop case for why motion is not timely.
3. Request further rehabilitation documents from client. If never received, case is closed. If client cannot be contacted, case is closed.
4. Talk with client re: denial or appeal process. Often comes back to Clean Slate office to gain further information about appeal process.

Delays due to Clean Slate staffing/infrastructure:

- Inadequate filing system extends time spent creating/looking for client files.
- Inadequate data management system extends time spent retrieving files, inputting client info, and client information is not available at off-site clinics.
- Inefficient time management, unclear division of labor or oversight and number of staff in relation to volume of inquiries/cases create internal back-up reviewing files, preparing motions, subpoena and investigation requests, etc.
- Printer, Xerox breakdowns.