Relief in the Making: The Policy, Implementation, and Impact of Rights Restoration Laws

THURSDAY, April 11, 2024

1 – 1:30 p.m. | First Floor Lobby, Drinko Hall
Registration

1:30 – 3 p.m. | Vorys Faculty Lounge (Room 314), Drinko Hall
Paper Workshop 1

“Analyzing the Intersection of Cannabis Legalization and Expungement: Promises, Limits, and Potential for Harm Reduction”
Kathleen Powell (presenting author), Drexel University; Sarah Lageson, Rutgers University; Nathan Link, Rutgers University; Jordan Hyatt, Drexel University; Christopher Uggen, University of Minnesota; Loni Tabb, Drexel University
Discussant: Douglas Berman, Newton D. Baker-Baker & Hostetler Chair in Law; Executive Director of the Drug Enforcement and Policy Center, Moritz College of Law at The Ohio State University

“The Promise and Pitfalls of Cannabis Record Clearance: A Case Study”
Adrian Rocha (presenting author), Sarah Gersten, Frank Stiefel, Last Prisoner Project
Discussant: Laura Chavez, Director of Research and Data, Clean Slate Initiative

“Discretion and Uniformity in Criminal Record Clearance: Balancing Fairness and Accountability”
Jessica Kelley (presenting author), Laura Chavez, Sam Sinyangwe, Clean Slate Initiative
Discussant: Margaret Love, Director, Collateral Consequences Resource Center

“Smart and Safe Arizona Act”
Jason Kalish (presenting author), Bureau Chief, Maricopa County Attorney’s Office
Discussant: Katie Svoboda-Kindle, Senior Staff Attorney, Community Legal Services of Philadelphia

3 – 4:30 p.m. | Vorys Faculty Lounge (Room 314), Drinko Hall
Paper Workshop 2

“A Survey of Criminal Record Expungement Applicants under Michigan’s 2020 Clean Slate Legislation”
Mira Edmonds (presenting author), J.J. Prescott, University of Michigan Law School; Sonja Starr, University of Chicago Law School
Discussant: Anna Roberts, Professor of Law, Brooklyn Law School

“Understanding the Intent and Impact of Clean Slate Policies”
Kristin Bechtel (presenting author), Beth Husted, Pamela Knox-Lattimore, RTI International
Discussant: Sarah Lageson, Associate Professor, School of Criminal Justice, Rutgers University

“Free But Not Free: Addressing the Collateral Consequences of a Criminal Background”
Terrance Hinton (presenting author), Department of Sociology, The Ohio State University
Discussant: Joann Sahli, Clinical Professor of Law and Director of the Reentry Clinic, University of Akron

“Employers as Arbiters of Injustice: The Toll of Justice Involvement on Individual Financial Wellbeing”
Rebecca Xie (presenting author), John Glenn College of Public Affairs, The Ohio State University
Discussant: Alessandro Corda, Senior Lecturer and Director, Institute of Criminology and Criminal Justice, Queen’s University Belfast School of Law
Collateral Consequences and Record Sealing in Ohio (1 Hour of CLE Credit Approved)

The fact that a criminal record can have a negative impact on one’s life trajectory is a generally well-known fact. Yet, the public and the criminal justice community have only a vague understanding of the extent of the collateral consequences imposed on people with criminal records; there is also limited realization that often the impact of collateral consequences continues long after a person completes their court-mandated sentence. This session will focus on educating attendees on the breadth of collateral consequences under Ohio law, and what remedies are currently available to those with a criminal record in Ohio. This session will highlight recent legal reforms, which is especially important as the record relief laws in Ohio have undergone substantial changes over the last decade significantly broadening record sealing and expungement eligibility criteria.

Presenters:
- Kevin Werner, Policy Director, Ohio Justice & Policy Center
- LaToya Bell, Deputy Director, Ohio Justice & Policy Center
- Ashley Ward, Ohio Access to Justice Foundation Justice for All Fellow, Second Chance Project, Ohio Justice & Policy Center

FRIDAY, April 12, 2024

8 – 8:30 a.m. | First Floor Lobby, Drinko Hall
Light Breakfast and Registration

8:30 – 9:45 a.m. | Saxbe Auditorium, Drinko Hall
Panel 1: Theories and Deep Thoughts about Collateral Consequences and Record Relief in the Criminal Justice System (1 Hour of CLE Credit Approved)

The American public and criminal justice system has long accepted the existence of the wide web of collateral consequences at both the state and federal levels. This acceptance results in a lack of debate and discussion as to what express and implicit purposes are served by collateral sanction and record relief remedies. Do purposes matter in assessing either the constitutionality or the application of either collateral consequences or record relief provisions? Do different collateral sanctions and record relief laws serve distinct purposes? This opening panel will provide an opportunity to discuss various broad conceptual ideas and values that are necessarily engaged, but not often discussed, in analyses of collateral consequences and record relief.
The criminal justice system consists of many different actors, often with competing priorities and diverse viewpoints on matters of criminal justice policy, including record relief and collateral consequences. While some of these differences might stem from distinct philosophical beliefs, they are also the result of the impact record relief laws have on these actors and their work. Understanding this impact is crucial to designing effective and implementable policies and gaining buy-in from essential stakeholders. This panel will focus on questions of which actors should be of particular focus to advocates and policymakers, and whether actors, who are traditionally not involved in criminal justice adjudications, could play a significant role in record relief processes. Should legislatures and other policy makers be focused more on the legal rules for record relief or on providing funding and other support for other actors seeking to operationalize these rules?

Panelists:
- Alessandro Corda, Senior Lecturer and Director, Institute of Criminology and Criminal Justice, Queen's University Belfast School of Law
- Alec Ewald, Associate Professor, Department of Political Science, University of Vermont
- Louis Tobin, Executive Director, Ohio Prosecuting Attorneys Association
- Representative Tarra Simmons, Washington State

Research on barriers to the uptake of record sealing has suggested that a very small percentage of persons who are eligible for record relief actually seek to apply under record relief laws. These realities have led to newer reforms providing for more automatic mechanisms for record relief, but research has yet to fully detail the impact of government-initiated record sealings – are they qualitatively the same as when someone must file a petition? This panel will explore the operation and implementation of record sealing across a range of legal models, as well as whether and how the process for relief may impact the scope of available relief.

Panelists:
- J.J. Prescott, Professor, University of Michigan Law School
- Laura Chavez, Director of Research and Data, Clean Slate Initiative
- James Greiner, Professor and Faculty Director of the A2J Lab, Harvard Law School
- Sarah Lageson, Associate Professor, School of Criminal Justice, Rutgers University
Panel 4: Expungement Derailed by Data: The Good, the Bad, and the Ugly About Records and Modern Technologies (1 Hour of CLE Credit Approved)

The negative effects of criminal records on employment, housing, and other elements critical to successfully integrating into society have led advocates and policymakers to push for efforts to simplify the processes for expunging or sealing criminal records. These efforts are attempting to move the processes from cumbersome and often expensive petition-based processes to “automated” or perhaps more accurately “state-initiated” processes. Successful implementation of these state-initiated processes is contingent on the availability of data to identify those eligible for record expungement. The more criteria are applied to establishing eligibility the more formidable the challenge to successful implementation. This panel will explore data issues associated with three stages of expungement reform: (1) framing the legislation; (2) implementing the legislation; and (3) evaluating the impact of implementation.

Moderator:
- Kristin Bechtel, Principal Scientist, RTI International

Panelists:
- Pamela Knox-Lattimore, Principal Scientist, Justice Practice Area, RTI International
- Sam Sinyangwe, Data Scientist, Clean Slate Initiative
- David Roberts, Executive Director, SEARCH Group, Inc.
- Micah Derry, President & CEO, The Adams Project
- Katie Svoboda-Kindle, Senior Staff Attorney, Community Legal Services of Philadelphia