Table of Contents

Executive Summary ................................................................. 3
Six Key Components of SCSJ’s Clean Slate Project .......................... 5
Certificate of Relief Requirements .............................................. 8

For Offenses Committed at a Young Age
  Nonviolent Felony Convictions Before Age 18 ............................. 9
  Misdemeanor Convictions Before Age 18 or 21 .......................... 10
  Gang Offenses Before Age 18 (Dismissal/Discharge) .................... 11
  Gang Offenses Before Age 18 (Conviction) ............................... 11

For Offenses Committed More than 15 Years Ago
  Older Nonviolent Misdemeanor and Felony Convictions ................. 12

For Drug-Related Offenses Committed at Age 21 or Younger
  Discharge and Dismissals ...................................................... 13
  First Conviction .................................................................... 13
  Dismissals/Not Guilty for Misdemeanor Drug-Related Offenses .......... 14
  Convictions on or after January 1, 2012 .................................. 14
  Convictions before January 1, 2012 ........................................ 14

Other Services
  Expunctions of Dismissals and Findings of Not Guilty .................... 15
Executive Summary

Through collaboration with a network of community partners across the Triangle and the state, the Clean Slate Project of the Criminal Justice Initiative of the Southern Coalition for Social Justice (SCSJ) provides direct reentry legal services and advocacy to individuals impacted by the criminal justice system. Unresolved legal matters impede an individual’s ability to get a driver’s and/or employment license, or access to public benefits. A policy statement issued by the Department of Justice noted, “Civil legal assistance often plays a critical role in addressing barriers to successful reintegration”. Providing important services such as job training programs are not enough if the criminal record still acts as a barrier to employment. To combat this problem, SCSJ’s Clean Slate Program will supplement the important services provided by our partner organizations with direct legal services and advocacy in the following areas: expungement and Certificates of Relief (COR), employment or occupational licensing hearings and driver’s license restoration.

Nationwide, one in three Americans have been arrested by the age of 23. In North Carolina, 1.6 million people have a criminal record. African-Americans are disproportionately impacted by such figures. In Durham, North Carolina, for example, of the over 12,000 people booked into the Durham County jail in 2011, 75% were African-American, though they comprise only 41% of the total population of Durham County. This trend in racial disparities in arrests, convictions, and incarceration is consistent across cities and states throughout the country. Less well known is the fact that arrests and convictions trigger an additional set of punishments known as collateral consequences. These consequences operate outside of the criminal justice context even after an individual has served his or her jail or prison sentence, paid fees and fines, and completed parole or probation. SCSJ, working in partnership with the UNC School of Government, created the Collateral Consequences Assessment Tool (C-CAT) to inventory the range of civil disabilities that may result from a criminal conviction. The tool catalogues hundreds of collateral consequences, which include denial or revocation of a professional license, loss of financial aid and restricted access to state and federal housing benefits.

While overcoming the barriers of a criminal record is a daunting challenge, new relief measures passed in the North Carolina State legislature include the Certificate of Relief (COR) and expanded opportunities for expungement. The COR, which went into effect December 2011, has the potential for tremendous legal effect because it was designed to relieve the collateral consequences triggered by a criminal conviction. Moreover, the COR can be used as court-certified evidence of rehabilitation for qualified individuals. In addition to the COR, there are now more ways to qualify for expunctions, including provisions geared toward helping young people who committed crimes under the age of 21. In the Triangle area an individual may typically pay up to $1,500 in legal fees to apply for these relief remedies, well out of the financial range of most people in need of such services. Our project will allow individuals to receive these needed legal services free of charge.

In interviews conducted with people with criminal records about their reentry experience, the theme of the ongoing stigma of a criminal record and the need to “wipe the slate clean” emerged. Moreover, interview participants questioned whether they could ever repay their debt to society and move beyond their criminal

---

1 Reentry legal service is the novel approach of combining areas of the law that most directly impact people with criminal records. These areas may include expungement and certificates of relief, driver’s license restoration, employment and occupational licenses, and child support modification. SCSJ’s Criminal Justice Initiative is one of a select few legal service organizations in the country to define this area of legal practice.

2 https://www.bja.gov/Programs/SecondChanceLegalServicesGuidance.pdf

3 http://www.nij.gov/journals/270/criminal-records.htm

record. Our program is predicated on the belief that reentry legal services coupled with the traditional reentry best practices will help program participants overcome the barriers associated with a criminal record, thereby increasing and sustaining a sense of hope and motivation to seek employment and other positive outcomes.

Providing reentry legal service interventions such as Clean Slate are considered a “best practice” in the field of prisoner reentry. A 2005 report by The Reentry Council of the Council for State Governments, a bipartisan group of over 100 leading experts in the area of criminal justice, made a number of important policy recommendations including support for Clean Slate programs, calling on service providers “to assist, to the extent appropriate, people with criminal records seeking to surmount legal and logistical obstacles to employment.” Recognizing the importance of such programs, the Department of Justice Second Chance Grants program has included an allowable use of Second Chance Act funds for reentry legal services including “securing a driver’s license, expunging criminal records, litigating inappropriate denials of housing or employment and violations of the Fair Credit Reporting Act, creating and/or modifying child support orders and other family law services that help stabilize individuals and families.”

To date, several states throughout the country including Illinois, Indiana, Georgia, Colorado, New York, North Carolina and Ohio have expanded relief options for people with criminal records. While it is exciting to be at the forefront in this important development, it is also crucial that implementation of these policies be supported by interventions like our Clean Slate project, otherwise theses remedies will have little impact. The checklists that follow the six key components of our Clean Slate project do not cover all of North Carolina’s expungement statutes. We purposely made the strategic decision to only include checklists for statues that are frequently implicated by experiences of our clients.

**DISCLAIMER**

The checklists in SCSJ’s “Clean Slate Strategy” are intended solely for informational purposes, and no part of it may be considered as constituting legal advice. Users are cautioned that this area of the law is complex and full ambiguities. Moreover, no legal action should be taken based on the information contained therein and legal action should only be taken after consulting a licensed attorney.

---

7 https://www.bja.gov/Programs/SecondChanceLegalServicesGuidance.pdf
Six Key Components of SCSJ’s Clean Slate Project

1. **OUTREACH/PARTNERSHIPS**

   *Creating a Steady Pipeline of Referrals*

   In our community outreach work to date, we have learned that eligibility for Clean Slate services is low. Staying connected with individuals whose lives may be unstable is also a challenge. To address these obstacles, we are working to create partnerships with stakeholders who work with our target population including institutional entities such as the –Department of Public Safety, the Durham County Criminal Justice Resource Center, Indigent Defense Services/Public Defender’s Office, Durham County Criminal Justice Advisory Board and Durham Joblink Ex-Offender Program plus community based service providers such as the Community Success Initiative, Urban Ministries, Durham Economic Resource Center, Trosa, InStepp and Housing for New Hope among others.

   Creating partnerships will assist us in creating a system of referrals of eligible clients. It will also allow us to establish a more reliable method of contact with clients as they will already be connected to another entity/nonprofit. Since these clients are engaged in job seeking, securing housing and other pro-social activities they are likely to be currently confronting collateral consequences and in need of immediate legal assistance.

2. **POLICIES & PROCEDURES**

   *Create a Streamlined Process for Handling Referrals and Processing Applications*

   We are developing internal policies and procedures for staff, volunteers and interns to assist clients through the Clean Slate process. We have created a checklist to assist our service provider partners in assessing client eligibility as well as the relevant forms needed to process referrals. In the future we will identify the appropriate software to track clients as they move through the process. These systems will facilitate data tracking and movement building.

   A crucial component of the process involves conducting a criminal background check. When this is done, law students or attorneys will determine the type of relief a client is eligible for. After the background check is completed and eligibility has been established, additional steps to gather the necessary paperwork for court filings will follow.

   **Existing Forms:**
   - Clean Slate Description of Services
   - Certificate of Relief Description
   - Certificate of Relief FAQ
   - Eligibility Charts
   - Clean Slate Clinic Registration form
3. IMPACT/OUTCOME GOAL

Over time, Clean Slate reentry legal services will improve job opportunities for participants and reduce their contact with the criminal justice system. Moreover, these direct legal services will enable us to identify appropriate cases for impact litigation to challenge hiring and housing discrimination. Ultimately, it will improve community support and the political climate for reducing the collateral consequences of criminal convictions.

Short-term goals include:

- Service providers will have increased awareness of reentry legal relief options and services
- Participants will have increased knowledge of reentry relief options and eligibility criteria
- Participants will have increased motivation to pursue job and housing opportunities
- Participants will have an increased sense of hope about their ability to overcome a criminal record
- Participants will aspire to advocate on behalf of people with criminal records

Intermediate goals include:

- Clients will apply for legal relief options
- Community-based organizations will request more legal clinic workshops
- Participants experiencing legal discrimination in hiring or housing based on a criminal record will be identified
- A toolkit for project replication will be created
- A collection of personal stories to document impact of the project

4. DATA

Data collection is needed to document and analyze our efforts. Implementation data can be presented at the local and state level to highlight both examples of success as well as further policy work needed to expand relief to a greater number of people. We plan to:

- Collect, track and analyze data for all individuals seeking legal relief
- Maintain a list of all outreach clinics we hold and include number of contacts and number of resulting legal remedies achieved
- Clinics to date include Spring 2013 at Antioch Baptist, Summer 2013 Durham Job Fair, Fall 2013 Orange County Department of Social Services, Fall 2013 Orange Connect, Spring 2014 Durham Economic Resource Center
- Maintain a list of partnerships with community-based organizations

5. BUILDING A MOVEMENT

We know through experience that strict eligibility restrictions for Clean Slate legal services, particularly expungement and CORs, hamper our ability to assist every person who seeks our help. However, direct reentry legal services are only part of the reason this work is so important. Our experience has taught us that Clean Slate clinics conducted in directly-impacted communities provide powerful opportunities for community education and organizing. Organizing efforts led by those most directly impacted by current criminal justice policies and practices are essential to changing the status quo. Consequently, we use our Clean Slate clinics to build a database of people with criminal records that will be mobilized to support future criminal justice reform efforts. In addition, the clinics provide a forum where individuals with natural leadership skills can be identified and trained to support movement building.
Currently, we are conducting a storytelling project “The Faces of Reentry” with individuals in the Clean Slate program. We are gathering oral histories from people who qualify and receive relief options as well as those who do not qualify. Both perspectives are equally as powerful for different reasons: (1) the success story shows the efficacy of our direct legal services model; and (2) the challenging story demonstrates the need for policy change. With so many people in North Carolina with criminal records, we need to put a human face on those in need of a second chance. We hope these stories will create greater understanding and empathy that an individual is not the sum total of their worst mistakes.

6. IMPLEMENTATION EVALUATION

We plan to write a report that summarizes all activities of this project including outcomes achieved, lessons learned and next steps moving forward. We will use the evaluation to seek funding for project sustainability and to report progress on Clean Slate efforts to the General Assembly. The following research questions will guide our work:
Certificate of Relief Requirements

☐ You do not have more than two Class G, H, or I felony or misdemeanors.

☐ You do not have any other convictions for a felony or a misdemeanor other than a traffic violation.

☐ It has been more than 12 months since you completed your sentence, including probation.

☐ You are currently seeking a lawful occupation OR you have a lawful source of support.

☐ You have complied with all requirements of your sentence.

☐ You are not in violation of any terms of your sentence OR the violation is justified, excused, involuntary, or insubstantial.

☐ You do not have any pending criminal charges.

*If you have checked off all of these boxes then you may be eligible for a Certificate of Relief.*
Nonviolent Felony Convictions for Offenses Committed Before Age 18

If you have been convicted for any of the following felonies, even if it was before you were 18, then you DO NOT qualify:

1. A felony that includes an assault.
2. A felony that requires you to register as a sex offender.
3. Sex-related or stalking offenses.
4. A felony involving meth or heroin.
5. Selling, delivering, or possessing with intent to sell and deliver cocaine.
6. A racially motivated offense.
7. Contaminating food or drink.
8. A felony where a commercial vehicle was used.

If none of these apply to you, then move on to the checklist below.

☐ The offense happened before you were 18.
☐ You did not have any misdemeanor or felony convictions before this one, except for traffic violations.
☐ It has been four years since you were convicted.
☐ You have completed your active sentence, probation, and post-release supervision.
☐ You have no felony or misdemeanor convictions, other than for a traffic violation, since you were convicted for this crime.
☐ You do not have any outstanding warrants or pending criminal cases.
☐ You do not have any outstanding restitution orders or civil judgments representing restitution.
☐ You have your high school diploma or equivalent.
☐ You have performed at least 100 hours of community service since the time of conviction.
☐ You do not have any expunctions before this one.

If you have checked off all of these boxes then you may be eligible for expunction.
Misdemeanor Convictions Before Age 18 or 21

Were you under 18 or 21 when the misdemeanor conviction occurred?

- If NO, stop here because you DO NOT qualify.
- If YES, move on.

☐ You were either:
   - Charged with a misdemeanor, other than for a traffic violation, before you were 18, or
   - Charged with a misdemeanor possession of alcohol before you were 21.

☐ You did not have any felony or misdemeanor convictions, other than for a traffic violation, before this one.

☐ It has been two years since you were convicted.

☐ You have finished your probation time.

☐ You did not have any felony or misdemeanor for two years after this conviction. (Traffic violations do not count.)

☐ You have no outstanding restitution orders or judgments representing restitution, including restitution orders that have been converted to civil judgments.

*If you have checked off all of these boxes then you may be eligible for expunction.*
Gang Offenses Before Age 18 (Dismissal/Discharge)

Was your charge dismissed or discharged?
   • If NO, stop here because you DO NOT qualify.
   • If YES, move on.

☐ The offense happened before you were 18.
☐ You did not have any felony or misdemeanor convictions before this one. (Traffic violations do not count.)
☐ You fulfilled your terms of probation.
☐ You have not been dismissed or discharged for another crime before this.
☐ Your discharge or dismissal has been completed.
☐ If your dismissal or discharge was deferred, then you have completed your one-year, or more, of supervised probation.
☐ You did not have a felony or misdemeanor conviction while you were on probation. (Traffic violations do not count.)
☐ You have no outstanding restitution orders or judgments representing restitution.

*If you have checked off all of these boxes then you may be eligible for expunction.*

Gang Offenses Before Age 18 (Conviction)

Were you convicted for a gang offense?
   • If NO, stop here because you DO NOT qualify.
   • If YES, move on.

☐ The offense occurred before you were 18.
☐ You did not have any felony or misdemeanor convictions before this one. (Traffic violations do not count.)
☐ You have completed your probation.
☐ It has been two years since you were convicted.
☐ You were not convicted of a felony or misdemeanor two years after you were convicted for this gang offense. (Traffic violations do not count.)
☐ You do not have any outstanding restitution or judgments representing restitution.

*If you have checked off all of these boxes then you may be eligible for expunction.*
Older Nonviolent Misdemeanor and Felony Convictions

Has it been 15 years since you were convicted for this felony or misdemeanor?
- If NO, stop here because you DO NOT qualify.
- If YES, move on.

If you have been convicted for any of the following felonies or misdemeanors, then you DO NOT qualify:

1. A felony that includes an assault.
2. A felony that requires you to register as a sex offender.
3. Sex-related or stalking offenses.
4. A felony involving meth or heroin.
5. Selling, delivering, or possessing with intent to sell and deliver cocaine.
6. A racially motivated offense.
7. Contaminating food or drink.
8. A felony where a commercial vehicle was used.

*If none of these apply to you, then move on to the checklist below.*

- You did not have any misdemeanor or felony convictions before this one.
- It has been 15 years since you were convicted.
- You have completed your active sentence, probation, and post-release supervision.
- You have not been convicted of a felony or misdemeanor since this conviction. (Traffic violations do not count.)
- You do not have any outstanding warrants or pending criminal cases.
- You do not have any outstanding restitution orders or judgments representing restitution, including restitution orders that have been converted to civil judgments.
- You have not gotten any other expunctions before this one.

*If you have checked off all of these boxes then you may be eligible for expunction.*
Discharge and Dismissals for Drug-Related Offenses

Controlled substance, drug paraphernalia, and toxic vapor substances.

- The offense occurred when you were 21 or younger.
- You had no other felony convictions before this offense.
- You do not have another misdemeanor for a drug offense.
- You do not have any other misdemeanors for drug paraphernalia.
- You have not previously had an expunction for a drug related offense.
- You have completed your terms of probation.
- You had good behavior when you were on probation.
- You have not had a felony or misdemeanor conviction since this offense. (Traffic violations do not count.)

*If you have checked off all of these boxes then you may be eligible for expunction.*

First Convictions for Drug-Related Offenses

Was this your first conviction of a drug-related offense?

- If NO, stop here because you DO NOT qualify.
- If YES, move on.

- The offense occurred when you were 21 or younger.
- You had no previous drug-related felonies.
- You were not convicted of any felonies between the ages of 14 and 21.
- You do not have any other misdemeanors for a drug offense.
- You do not have any other misdemeanors for drug paraphernalia.
- You have no convictions for toxic vapors.
- You fulfilled your terms of probation, which was for at least one year, and included drug education school within the first 150 days of your probation (unless the court waived this requirement).
- You had good behavior when you were on probation for this offense.
- You do not have another felony or misdemeanor convictions since this offense (traffic violations do not count).

*If you have checked off all of these boxes then you may be eligible for expunction.*
Dismissals/Not Guilty Verdict for Misdemeanor Drug-Related Offenses

☐ The offense occurred when you were 21 or younger.
☐ You were charged with misdemeanor possession of a controlled substance.
☐ Your charges were dismissed or you were found not guilty.

*If you have checked off all of these boxes then you may be eligible for expunction.*

Convictions for Drug-Related Offenses On or After January 1, 2012

Controlled substances, drug paraphernalia, and toxic vapor substances.

☐ You were under 21 when this offense occurred.
☐ You have not had a prior conviction for a felony or drug offense.
☐ You have never had an expunction for a first time drug offense.
☐ It has been at least 12 months since you were convicted.
☐ You have completed a drug education program (unless the court waived this requirement for you).
☐ You have had good behavior since this conviction.

*If you have checked off all of these boxes then you may be eligible for expunction.*

Convictions for Drug-Related Offenses Before January 1, 2012

Controlled substances, drug paraphernalia, and toxic vapor substances.

☐ You were under 21 when this offense occurred.
☐ You do not have a previous drug offense conviction.
☐ You have not had an expunction for a first time drug offense.
☐ It has been at least 12 months since you were convicted.
☐ You have completed a drug education program (unless the court waived this requirement for you).
☐ You have had good behavior since this conviction.

*If you have checked off all of these boxes then you may be eligible for expunction.*
Expunctions of Dismissals and Findings of Not Guilty

1. You had a dismissal or were found not guilty or not responsible for a misdemeanor or felony.

2. You had a dismissal or were found not guilty or responsible for multiple charges, if:
   - The offenses that allegedly occurred happened during a 12-month period, OR
   - The offenses were all dismissed/found not guilty during the same term of court.

*If any of the above apply to you, please proceed to checklist.*

☐ You do not have a prior felony conviction.

☐ You have not filed for any expunctions for charges that were dismissed or you were found not guilty for.

*If you have checked off all of these boxes then you may be eligible for expunction.*
CLEAN SLATE REGISTRATION

Today's Date: ________________

Full Name: ___________________________ Date of Birth (mm/dd/yyyy): _____________

Home #: __________________ Mobile #: __________________ Email: ______________________

Aliases: ______________________________________

List every North Carolina County in which you were criminally charged:
__________________________________________________________________________________________

Any out-of-state charges/conviction(s): ______________________________________________________

**SCSJ STAFF WILL COMPLETE THE SECTION BELOW. **

DPS Search Results:
__________________________________________________________________________________________
__________________________________________________________________________________________

ACIS Search Results:
__________________________________________________________________________________________
__________________________________________________________________________________________

Clean Slate Eligibility: ☐ Certificate of Relief ☐ Expungement ☐ Not Eligible – Code(s): _____________
☐ Other: __________________________

Notes:
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________
__________________________________________________________________________________________

Ineligibility Codes:

1. Too many convictions
2. Pending charges
3. Conviction(s) too severe
4. No relevant convictions
5. Not in ACIS system