

CASE
STUDY

Salt Lake County, Utah Creates Expungement Day to Enhance Employment Opportunities for Residents with Criminal Records

THE CHALLENGE: In recent years, Salt Lake County has been seeking strategies to better help residents with criminal records expand their employment opportunities. Persons with criminal records face significant barriers to employment: they are 50% less likely to be called for an interview according to the National Reentry Resource Center.¹ The Salt Lake County Mayor's Office and the Salt Lake County [Criminal Justice Advisory Council \(CJAC\)](#) set out to help eligible individuals expunge their criminal records.

THE APPROACH²: Salt Lake County, in collaboration with community partners, piloted a one-day Expungement Day clinic to support rapid and free expungement of criminal records. With this program, the County sought to provide immediate support to persons with criminal records, and particularly those experiencing homelessness. Salt Lake County held its Expungement Day on April 5, 2018 at the Catholic Community Services' St. Vincent DePaul Dining Hall. In advance of the event, Salt Lake County worked together with the State of Utah to raise nearly \$20,000 from private donors, local businesses, law firms, and the Utah State Bar Foundation, in order to cover expungement fees for eligible participants.

THE RESULTS³: In the five weeks leading up to the April 2018 Expungement Day, CJAC received 471 calls and emails from people all over the State inquiring about expungement support. Of these individuals, 52 were deemed to be eligible and applied for expungement and 32 applications were successful. On a larger scale, Salt Lake County's Expungement Day generated increased community awareness of the employment barriers facing persons with criminal records, as well as the additional barriers encountered by those experiencing homelessness or a lack of affordable housing options. Salt Lake County is using the results of this Expungement Day to inform future expungement policy reform proposals. These policy reforms include a new "Clean Slate" bill that, if passed, will use technology to identify eligible individuals and provide automatic relief to those who have low level misdemeanor records and have been crime free for seven years.

 **RESULTS**

FOR AMERICA

December 20, 2018

INTRODUCTION

The Utah [Department of Workforce Services](#) (DWS) was repeatedly encountering a barrier to providing employment services in downtown Salt Lake City: many of the area's homeless population lacked employment opportunities because of their criminal records. DWS reached out to the Salt Lake County [Criminal Justice Advisory Council \(CJAC\)](#) – a mayoral advisory committee on criminal justice policy – to help address this challenge. CJAC began to explore strategies to assist individuals, particularly those experiencing homelessness, with expunging prior criminal records in order to expand their employment and housing opportunities.

Through pre- and post-interviews with residents interested in expunging their criminal records, CJAC determined that the expungement process itself represented a significant barrier. In particular, the high cost and lengthy and complicated process prevented many eligible people from successfully expunging their criminal records.

Based on these findings, CJAC organized an Expungement Day to create a free and expedited process for criminal record expungement. Salt Lake County staff is also using the results of this Expungement Day to inform future expungement policy reform proposals.

[Megan Hillyard](#), Salt Lake County Administrative Services Director and Results for America Local Government Fellow, identified this project as one example of how Salt Lake County is using data and evidence to deliver better outcomes for residents.

THE CHALLENGE

In recent years, Salt Lake County has pursued strategies to better help residents with criminal records expand their employment opportunities. Research indicates that people with criminal

records face far greater barriers to employment. According to the National Reentry Resource Center, this population is on average 50% less likely to be called for an employment interview.⁴ Individuals with criminal records are also often unable to earn occupational licenses mandatory in certain fields and occupations as a result of over 20,000 regulations and statutes barring participation by those with prior criminal convictions.⁵

Recognizing these barriers, Utah [state law](#) enables persons with a criminal record to expunge their records after a certain period of time, subject to certain criteria. Between 2013 and 2017, Utah has seen an average of approximately 5,400 expungement applications per year, which includes individuals living outside of Utah seeking to expunge Utah-based charges.⁶

Salt Lake County government and its [Criminal Justice Advisory Council \(CJAC\)](#) set out to help eligible individuals expunge their criminal records under state law. CJAC identified three main barriers to the current criminal record expungement process.

1. The **high cost** of expungement – a fee of \$65 per application, \$65 per conviction to be expunged, in addition to the cost of hiring attorneys and paying court filing fees – makes the process unaffordable to most people who are in need of the services.
2. The **complex process** to expunge criminal records is challenging to navigate for most people in need of the services.
3. The **time-consuming process** for expungement – long wait times to process applications and numerous steps to complete the process result in an average of 12 to 18 months from application until expungement – an exceptionally long period of time for people who are experiencing high barriers to employment.

Eligibility for Expungement Under Utah Law

Currently, a person is eligible for an expungement under Utah law unless they have:

- An open or pending criminal case(s)
- 2 or more felony convictions (stemming from separate criminal episodes)
- 3 or more Class A misdemeanor convictions (stemming from separate criminal episodes)
- 4 or more Class B misdemeanor convictions (stemming from separate criminal episodes)
- 5 or more total convictions (excluding infractions or minor regulatory offenses)

- Outstanding fines, fees, or restitution
- A capital felony, first degree felony, other violent felony, or sex offense

Note: Slightly different rules apply for drug-related offenses.

Individuals are only eligible following a waiting period that corresponds to the offense for which they were convicted. [According to Utah Courts](#), "the following time periods must have passed from the date the petitioner was convicted or released from incarceration, probation or parole, whichever occurred last."

Offense	Waiting Period
Misdemeanor conviction of Subsection 41-6a-501(2) Felony conviction of Subsection 58-37-8(2)(g)	10 years
Felony	7 years
Class A Misdemeanor or felony drug possession	5 years
Class B Misdemeanor	4 years
Other Misdemeanor or Infraction	3 years

SOURCES: THE SALT LAKE COUNTY [CRIMINAL JUSTICE ADVISORY COUNCIL \(CJAC\)](#) AND UTAH COURTS, [EXPUNGING ADULT CRIMINAL RECORDS](#), ACCESSED DECEMBER 2018.

WHAT IS EXPUNGEMENT?

According to the American Bar Association, "In law, 'expungement' is the process by which a record of criminal conviction is destroyed or sealed from state or federal record. An expungement order directs the court to treat the criminal conviction as if it had never occurred, essentially removing it from a defendant's criminal record as well as, ideally, the public record."⁷ Notably, a legal expungement allows an individual to answer "no," when asked on housing or employment applications whether they have ever been arrested, charged, or convicted of a crime.

THE APPROACH⁸

Salt Lake County, in collaboration with community partners, piloted a one-day Expungement Day clinic to support rapid and free expungement of criminal records, particularly for persons experiencing homelessness. Community partners who work with people experiencing homelessness referred potential clients to the [Criminal Justice Advisory Council \(CJAC\)](#), although participation was available to any eligible client.

Expungement Day in Salt Lake County was held on April 5, 2018 at the Catholic Community Services' St. Vincent DePaul Dining Hall. Salt Lake County and state partners raised nearly \$20,000 from private donors in advance of the event in order to cover costs associated with the event. Donations helped cover the cost of applications, eligibility certificates, filing fees, and other related costs.

Eligible clients received expungement services from approximately 40 pro bono attorneys from the Utah State Bar who helped them complete all

“ From looking at the data, we knew old criminal records prevent people from getting housing, jobs, and education. We also learned how complicated and expensive it is to have a record expunged. People pursuing healthy, productive lives should not run into roadblocks at every step of the way. Now we are tracking the data from those who participated in Expungement Day to learn how we can successfully continue this meaningful work. ”

— BEN McADAMS
Mayor of
Salt Lake County



Mayor Ben McAdams shakes hands with a volunteer attorney on Expungement Day.

THE APPROACH (CONTINUED)

the necessary paperwork. In addition, members of the judiciary and other community providers attended the event in order to resolve court cases, sign expungement orders, and connect participants with supplemental social services, such as peer support networks and affordable housing organizations.

Following [an article in February 2018](#) in the Salt Lake Tribune about the County's upcoming Expungement Day, CJAC was contacted by 471 people expressing interest in the event. Salt Lake County created a pre-screening process with the following steps for each person who expressed interest in the service:

1. Through a screening interview, CJAC determined whether the person was likely to qualify for criminal record expungement based on the Utah state statute;
2. If eligible, CJAC assisted the individual in beginning the expungement process by helping them fill out an application and taking their fingerprints; and
3. CJAC then conducted an in-person interview with eligible clients to collect data on why they wanted to expunge their criminal record, why they had not tried to do so before, and ways that their criminal record presented a barrier to employment and other goals.

“Prioritizing data collection for Expungement Day led to an unraveling of a much bigger story behind this single issue. As a result, policymakers are able to ask more meaningful questions and direct precious resources to improve the criminal justice system as a whole.”

— MEGAN HILLYARD
Salt Lake County
Administrative Services
Director

What is the current expungement process that residents of Salt Lake County must navigate?

- **Step 1:** Apply for an expungement with [Bureau of Criminal Identification \(BCI\)](#).
cost: \$65 for application
- **Step 2:** Wait an average of 4 to 6 months for an answer from BCI.
- **Step 3:** Obtain from BCI certificates for each conviction eligible for expungement.
cost: \$65 per certificate
- **Step 4:** Hire a lawyer or prepare own paperwork for each conviction eligible for expungement.
- **Step 5:** File paperwork in every court where a conviction eligible for expungement exists.
cost: \$135 filing fee per court
- **Step 6:** Serve the prosecutor in every relevant jurisdiction with notice of the expungement petition and wait for a response.
- **Step 7:** Wait for the court to schedule a hearing or grant the expungement order.
- **Step 8:** Pick up a physical copy of the order and deliver it to a number of government agencies to ensure the criminal record is expunged.

THE APPROACH (CONTINUED)

This pre-screening process provided Salt Lake County with data to inform future policy reform proposals while ensuring that eligible clients would have all their necessary records and paperwork in time for Expungement Day.

CJAC's interviews with people seeking to expunge their criminal records confirmed that the expungement process itself was a significant barrier for those desiring record expungement. When interviewing residents interested in expunging their criminal records at Expungement Day, CJAC found that of the 73 people they spoke with, 79% had not attempted to expunge their criminal records because of the high cost and complication of the expungement process. Additionally, 59% of those interviewed stated that the main reason they wanted to seek an expungement

was to get access to better employment opportunities.

TIPS FOR REPLICATION

- **Engage with Community Members**

Early: When seeking to make progress on long-standing challenges, such as employment opportunities for people with criminal records, speak with those experiencing these challenges early in the process. As part of the pre-screening process for Expungement Day, Salt Lake County heard from 471 people seeking expungement services, and collected data from them in order to understand employment challenges and other barriers these people face. The County plans to use the data collected throughout the process to inform its future criminal justice reform work.



Individuals participate in Expungement Day on April 5, 2018 at the Catholic Community Services' St. Vincent DePaul Dining Hall.

TIPS FOR REPLICATION (CONTINUED)

- **Leverage Available Community**

Resources: Invite community partners and interested stakeholders to help develop solutions to government challenges. Salt Lake County found that many community partners and stakeholders were eager to support persons seeking expungement services. For example, community-based organizations informed Expungement Day participants about available support services, including housing resources and Medicaid access. Other stakeholders, including attorneys from the Utah State Bar and two judges from West Valley City and Salt Lake City Justice Court, attended to provide pro-bono services and sign expungement orders. These community partners enhanced the event for participants and helped them to become better informed about the current system.

- **Work on Short- and Long-term Solutions**

Simultaneously: Advance smaller, short-term fixes that can improve a process or service while at the same time developing long-term policy solutions. As a result of Expungement Day, CJAC sought to make both short-term changes to expedite and simplify the expungement process while also seeking long-term policy solutions to reduce the cost and burden on expungement applicants. For example, CJAC has partnered with Coders for Justice – a local group of computer programmers who work on open-source code to advance particular social issues – to streamline the expungement process through the creation of fillable online expungement forms that allow standard information (name, address, affidavit to show inability to pay filing fees, etc.) to be filled in automatically on multiple files. CJAC has also partnered with Republican State Legislator Eric Hutchings to develop and introduce a clean slate expungement bill that would automate the expungement process for low

level offenders. This bill will be introduced in the 2018 State Legislative Session, which begins in January.⁹

THE RESULTS¹⁰

In the five weeks leading up to April's Expungement Day, the [Criminal Justice Advisory Council \(CJAC\)](#) received 471 inquiries from persons seeking expungement support. Of these individuals, CJAC was able to identify 52 people they deemed likely eligible and helped them apply for expungement. Ultimately, 32 applications were successful. Some people had out of state charges, recent charges, or other fines that made them ineligible for expungement. For those eligible clients, CJAC worked closely with the [State Bureau of Criminal Identification \(BCI\)](#) to expedite issuance of 191 certificates of eligibility between February and April 2018. Some participants required expungement of multiple records in multiple jurisdictions which accounted for the high number of certificates relative to clients.

On Expungement Day, Salt Lake County welcomed 32 pre-registered attendees with 191 expungement eligibility certificates from the BCI. These 32 attendees had BCI certificates from 38 different courts across the state. One attendee, an outlier, received 17 certificates of expungement eligibility from ten different courts.

In addition, the County served 41 walk-in clients on Expungement Day, some of whom were experiencing homelessness. Many of the homeless clients served had an open or pending criminal case, which prevented them from being eligible for expungement services.

The County had to turn away over 100 additional clients in line for expungement services due to time constraints. Although they were not able to be served on Expungement Day, the 75 potential applicants were given information about a free, monthly [expungement clinic](#) hosted by the University of Utah's S.J. Quinney College of Law.

THE RESULTS (CONTINUED)

The event also provided an opportunity for organizations to connect Salt Lake County residents with other valuable services. For example, [Utah Health Policy Project](#) enrolled 10 people in Utah's new Targeted Adult Medicaid Program, and [Utah Community Action](#) passed out 36 flyers related to housing programs, and connected seven clients to diversion and housing case management services. The Salt Lake City [Community Connections Center](#) assisted 10 people with questions, housing applications, and access to treatment, and [Criminal Justice Services](#) provided residents with information about clearing open warrants.

CJAC also surveyed and educated attendees about regularly available resources. For example, 97% of participants were not aware of an ongoing monthly expungement clinic hosted by the University of Utah's S.J. Quinney College of Law. Since Expungement Day, however, the University of Utah clinic has seen a dramatic increase in clients. As a result of the County's focus on expungement, the law school clinic is now serving 30 to 50 residents monthly, which represents a five-fold increase.

On a larger scale, Salt Lake County's Expungement Day has brought about increased community awareness of the employment and housing barriers facing people with criminal records, and the added barriers encountered by those experiencing homelessness.

Following the event, Salt Lake County government began researching automatic expungement legislation, similar to the [law recently passed in Pennsylvania](#), where low-level misdemeanors are sealed without any payment or filing after a certain period of time. Through the data collected, Salt Lake County government is also exploring whether changes

SALT LAKE COUNTY EXPUNGEMENT DAY COSTS:

Total cost of all application fees	\$3,100
Total cost of all certificates.	\$9,016
Average fees per person.	\$273
Maximum fees for one person	\$840

**Note: These costs are for the 52 pre-registered attendees only.*

to the statutory criteria for expungement would increase the number of eligible individuals.

As a result of this expungement work, Utah's Commission for Criminal and Juvenile Justice informed CJAC of a grant opportunity under the Edward Byrne Memorial Justice Assistance Grant Program that could support expungement services for the underserved. The County has since applied for \$120,000 in grant funding to be used primarily to cover fees for those that cannot afford the expungement costs and to hire a part-time Expungement Navigator – a lawyer housed in Salt Lake County government to provide assistance on this work year-round.

Following Expungement Day, Salt Lake County followed up with several of the individuals in attendance to learn more about the impact of expungement on their lives in an effort to further inform this work. Preliminary results from that survey show that the majority of participants contacted reported that they obtained better housing or employment opportunities, pay raises, or promotions since their records were cleared six months ago through the Expungement Day event. In addition, 100% of individuals surveyed so far reported that having a clean record has helped them feel happier, and less stressed, and that they have a more positive outlook on life.

ABOUT RESULTS FOR AMERICA'S LOCAL GOVERNMENT FELLOWSHIP PROGRAM

Results for America's Local Government Fellows program was founded in September 2014 to provide an advanced group of local government leaders in diverse and influential cities and counties across the country the knowledge and support to implement strategies that consistently use data and evidence to drive policy and budget decisions on major policy challenges.

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- Sharing best practices and demonstration projects;
- Problem solving among peers;
- Receiving individual feedback and coaching; and
- Participating in a national network and peer cohort.

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- Megan Hillyard, Administrative Services Director
- Noella Sudbury, Director, Criminal Justice Advisory Council & Senior Policy Advisor
- Tucker Samuelsen, Management Analyst, Criminal Justice Advisory Council

ADDITIONAL RESOURCES

- How is expungement getting easier and less expensive? Read more in The Pew Charitable Trust's June 8, 2016 [Stateline blog](https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline) at <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline>.
- Learn more about [how criminal records impact employment opportunities](https://csgjusticecenter.org/nrrc) using the National Reentry Resource Center at <https://csgjusticecenter.org/nrrc>.
- Read about Learn more about Results for America's **Local Government Fellowship** at <http://results4america.org>.

AUTHORS

Maia Jachimowicz, Results for America's Vice President of Evidence-Based Policy Implementation, maia@results4america.org

Sophie Bergmann, Results for America Program Associate, sophie@results4america.org

REFERENCES

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2, 3, 8 & 10: Noella Sudbury, "Access to Justice Committee," Microsoft PowerPoint, Salt Lake County, Utah; Tucker Samuelsen and Noella Sudbury, email consultation provided to Results for America on December 13, 2018.

6: Tucker Samuelsen, email consultation provided to Results for America on September 17, 2018 and December 13, 2018.

7: "What is Expungement?" American Bar Association. https://www.americanbar.org/groups/public_education/publications/insights_on_law_and_society/16/winter2016/expungement/.

9: Tucker Samuelsen and Noella Sudbury, email consultation provided to Results for America on December 13, 2018.

PHOTOS

Cover: Sean Buckley.

Page 4: Salt Lake County Mayor's Office.

Page 6: Salt Lake County Mayor's Office.

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This report is part of Results for America's Invest in What Works Policy Series, which provides ideas and supporting research to policymakers to drive public funds toward evidence-based, results-driven solutions. Results for America is committed to improving outcomes for young people, their families, and communities by shifting public resources toward programs and practices that use evidence and data to improve quality and get better results.



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