

# A "Clean Slate" - New Missouri Law Removes Criminal Records



A new state law is helping those with criminal records get a fresh start. The law, which went into effect in 2018, dramatically expanded the number of crimes eligible for expungement, including felonies that are often lifelong hurdles to employment and housing.

Now, the Springfield Metropolitan Bar Foundation and Legal Services of Southern Missouri are hosting a series of clinics in northwest Springfield to connect eligible low-income individuals with prior convictions to free legal services.

“Our project is very well aligned with the priorities we’ve heard from national leaders to state leaders,” said Crista Hogan, executive director of the Springfield Metropolitan Bar Association.

“The old policy of ‘tough on crime, lock them up and throw away the key’ has proven to be very expensive for taxpayers and not very effective to the ultimate goal on punishment.”

Additionally, organizers of the Clean Slate clinics say they’re addressing the city’s roughly 25% poverty rate.

“Having a criminal record is a bit of a ball and chain in terms of lifting yourself from poverty,” Hogan said.

One in three Americans has a criminal record, according to the Bureau of Justice Statistics. And Missouri Department of Corrections officials report up to 20,000 people are released from the state’s prison system each year. The vast majority, 80%, of prison admissions are related to nonviolent offenses now eligible for expungement.

Springfield lawyer Scott Pierson, a Clean Slate clinic organizer, said the recently passed state law expanded the number of crimes eligible for expungement to over 1,300 from just 13.

“It really opened the door for people who had been ineligible in the past,” said Pierson, who practices at the Law Offices of Dee Wampler and Joseph Passanise PC. “I’m a true believer in this. People have a right to a second chance in this society. People deserve to not be labeled as a convict.”

Another volunteer organizer, Nate Dunville with Neale & Newman LLP, said an expungement can be life-changing.

“Not having to check that box to say they are a felon can really be a game changer for people, not only from a workforce standpoint but when it comes to obtaining a home loan or applying to rent a house,” he said. “It’s something that can really change the trajectory of an individual’s life.”

## **Correction over punishment**

Greene County Presiding Commissioner Bob Dixon sponsored the expungement law during his time representing Springfield in the Missouri Senate. His efforts led former Gov. Jay Nixon to sign Senate Bill 588 into law in July 2016, and it went into effect Jan. 1, 2018.

“There needed to be a path for restoration in Missouri. We had a limited expungement statute only for a few crimes,” Dixon said. “When someone had gone for an extensive period of time and had shown exemplary behavior ... we wanted to empower people to rejoin the workforce.”

The nonprofit Prison Policy Initiative reports a 27% unemployment rate for formerly incarcerated individuals. The latest data from the Bureau of Labor Statistics puts the Springfield metropolitan statistical area unemployment rate at 3.1%.

“You have a system that is essentially blockading someone from the workforce. We’re short on employees, and it’s very hard to find a skilled workforce,” Dixon said. “Why would we box someone in and try to keep them where they are?”

Pierson said the new law has certain criteria on offenses that are eligible for expungement, but it generally applies to nonviolent felonies and misdemeanors. He said an individual is only eligible for one felony to be expunged from their record, and only after seven years if the person has kept up with probation requirements and has not committed any other offenses since the conviction.

He said once an individual files a petition for expungement, the process can be completed as quickly as eight weeks.

Dunville said drug possession is the most common crime he’s seen people petition for expungement, followed by property damage and DWIs.

Dixon said in the state, expungement refers to sealing a criminal record and not erasing it.

“We came to a point in the process of passing the bill that we had to take the sealing or we wouldn’t have the votes to pass the bill,” he said. “I would like to see Missouri go to an erasure system.”

## **Community outreach**

Legal Services Executive Director Dan Wichmer said he fields calls daily about the expungement law.

“Some of them have charges where it hinders them from getting employment in different areas,” he said. “A lot of the people that approach me are very limited in who will hire them right now. They have skills to do other things that will pay better.

“They look at this as a way to better their lives.”

Tapping into a portion of \$27,000 in state grant money awarded to the Springfield Metropolitan Bar Foundation and \$70,000 awarded to Legal Services, the Clean Slate clinics are held at the Drew Lewis Foundation at The Fairbanks in Grant Beach.

At the first clinic held in March, Hogan said 50 people attended and roughly 10 are eligible for the expungement process. The clinics help connect individuals to lawyers who will take on the case at no cost for low-income individuals. Wichmer said the grant is paying for reimbursement at \$50 an hour for participating lawyers.

The next clinic is slated for June 5.

Hogan said more than 20 area lawyers have signed up to help with the project.

“If we disenfranchise people and take away their tools and their ability to be self-sufficient, then as a society we’re moving in the wrong direction,” she said. “The expungement, more than anything, is a very specific way that we can try to help people help themselves and get back on their feet.”

Drew Lewis Foundation founder Amy Blansit said roughly 15% of the 70 families she works with through her nonprofit have at least one felon. She’s helped connect individuals with employers who are open to hiring people with a criminal record, like NorthStar Battery Co. LLC and Expedia Inc. But she said finding safe and affordable housing can be tough.

“Finding landlords that will accept felons is harder than employers,” Blansit said. “If we don’t figure out how to decriminalize someone after they’ve served their time, we’re just putting them right back and letting them know that’s what they deserve instead of changing the cycle.”

In a tight labor market, Springfield Workforce Development Director Mary Ann Rojas said businesses need all the employees they can get. She said the Missouri Job Center recently held a hiring fair with eight employers for incarcerated individuals nearing their release date.

“The most significant barrier is the lack of confidence of the individual,” Rojas said. “Being able to have the ability to have that past eliminated, it really helps with developing that core competence that people need to take that next step.”

Dunville said he met with a man who was convicted of a felony when he was 20 years old and since had no criminal record.

“He’d raised his kids on an hourly job that he told me he had peaked out on the pay scale about 10 to 12 years prior,” Dunville said. “When I told him he was going to be able to have that felony removed from his record, this grown man wept.”

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