



## CRIMINAL HISTORIES HAVE LONG TERM CONSEQUENCES FOR PEOPLE IN RECOVERY...

### Consider the scope of the problem

*Of the 2.3 million U.S. inmates, 1.5 million suffer from substance abuse addiction and another 458,000 inmates “had histories of substance abuse and were under the influence of alcohol or other drugs at the time their crime, committed their offenses to get money to buy drugs, were incarcerated for an alcohol or drug violation.” Combined, the two groups make up 85 percent of the U.S. prison population.*

**BEHIND BARS II: SUBSTANCE ABUSE AND AMERICA'S PRISON POPULATION - CASA (2012)**

<http://www.centeronaddiction.org/addiction-research/reports/substance-abuse-prison-system-2010>

*“Nearly one-third of American adults have been arrested by age 23. This record will keep many people from obtaining employment, even if they have paid their dues, are qualified for the job and are unlikely to reoffend. At the same time, it is the chance at a job that offers hope for people involved in the criminal justice system, as we know from research that stable employment is an important predictor of successful re-entry and desistance from crime.”*

**In Search of a Job: Criminal Records as Barriers to Employment — National Institute of Justice (2012)**

<http://www.nij.gov/journals/270/pages/criminal-records.aspx>

### Once in Recovery

*“A host of systemic barriers stand in our and in the way of people seeking or with sustained recovery. Public opinion and discriminatory laws surrounding addiction and recovery are amplified for someone with a criminal background. People with a felony record, despite successfully completing the terms of their sentence, face a life-long ineligibility for benefits that may help them achieve self-sufficiency. Denied such opportunities, they are at greater risk of relapse, from addiction and criminality combined.”*

**Policy Position Paper on Criminal Justice Recovery Advocacy — Faces and Voices of Recovery (2013)**

<http://facesandvoicesofrecovery.org/resources/criminal-justice.html>

*“It is well known — and widely accepted by criminologists and practitioners alike — that recidivism declines steadily with time clean. Most detected recidivism occurs within three years of an arrest and almost certainly within five years.”*

**‘Redemption’ in an Era of Widespread Criminal Background Checks — National Institute of Justice (2010)**

<http://www.nij.gov/journals/263/pages/redemption.aspx>

### National Survey of the Recovery Community findings on legal histories

*Survey findings of the 3,228 surveyed document the heavy costs of active addiction in all areas of life. “The nefarious consequences of addiction on survey participants were especially notable in the legal area, with 53% reporting one or more arrest, and a third, one or more episode of incarceration.”*

**Faces and Voices of Recovery Life in Recovery Survey — Faces and Voices of Recovery (2012)**

<http://facesandvoicesofrecovery.org/resources/recovery-research.html>

### Pennsylvania Survey of the Recovery Community

*Approximately half of all the 497 respondents identified that personal involvement with the Criminal Justice system was a hindrance to employability in the Behavioral Health Service Systems. Prior convictions continue to be a barrier for those with lived recovery experience. (Sample of comments):*

- “Because a lot of companies would prefer no background”
- “It’s just the nature of having a stack of applications - the one with the record gets put on the bottom.”
- “A criminal record is a stigma even in the field.”
- “In this state, once you’re in the system - it’s very hard to become a different person. The system can really be a hindrance.”

**Recovery and Resiliency Recovery Works! Survey — PRO•A and PMHCA (2015)**

<http://pro-a.org/final-recovery-works-summit-survey-summary/>



# HOWEVER, OPPORTUNITIES ARE AVAILABLE TO CLEAR YOUR RECORD AND MOVE ON WITH YOUR LIFE ONCE YOU ARE IN LONG TERM RECOVERY!

PRO•A is working to get information out to people in long term recovery seeking to clear their records. Many members of our recovery community, who have worked hard to change their lives and pay their debts to society, may be eligible and could benefit from consideration for a pardon. For some, expungement or a pardon may be options to explore. Many applicants are persons who committed crimes as a direct result of having a drug and alcohol problem. Oftentimes, individuals may apply for a pardon:

- *After achieving sustainable recovery and because they want to clear their name.*
- *Out of a need to make it easier to obtain employment to provide for their families.*

The process from application to a hearing takes about three years.

This requires a significant commitment of time and energy from the applicant asking for consideration.

Find more information on the PRO•A web site here - <http://pro-a.org/pennsylvania-pathways-to-pardons-process/>

Pennsylvania Board of Pardons Answers to frequently asked questions on Pardons can be found here:

<http://www.bop.pa.gov/application-process/Pages/Frequently-Asked-Questions.aspx>

Information on the application for clemency through the Pennsylvania Board of Pardons can be found here:

<http://www.bop.pa.gov/Purchase-an-Application/Pages/How-to-Obtain-an-Application.aspx>

## Did you Know?

On February 16th, Pennsylvania Governor Tom Wolf signed SB 166 into law. It amends Title 18 to allow individuals who have served their punishment and remained free of arrest or prosecution for seven to ten years, for nonviolent misdemeanors, to petition the court for their record to be sealed from public view. With some exceptions, most misdemeanors of the second and third degree are now expungeable as the law took effect in October of 2016.

## What is the procedure to seal the record?

A person who is eligible files a petition in the Court of Common Pleas in the county where the guilty plea or verdict took place. The District Attorney's Office has thirty (30) days to consent or object. If the District Attorney's Office objects, there will be a hearing before a judge. If not, the order will be granted and notice of the sealed order will be submitted to the appropriate agencies. Please note that there are exceptions to the law. For example, legal, medical, teaching or nursing agencies that issue professional occupational licenses may request criminal information from a sealed case. If there is an investigation by a county children, youth and family agency or Department of Public Welfare, criminal information may be requested. It is important to remember that the purpose of the law is not to expunge or erase a criminal record. The purpose of the law is to seal a case from public access after successfully showing years of law-abiding behavior.

## Resources

**National Clean Slate Clearinghouse (NCSC)** - Starting in 2017, they will provide information on policies governing juvenile adjudication and adult criminal record clearance at the state level. <https://csgjusticecenter.org/cleanslate/>

**Pennsylvania Legal Aid Network - Information on legal records expungement and pardons:**

<http://www.palawhelp.org/issues/employment/employment-issues-for-ex-offenders-criminal-r?channel=legal-information&category=information-from-the-pennsylvania-legal-aid-n>

**Philadelphia Bar Association, Community Legal Services (CLS)** - <https://clsphila.org/about-cls>

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