Clean Slate

Request for Proposals

for Clean Slate Research

June 2020

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Introduction

The Clean Slate Initiative

An estimated 1 in 3 Americans have some type of criminal record. While many states allow people to petition the court to have certain records cleared, the vast majority of people who are eligible are impeded from obtaining this relief because of the cost and complexity of the process. As a result, many Americans legally eligible for record clearance continue to be burdened by the estimated 45,000 collateral consequences of a criminal record, prohibiting access to jobs, housing and education.

The Clean Slate Initiative is a bipartisan national coalition working collaboratively to expand record clearing eligibility and automate record clearance in states across the country, removing a barrier to economic and social opportunity to millions of Americans in a scalable and sustainable way. The initiative's mission is to expand opportunities for all people with a criminal record through automated record clearance. In service of this mission, over (at least) the next two years, the initiative will work with state partners on campaigns to pass legislation that will enable automated record clearance of certain criminal convictions and clearance of non-convictions from state repositories and Fair Credit Reporting Act (FCRA)-governed background check companies, such as banks, government agencies, and others. For more information about the initiative, please visit the "About Us" page.

 A key part of the Clean Slate initiative is fostering independent research to measure the short- and long-term impacts of Clean Slate reforms on people's lives to inform future efforts. Two states — Pennsylvania and Utah — have already passed Clean Slate laws. There are several opportunities for research and policy evaluation in these states and others that are currently considering Clean Slate legislation. The below RFP outlines research questions the initiative has identified as crucial to this effort, as well as the timeline and process for submission of potential research projects.

Background

While much attention has been paid to the increasing *availability* of records relief, very little is known about their *delivery* and *impact*, and even less about the *design* of effective interventions. The literature to date suggests the following:

- A substantial number of people with criminal records—potentially on the order of 20-30M Americans—could clean their records partially or fully under existing law.[i]
- The uptake of petitions-based clearance remedies —or the percentage of eligible people who actually receive record clearance —is low in the jurisdictions studied. While results vary by jurisdiction, studies of both adult and juvenile record relief have found an uptake rate of 6.5-10% without automation.[ii] Qualitative research indicates that people do not clear their records due to the opaqueness and the administrative hassle associated with the clearance process, costs, lack of access to counsel, and distrust of the system.[iii]
- Qualitative studies suggest that cleaning one's record sets in motion an internal redemptive process for the formerly "marked," enhancing their confidence and social status.[iv]
- Studies of petition based records clearing programs in California and Michigan have also documented gains in employment and earnings following records-cleaning.[v] In addition, the Michigan study found that those who obtain expungements have low subsequent crime rates, comparing favorably to the general population.[vi]

Considerations for Future Research

The Design of Expungement Laws Matters

As the low uptake of petitions-based clearance remedies shows, the design of the Clean Slate laws dictates their implementation and effectiveness. But even when the burden is on the state, small differences in how the law is drafted or implemented can contribute to big differences in the consequences of a criminal record. However, even in states considering expungement laws, data challenges, including data silos, missing data, and dirty data can make it difficult to automate criteria that are specific to the person, charge, or disposition status. For example, to know whether or not a conviction is the person's "first offense," she has not experienced additional arrests or convictions for the statutorily required wait period, or she has satisfied other qualifying (or disqualifying) conditions requires a reliable way to identify that person across statewide (and sometimes national) criminal records, for example through a unique state ID. Provisions that are "person-specific," are both common and difficult to ascertain at scale without an authorized identification strategy. Any assessment of the impact of new clean slate legislation will need to grapple with these state specific implementation challenges.

Understanding whether and how awareness impacts outcomes differentially may also be an important aspect of assessing the implementation of clean slate policies. Just as a person unaware of the restored right to vote probably won't register to vote or go to the polls, not knowing one's record has been cleared could lead to inadvertent and unnecessary disclosures of past history. Additionally, implementation monitoring must account for the ways state repositories and Fair Credit Reporting Act (FCRA)-governed background check companies, such as banks, government agencies, and others interpret and implement changes to record access.

The Effects of Expungement

Very little work has yet been done on identifying the causal effects of expungement on outcomes for people with criminal records, and the work that has been done has focused on petition-based expungement policies with fairly stringent eligibility requirements. Especially given the very low uptake rates that have been found, the recipients of expungements under such policies are a highly selected sample—selected by legal criteria, by personal motivation (because they choose to apply), and by judges (who generally have discretion to deny expungements). So these individuals cannot be assumed to be representative of all individuals with criminal records who might benefit from the automated or otherwise broader policies that many states are now adopting or considering for records expungement. When people apply for expungements, a process requiring considerable effort, they may be doing so because they think the benefits of expungement will outweigh the burden of the process, and they may often be right.

In contrast, we might expect automated processes generally to produce less dramatic benefits for recipients who aren't going out of their way to pursue them (and especially if such processes are limited to people with relatively minor, long-ago records). On the other hand, other kinds of policy liberalization—for example, shortening or eliminating waiting periods, or allowing more serious or more numerous offenses to be expunged— might be expected to produce larger effects than current research has found.

RFP Structure and Research Questions

The Clean Slate Initiative seeks to advance our collective understanding of the short and long-term impacts of clean slate reforms on people's lives. We will fund research activities that will expand knowledge on the reach, design, and effects of record clearance and clearance automation. We will prioritize research focused on automated record clearance as opposed to other record clearing mechanisms.

Based on guidance from researchers and national expungement experts, this RFP solicits applications under two categories:

- **Category 1 - Campaign Process, Implementation and Outcomes Assessment of Clean Slate Reforms**: We are seeking a single research entity or a consortium of researchers with a designated lead to conduct research on the campaign process of up to eight state campaigns to enact clean slate laws and the implementation outcomes in up to three states where clean slate legislations has been successfully passed. In some of these states, campaign efforts have already begun, and in some states, legislative campaigns will not be launched until 2021.
- **Category 2 - Impact Studies**: We are soliciting research grant applications to deepen the evidence base on the individual, community, and societal impacts of criminal records and automated efforts to clear them.

The Clean Slate Initiative's goal is to fund a constellation of projects that help us understand both how clean slate reforms are implemented and how those reforms impact individuals, communities, and society. Given the range of research questions that could be addressed, we anticipate a wide range of budgets. The Clean Slate Initiative will select one research partner, or a consortium of researchers, to conduct the Category 1 research activities, and fund this work up to one million dollars. We intend to provide funding support for multiple projects from multiple researchers under Category 2, and anticipate project budgets could range from $100,000 to $600,000, depending on scope. We anticipate different research projects will have different timelines that could range from less than a year to several years. Please be explicit about your anticipated timeline in your proposal. Core questions for each research category are described below, but we are also open to additional ideas proposed by applicants. While this RFP primarily targets organizations with research capacity, collaborations between researchers, policymakers, practitioners, community-based organizations, and/or subject matter experts are highly encouraged.

Finally, we are acutely aware that the COVID-19 crisis presents challenges for research and documentation, and that research plans will need to be adjusted accordingly. During the proposal phase, we ask applicants to specifically address these challenges and how it may affect work moving forward.

CATEGORY 1: Campaign Process, Implementation and Outcomes Assessment of Clean Slate Reforms

The Clean Slate Initiative is seeking applications from a research organization or consortium of researchers (referred to below as "research partner") to document the process and outcomes of legislative campaigns to enact and implement clean slate laws. This research should document the campaign scope, design, implementation, and costs in up to eight states, and measure outcomes of clean slate reforms in up to three states where clean slate reforms pass. The primary focus of the evaluation is to document the design, reach, implementation, uptake, and cost of record clearance through clean slate reforms. The research partner(s) will seek to answer questions such as:

In up to 8 states:

- **Legislation Design:** What types of records are eligible for clearance (non-convictions, convictions, misdemeanor, felony, offense category), and after what time period? What level of access exists to expunged court and/or criminal records by the person with the record? What notice requirements and modes already exist between the government agencies and individuals? What notice requirements are included in the legislation? What are the costs/requirements for the state regarding implementation? What are anticipated data access challenges, if any?
- **Campaign Process**: What was the overall campaign process, timeline, and costs? Who were the key stakeholders involved in the campaign? How did people directly impacted by record clearance participate in the campaign process? How did the proposed clean slate legislation evolve throughout the legislative process? What context existed that enabled or inhibited success?

In up to three states (where clean slate legislation has passed):

- **Legislation Implementation:** How are clean slate reforms implemented? Are clean slate reforms implemented with fidelity to the policy design? What are the barriers to and facilitators of implementation? Which stakeholders are involved in policy implementation? What are the individual costs of record clearance and the fiscal costs of implementing clean slate legislation? Does expungement eliminate access to public records?
- **Implementation Outcomes:** What share of eligible records are cleared? What share of all records are cleared? What share of people with criminal

records are eligible for partial and full record clearance? For those eligible for partial clearance, what convictions remain on their records? What level of access do licensing boards in the state to expunged records? What processes exist for someone to dispute errors on their criminal and/or court records? What are the employment and public safety outcomes associated with clean slate reforms? How do policy outcomes vary by demographic? What share of people with criminal records were reached through an awareness campaign?

In each jurisdiction, the research partner(s) will work closely with the Clean Slate Initiative leadership to obtain access to data, develop a research plan and identify key implementation questions. For example, the research partner may also be asked to document notice and record access policies and methods, technical aspects of automatic clearance, and local strategies for improving uptake. Across states, the Clean Slate Initiative is also interested in learning whether Clean Slate campaigns advance or impede other criminal justice reform efforts.

CATEGORY 2: Impact Studies

We are seeking proposals to generate research that will deepen our understanding of the impact of criminal records and expanded record clearance policies on individual, community, and societal outcomes. The Clean Slate Initiative aims to remove barriers to economic opportunity for millions of Americans through record clearance. To that end, we are keenly interested in understanding the impacts of criminal records and clean slate reforms on people's lives. States where clean slate legislation has passed, including Pennsylvania and Utah, are ripe for these research opportunities, as well as localities or counties within these or other states. In addition, there may be research opportunities in localities that have not implemented clean slate laws, but have provided other forms of automated record relief, such as automated expungement for marijuana convictions. We are only interested in studies based in the United States at this time.

Across outcomes, it is a key goal of the initiative to understand any differential impacts by race, age, and other demographics. We understand this may not be possible in every research study, but whether data collected can be racially disaggregated should be explicitly addressed in proposal materials for the project.

Potential research questions could include:

- What are the status quo costs of criminal records to individuals, communities, and society?

- What are the employment impacts (e.g., job attainment and retention, wages), public safety impacts (e.g., recidivism, offending), and human service impacts (e.g., access to housing, healthcare, childcare) of clean slate reforms? How do these impacts vary by demographic?

- Are individuals who have their records cleared via clean slate reforms aware of this record clearance? How do they find out about the new record clearance benefits available to them? What barriers did they face in trying to realize the impact of the record clearance benefit? What are their perceptions of its impact?

- How do the costs of clean slate reforms compare to their estimated benefits?

- What are the unintended consequences of clean slate legislation, both positive and negative, if any?

We welcome research proposals to conduct cost-benefit analyses, and qualitative research studies focused on individual or community perceptions of clean slate and its impact. Family and community level outcomes, as well as individual outcomes, are of interest.

For retrospective studies about the causal impact of Clean Slate initiatives, we are especially interested in rigorous quasi-experimental designs such as regression discontinuity, comparative interrupted time series, synthetic control, or difference-in-differences, but are open to other methods.

Application Process — Phase One: Letters of Interest

As a first step, respondents should submit a Letter of Interest (LOI). Respondents who intend to conduct multiple studies must submit a separate LOI for each study. If respondents are invited to submit full proposals, they must submit separate proposals that align with the separate LOIs, if applicable.

While this RFP primarily targets organizations with research capacity, collaborations between researchers, policymakers, practitioners, community-based organizations, and/or subject matter experts are highly encouraged as long as there is a project lead/fiscal sponsor. All partnerships do not need be formalized by the time you submit

your LOI or proposal, but please include information about any intentions you have to establish partnerships that will be important for the research and your capacity to do so. If appropriate for the project, CSI may be helpful in forming connections/partnerships needed to best achieve particular research objectives.

We ask that groups and individuals interested in responding to this RFP first notify us of your intention to apply by 11:59 pm EST on Sunday, **June 28, 2020**, in the form of a simple email. In your email, please notify us whether your proposed research is either Category 1: Campaign Process, Implementation and Outcomes Assessment, or Category 2: Impact Studies. Please then submit your full LOI by 11:59 pm EST on **Sunday July 12, 2020**. Please send both your notification of intent to apply and your LOI to cleanslateresearch@newventurefund.org.

All LOIs must adhere to the criteria below. Failure to meet any of these criteria within the specified timeframe will result in disqualification.

- Page length: LOIs are not to exceed three single-spaced pages with a maximum of 12-point font and 1-inch margins.

- Category of Project: Please indicate whether your proposed research is either Category 1: Campaign Process, Implementation and Outcomes Assessment, or Category 2: Impact Studies.

- Research Objective

    - Category 1 Studies Only: Specify what you think the most important research objectives are regarding the design and implementation of record clearance through clean slate reforms, and why those objectives are important to the field.

    - Category 2 Studies Only: Specify the research objective that the project team intends to study and why those questions are important to the field.

- Study design: Provide a brief summary of the study design to address the selected research objective and questions. Define the data necessary to conduct the study (including a statement as to whether the research team already has any necessary data use agreements in place), definitions of independent and dependent variables (where applicable), and an overview of the analytical strategy. Please explicitly address whether your study will include data that is racially disaggregated, and if not, explain why this is not possible.

- ○ For Category I Projects in particular, which will be working closely with the Clean Slate Initiative on issues like data access, we recognize that at this point some aspects of data collection and partnerships will not be finalized. What we are interested in is how you envision this work proceeding and how the study design will support achieving your research objectives.

- ○ For studies about the causal impact of Clean Slate initiatives, we are especially interested in rigorous causal analysis of quasi-experimental designs (including interventions that help people access a clean slate opportunity), regression discontinuity, comparative interrupted time series, synthetic control, or difference-in-differences, but also open to other methods.

- Deliverables: Provide a brief list of project deliverables. Examples include peer-reviewed articles, technical reports, policy briefs, implementation guides, and ancillary materials.

- Team Capacity: Summarize the team's capacity to achieve the project goals, including experience working with communities impacted by incarceration and what partnerships you identify as important for this project (these partnerships do not need to be secured or formalized by the time of submission). For research consortium applicants, please specify the project lead and how the team will be organized.

- Project contact: Provide the name, agency, email address, and telephone number for the primary project lead, and the same information for the administrative/financial contact.

- Budget: Specify the overall cost for the scope of work proposed.

We may reach out to the project point of contact with questions following the LOI submission. We may also solicit additional research projects and invite proposals for projects not considered during the LOI phase depending on the volume and scope of applications received.

Application Process — Phase Two: Full Proposals

Project teams selected to submit proposals will be contacted by **Monday August 31, 2020**. Proposals will then be due by 11:59 pm EST on **Sunday September 27, 2020**.

All proposals must adhere to the criteria listed below. Failure to meet any of these criteria within the specified timeframe may result in disqualification.

Proposals must clearly label the research objective(s) and research questions under study.

As funders, we are strongly committed to the principles of research transparency and integrity. To ensure the utmost in rigor, we require all research involving statistical inferences be pre-registered, and that all non-confidential materials including, but not limited to, survey instruments, computer code, articles, and reports be open and freely available online without a subscription or license fee.

In the case of confidential data, proposals need to briefly discuss whether it would be permissible to create a de-identified dataset for public use, and if so, how much additional labor and expense that would entail.

- Proposal format: The proposal length is limited to 15 pages, single-spaced, with 12-point font and one-inch margins. A table of contents, cover page, references or bibliography, and brief team biographies are required but do not count toward the 15-page limit.

- Proposal content: The following sections need to be clearly defined and labeled within the proposal. We suggest the table of contents include these sections.

  - Research objective:

    - Category 1 Studies Only: Specify what you think the most important research objectives are regarding the design and implementation of record clearance through clean slate reforms, and why those objectives are important to the field.

    - Category 2 Studies Only: Specify the research objective that the project team intends to study and why those questions are important to the field.

  - Study design: Respondents need to provide a detailed description of the research design. These elements include:

    - Data measures and sources needed to answer research questions.

    - Primary and secondary measures, including distinguishing both independent and dependent variables, where applicable.

- - Sample size and statistical power, where applicable.

    - If conducting a randomized controlled trial or quasi-experimental design, specify the characteristics of the treatment or intervention group and the comparison or control group.

    - Analytical strategy that specifies the statistical analysis that will be used to address all research questions.

  - Letters of support: Letters from jurisdiction stakeholders, pretrial services agency, or community-based programs should be included in the proposal materials. These letters should indicate a commitment to the research and the ability and willingness to provide the necessary data to complete the project. Letters of support do not count toward the total page length.

  - Potential study limitations: Describe potential study limitations and how the research team intends to mitigate these challenges. Please also address the ways that the COVID-19 crisis presents challenges for this research and documentation if appropriate, and what adjustments might be made accordingly.

  - Project timeline, milestones, and deliverables: Within a table, clearly identify the project timeline, proposed dates to accomplish project milestones, and project deliverables. Research teams need to consider how to disseminate research results to multiple target audiences, including policymakers, practitioners, and researchers. Respondents are encouraged to develop papers for both peer-reviewed publication and companion briefs that highlight study results and policy implications. The potential deliverables will likely vary based on the research objectives and questions addressed. Respondents are encouraged to identify which tools, guides, policies, and related materials would be helpful for the field when identifying the project deliverables.

  - Institutional Review Board (IRB) protocol: If the proposed study needs to be submitted to an IRB for review, briefly describe the steps that will be taken to accomplish this and what documentation or data will be required of the project team. All steps to satisfy IRB protocol needs to be integrated within the project timeline table. If the research is undertaken by a consortium of researchers, please specify if IRB submission must go through all participating institutions.

- ○ Data management: Project activities are expected to involve handling of sensitive personal data subject to data privacy legal obligations. Provide a brief summary of the mechanisms (e.g., encryption methods, user access controls such as two factor authentication, etc.) that will be used to protect sensitive data, both in transit and in storage, in accordance with applicable laws and/or agreements.

- ○ Appendices: Include brief project team biographies that specify the roles and responsibilities for all project team members, and organizational chart (if appropriate), and references or a bibliography.

- ○ Budget: All budgets need to specify the costs associated with the primary project activities, personnel responsible for completing the project activities, and the hours necessary by project team members to complete the project activities. Budgets also need to include associated costs for any necessary travel and administrative costs.

- ○ Budget narrative: The narrative serves to offer additional detail about the primary project activities, project timeframe, and project deliverables.

- Proposal Attachments: Resumes and curricula vitae for project team members need to be included as separate attachments. This documentation does not count toward the total proposal page length.

Project and Award Timeframe

The relevant dates for this RFP include:

- Sunday June 28, 2020 11:59 pm EST: Deadline to submit an expression of interest by email
- Sunday July 12, 2020 11:59 pm EST: Deadline for LOI submission
- Monday August 31, 2020: LOI applicants notified as to whether a full proposal is requested
- Sunday September 27, 2020 11:59 pm EST: Deadline for submission of full proposal
- Friday November 6, 2020: Applicants notified as to final awards

If you have any questions about the application process, please email cleanslateresearch@newventurefund.org.

FAQ Document

Respondents are welcome to submit questions by emailing cleanslateresearch@newventurefund.org. As questions are received, CSI will publish and update a Frequently Asked Questions document that will be available on the RFP website page. Respondents are encouraged to check the site and adhere to any changes made to the RFP.

Review Process

CSI will make recommendations on awards for projects that demonstrate quality and rigor based on the following criteria and accompanying considerations (listed in order of importance):

(1) *Research Objectives/Study Design and Feasibility*
Does the applicant clearly reference the research objectives for the project? Even if more details are needed, does the analytical strategy proposed to address the selected research questions make sense and appear feasible? Across outcomes, it is a key goal of the initiative to understand any differential impacts by race, age, and other demographics. We understand this may not be possible in every research study, but whether data collected can be racially disaggregated should be explicitly addressed.

 (2) *Impact To The Field*

Does the proposed research have the potential to significantly improve our understanding of the process and outcomes of clean slate laws? How will the research contribute to knowledge and policy in the field beyond the project?

(3) *Team capacity*

Does the team conducting the research project demonstrate the skill sets and specific expertise required to achieve the project's goals and successfully engage the range of partners and stakeholders necessary for success, including communities impacted by incarceration where appropriate? For research consortium applications, we will assess whether the proposed organizational structure and approach to partnerships will help achieve the stated research objectives.

 (4) *Cost effectivenes*s.

Is the cost of the project reasonable relative to the proposed research objectives, deliverables, and study teams?

In addition to this criteria, because we are funding a cohort of research projects, we will also consider how these projects relate to each other to ensure they are not duplicative and each add unique value to the field.

End Notes

[i] Chien analyzes the background check data of ~60,000 "gig" jobseekers as well as the complete records of several states and finds that many reports contain non-conviction records (e.g., charges not leading to convictions) that in many cases are clearable under applicable state law. Applying the approximate non-conviction clearance law of each state to each state sample, she roughly estimates that as many as 20-30M Americans have records that could be cleared partially or fully (13%), and that 40% of individuals with clearable records had clearable (non-conviction) felonies. Colleen V Chien, "The Second Chance Gap" (October 24, 2019), *Michigan Law Review*, Forthcoming, https://ssrn.com/abstract=3265335.

[ii] Prescott and Starr document that among those legally eligible for expungement in Michigan, just 6.5% obtain it within five years of eligibility (J.J. Prescott and Sonja B. Starr, "Expungement of Criminal Convictions: An Empirical Study" (March 16, 2019), *Harvard Law Review*, Forthcoming, https://ssrn.com/abstract=3353620). Similarly, analyzing administrative data, Chien studies two California conviction-relief provisions: Prop 47, which allows some felony convictions to be reduced to misdemeanors; and Prop 64, which legalized adult use of marijuana and provided allowed for clearance of marijuana charges. Chien finds that the rate of uptake, within a few years of the remedy becoming available, was less than 10% prior to automation (Colleen V Chien, "The Second Chance Gap" (October 24, 2019), *Michigan Law Review*, Forthcoming, https://ssrn.com/abstract=3265335). Likewise, a study of the uptake of juvenile sealing in Washington documented, in effect, an uptake rate of less than 10% (Tony Calero, "Open Juvenile records in Washington State: Process, Effects, and Costs of Protective Mechanisms,"unpublished thesis, 2013).

[iii] J.J. Prescott and Sonja B. Starr, "Expungement of Criminal Convictions: An Empirical Study" (March 16, 2019), *Harvard Law Review*, Forthcoming, https://ssrn.com/abstract=3353620.

[iv] See Ericka B. Adams et al., "Erasing the Mark of a Criminal Past: Ex-Offenders' Expectations and Experiences with Record Clearance," 19 *Punishment & Society* 23 (2017) (reporting, based on semi-structured interviews with 40 persons with past criminal records that clearance facilitates "cognitive transformation and the affirmation of a new identity), Jeffrey Selbin et al., "Unmarked? Criminal Record Clearing and Employment Outcomes," 108 *Journal of Criminal Law and Criminology* 1, 57 (2018) (describing ongoing study that suggests the importance of "dignity interests" to those seeking records clearance).

[v] Starr and Prescott find that those who obtain expungement experience a sharp upturn in their wage and employment trajectories; on average, within two years, wages go up by 25% versus the pre-expungement trajectory, an effect mostly driven by unemployed people finding jobs and very minimally employed people finding steadier or higher-paying work. Although motivation and mean reversion could explain some of this increase, the authors give reasons to believe at least a substantial share of the effect is causal: the effect is similar for those that apply immediately after becoming eligible, and the timing of effects appears driven by actually receiving the expungement, not applying for it. J.J. Prescott and Sonja B. Starr, "Expungement of Criminal Convictions: An Empirical Study" (March 16, 2019), *Harvard Law Review*, Forthcoming, https://ssrn.com/abstract=3353620.

[vi] Ibid.