

Colorado Commission on Criminal and Juvenile Justice
Drug Offense Task Force
Sealing Working Group
Minutes

November 7, 2019 12:30PM-3:00PM
2nd Floor CICJS Conference Room, 700 Kipling, Lakewood, CO

ATTENDEES

WORKING GROUP MEMBERS

Audrey Weiss, WG Lead, District Attorney's Office, 1st Judicial District
Chris Andrist, Colorado Bureau of Investigation
Maureen Cain, Office of Colorado State Public Defender
Elaine Cissne, Colorado Bureau of Investigation
Janet Drake, Attorney General's Office
David Quirova, State Judicial Branch
Jack Regenbogen, Colorado Center on Law and Policy
Ean Seeb, Governor's Office

STAFF

Stephané Waisanen, Division of Criminal Justice

Issue/Topic	Discussion
<p>Welcome & Introductions Review of Agenda Audrey Weiss, Lead</p>	<p>Audrey Weiss welcomed the group and asked members to introduce themselves.</p> <p>Audrey reviewed the meeting agenda and explained that two individuals from the Administrative Office of the Pennsylvania Courts would present information over the telephone.</p>

Issue/Topic	Discussion
<p>Informational Presentation</p> <p>Pennsylvania Clean Slate Law David Price & Russell Montchal, Administrative Office of Pennsylvania Courts</p> <p>Sharon Dietrich, Community Legal Services of Philadelphia</p>	<p>David Price and Russell Montchal from the Administrative Office of the Pennsylvania Courts (AOPC) provided an overview of Pennsylvania’s Clean Slate Law which passed in June 2019. It allows the automatic sealing of records for thirty million people, without an individual filing a court petition. While law enforcement will be able to pull up arrests and convictions, the public, including landlords and employers, will not. It allows the individual who has been a part of the criminal justice system to get a second chance.</p> <p>Three categories of cases are eligible for record sealing:</p> <ul style="list-style-type: none"> • Unclassified 2nd and 3rd degree misdemeanor convictions. This requires the individual to be free of arrests or charges for ten years. All court fines and fees must be paid in full. • Summary violations are the lowest level case. These require the individual to be crime-free for a period of ten years following the conviction, and the individual must have completed the sentence. All court fines and fees have to be paid in full. • Non-conviction is the largest group of cases and the sealing applies to non-conviction information. All court fines and fees must be paid in full. <p>Crimes that are not eligible for sealing include violent offenses, sexual assault, homicide, and child endangerment.</p> <p>It is a statewide system and includes all sixty judicial districts, municipal courts, and county courts, and the information includes misdemeanors and felonies. Excluded are common pleas, civil, family, and orphan cases.</p> <p>David and Russell described the process for automatic sealing. Every month AOPC generates a list of eligible cases to be sealed with limited public access. Once this is done, the list is sent to the Pennsylvania State Police’s central data repository where the list is reviewed and validated, deleting any records that are erroneously included. If there is no rejection of the list after thirty days, the list is then transmitted back to AOPC. If there is a rejection, the information is not entered into the database.</p> <p>Clean Slate can seal decades-old cases. AOPC started with the most recent cases and worked back to older cases. The cost associated with implementing</p>

<p>Issue/Topic Informational Presentation (continued)</p> <p>Pennsylvania Clean Slate Law David Price & Russell Montchal, Administrative Office of Pennsylvania Courts</p> <p>Sharon Dietrich, Community Legal Services of Philadelphia</p>	<p>the system was around \$3M. The AOPC supports and maintains the statewide system.</p> <p>Audrey mentioned that Pennsylvania and Colorado are similar in terms of policy, but, without a unified court system, technology will be the primary challenge for Colorado.</p> <p>Sharon Dietrich (Community Legal Services of Philadelphia), also on the phone, mentioned that when they designed the central court system, they knew it was new territory and it was not going to be without its flaws. They realized they would be unable to seal 100% of the cases, but the goal was to identify and seal as many as possible. Pennsylvania tends to have good data compared to other states.</p> <p>During the implementation phase, information was disseminated through the Governor’s Office, press conferences, and newspapers. The Pennsylvania Bar Association consulted with people about their records to help them determine if they were eligible for Clean Slate.</p>
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<p>Issue/Topic Informational Presentation</p> <p>Utah Automatic Sealing Audrey Weiss, Lead</p>	<p style="text-align: center;">Discussion</p> <p>Audrey provided an update on the Utah Automatic Sealing approach. Audrey stated that part of the Working Group’s recommendation will be to move the current technology towards an integrated automated system. Our systems are pre-automated, and individuals in Utah were not sure whether it would be feasible to achieve automatic sealing without creating a new system. Utah’s system focuses on simple possession cases that are five to seven years from the date of conviction. Their system includes municipal convictions and also identifies pending cases. They expunge records, rather than sealing records, so the public does not have access to the information. In Utah, the State Court Administrator’s Office pulls the list of eligible cases from the automated data system and sends the list to the prosecutor’s office once a month.</p> <p>Prosecutors can reject cases for the following reasons:</p> <ul style="list-style-type: none"> • Utah’s process only reviews in-state records. The district attorney can object if the case does not qualify because of continued criminal behavior, e.g., the person committed an offense in another state. • If there are fines, fees or restitution that has not been paid. <p>David Quirova (Colorado Judicial Branch) offered to identify someone from the Judicial Information Technology staff to attend the December meeting to discuss ideas for an automated system. He stated that implementation of a new automated sealing system would need to address the plethora of issues already mentioned.</p> <p>Audrey asked whether municipalities could join the current system. David responded that might be more difficult than building new system. He will seek the opinions of the Information Technology staff at Judicial.</p>
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Issue/Topic	Discussion
<p>Next Steps & Adjourn: Audrey Weiss</p> <p>ACTIONS</p> <p>David Quirova Follow up with municipalities; Judicial’s Information Technology staff to present at next meeting</p> <p>Chris Andrist Update from Pennsylvania State Police – Clean Slate</p> <p>Audrey Weiss Update on other states, probation and pretrial</p>	<p>The group will discuss the following at the December meeting:</p> <ul style="list-style-type: none"> • David will inquire if municipalities can use the Judicial data system. • David will find someone from Judicial’s Information Technology Department to discuss the process and feasibility of implementing a data system for the purpose of automatic sealing. • Chris Andrist will follow up with the Pennsylvania State Police to see how their processes compare to those of the Colorado Bureau of Investigation. • Audrey will research other states to see what they are implementing, the process, and notification to defendants. • Audrey will explore probation and pretrial services.

Next Meeting

NEW MEETING LOCATION

Thursday, December 12, 2019 / 12:30PM – 3:00PM

2nd Floor OCC “Fishbowl” Conference Room

710 Kipling, Lakewood, CO

(This room is best accessed from the 2nd Floor Meeting Room!)