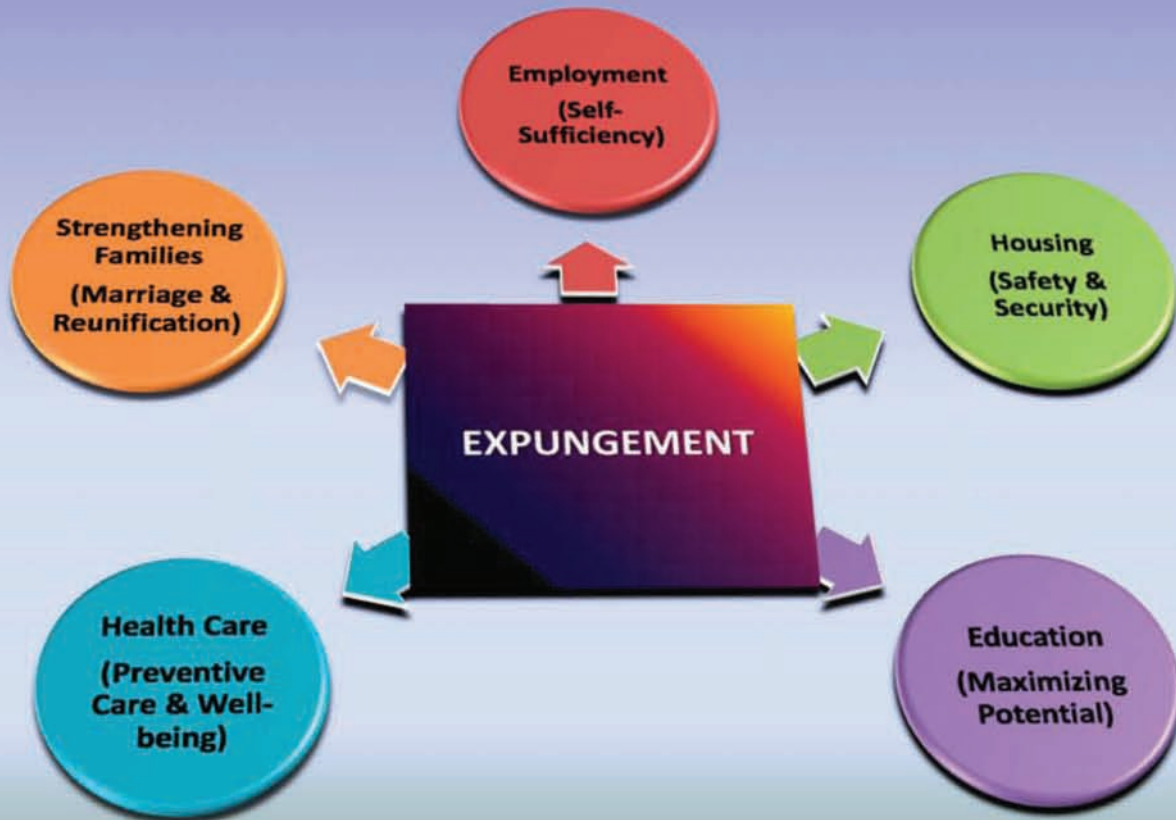




ILLINOIS AFRICAN-AMERICAN FAMILY COMMISSION



SPRINGFIELD EXPUNGEMENT SUMMIT 2008 SUMMARY

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TABLE OF CONTENTS



Acknowledgements	3
Introduction	5
Key Findings	7
Highlights	9
Demographics	10
Advertising	13
Knowledge of the expungement process	14
Prior attempts to clear criminal record	15
Convictions	15
Consequences of convictions	17
Requesting additional services/assistance	18
Evaluation of the Summit	19
Summary	20
Appendix	22
Expungement survey	23



LIST OF FIGURES

Figure 1:	Age of survey participants	11
Figure 2:	Gender distribution of survey participants	11
Figure 3:	Race/ethnicity of survey participants	12
Figure 4:	Employment status of survey participants	12
Figure 5:	How did you hear about the Summit?	13
Figure 6:	Expungement knowledge before and after Summit	14
Figure 7:	What type of criminal offenses were you convicted of?	16
Figure 8:	Has your conviction prevented you from obtaining any of the following?	17
Figure 9:	Please describe any additional assistance or services needed	18
Figure 10:	Please rate each of the following areas of the Summit	19

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INTRODUCTION

According to the Illinois Department of Corrections, as of June 30, 2005, 44,669 adults were incarcerated and 33,255 adults were on parole. Of those incarcerated, 94% were male and 6% were female. African American adults (60%) were more likely to be incarcerated than Whites (28%) and Hispanics (11%). The recidivism rate for all races was 51.8%. The high cost of incarceration is alarming. The average cost per inmate is \$21,622 per year.

The cost of incarceration is not only measured in dollars and cents but also in terms of damage to social and individual connections. Families and communities are affected economically and socially when individuals are arrested, detained and sentenced. Many families become financially insolvent or become impoverished when the “breadwinner” is arrested and incarcerated. The costs to families may also be measured by the increase or decrease in the strength of the offender’s social bonds such as interpersonal, familial, work place and economic relationships.

At the individual level, a person’s criminal record may reduce their occupational choices, civic engagement and financial options. As a result of an individual’s involvement with the criminal justice system, family members living in the same home may be prevented from becoming licensed foster and adoptive parents. In some states, former prisoners are forced to forfeit their voting rights. A criminal history may negatively affect a person’s ability to care for one’s children, pursue an education, secure housing and become gainfully employment.

It is disconcerting that almost 52% of inmates return within three years of release. Once a person has “served his or her time”, it is incumbent upon communities and society to create pathways for them to demonstrate positive social behavior, restore familial ties, obtain financial well-being, improve social bonds, and fulfill their parental roles. The revolving door of the current penal system whereby individuals are released from DOC, returned to community, and then re-enter the criminal justice system and return to DOC, reflects a failure of the criminal justice system to rehabilitate individuals, and a lack of community aftercare services as well as social economic opportunities. A major step towards closing this revolving door is to remove barriers that prevent or hinder successful reentry. Expungement of criminal records, in concert with the provision of social support, is a cost effective method to prevent recidivism without compromising public safety.

In Illinois there are three options for clearing a criminal record. These options include expungement, sealing, and executive clemency. Expunging a criminal record is the process of both physically and electronically erasing a person’s criminal history from public, employer, and certain law enforcement records.¹ Certain convicted offenses (both felonies and misdemeanors) cannot be expunged, including sexual offenses against a minor and DUIs.²


When a criminal record is sealed, the record is no longer available to the public or employers; however it remains available to law enforcement personnel.³ Similar to limitations regarding expungement, there are certain convictions that cannot be sealed.

The executive clemency process seeks a governor’s pardon which, by definition, is the constitutional power given to the governor (assisted by the Prisoner Review Board) to “erase” a criminal conviction or a juvenile’s adjudication

¹ <http://www.articlesbase.com/national-state-local-articles/expunging-criminal-histories-in-illinois-498437.html>, retrieved on February 26, 2009

² <http://www.ides.state.il.us/ExOffenders/rap.shtml>, retrieved on February 27, 2009

³ <http://www.illinoislegalaid.org/>, retrieved on February 27, 2009



from all public and private records.⁴ The proper procedures for clearing a criminal record for juveniles and adults vary from state to state. Therefore legal consultation is imperative for all three processes.

The expungement process has increasingly gained attention in the Illinois Legislature. In 2004, then Governor Rod Blagojevich signed into law a series of bills that required Illinois courts to automatically expunge the records of those found innocent of a crime.⁵ Also, Public Act 93-1084 was enacted in 2005, allowing ex-offenders to have certain specific felony convictions sealed, but not expunged. With this law, ex-offenders are able to present clean backgrounds to employers, while law enforcement entities still have access to their full criminal histories.

For the past several years, the Illinois African-American Family Commission has partnered with community-based organizations to educate ex-offenders and the general public of options to help persons with criminal convictions to re-enter the community and obtain employment, housing, and services. In partnership with several civic, government and community organizations, an expungement summit was held on Saturday, April 26, 2008 at Southeast High School in Springfield, Illinois. The Summit was organized with the chief goal of educating the public about expungement, sealing, and clemency procedures specific to criminal records in Illinois. The Illinois African-American Family Commission designed a survey to assess the survey participants' knowledge of the expungement process and to solicit recommendations to improve future expungement summits. This report summarizes the responses of the Summit participants.

Our findings represent the opinions only of people with the characteristics of those who completed the survey and do not purport to describe persons involved with the criminal justice system as a whole. This summary report provides useful feedback to various audiences including the sponsors and organizers of the Summit, community providers, policy-makers, and other stake holders serving this population.

⁴ http://www.illinoislegalaid.org/index.cfm?fuseaction=home.dsp_content&contentID=6382, retrieved on February 27, 2009

⁵ [http://www.thefreelibrary.com/Seeing daylight: ex-offenders finally make political headway against ...-a0127158979](http://www.thefreelibrary.com/Seeing+daylight:+ex-offenders+finally+make+political+headway+against+...-a0127158979) , Retrieved September 08, 2008 from)

KEY FINDINGS

- Two hundred and seventeen people attended the Springfield Expungement Summit 2008, and 109 people completed the survey (50% response rate).
- African Americans comprised 57.7% of the Expungement Summit survey participants, Whites comprised 40.2% of the survey participants, and Latinos/Hispanics comprised 2.1%.
- Of the participants, 52.2% were males and 47.8% were females.
- Thirty-three percent (33%) of the survey participants were in the age range of 18-29; 28% were in the age range of 30-39; 30% were in the age range of 40-49; 7% were in the age range of 50-59, and 2% were 60 years old or older.
- Thirty-two percent (32%) of the survey participants received information about the Expungement Summit from friends or family members, (32%) received information about the Summit from television broadcasts, 12% received information about the Summit from a flyer, and 3% received information about the Summit through radio broadcasts. The remaining 21% received information about the Summit from other sources.
- Sixty-seven percent (67%) of the participants were knowledgeable about the expungement process before attending the Summit. Ninety-eight percent (98%) reported being knowledgeable about the expungement process after the Summit, indicating a 45% increase in the number of individuals who were knowledgeable about expungement.⁶
- Of the 32 survey respondents who had no knowledge of the expungement process prior to the Summit, 30 (93%) of those respondents said they became knowledgeable as a result of the Summit.
- Of the 96 who responded to the question, “Have you ever tried to have your record expunged or sealed,” 82 (75.2%) respondents had never tried to have their record expunged or sealed.
- A total of 92 (84.4%) survey respondents responded that they have never applied for executive clemency.
- Of the survey respondents, 80% indicated that they were convicted of one offense and 20% indicated that they were convicted of at least two offenses.
- Thirty-one percent (31%) of the total number of convictions listed by participants were for crimes against property, with the majority of convictions being the result of theft. Twenty-eight percent (28%) of the total criminal offenses were drug-related.

⁶ Percent increase = (increased amount - original amount) / original amount



- Out of the 82 total respondents, 37.8% noted that their convictions prevented them from obtaining employment and 32.9% felt their housing opportunities were restricted because of their convictions.
- Twenty-four percent (24%) of the survey respondents indicated a need for both additional employment services and more expungement information.
- The majority of the survey respondents (65%) rated all components of the Expungement Summit as 'Excellent'.

RECOMMENDATIONS

- Expand public education efforts regarding the executive clemency, expungement, and sealing processes in communities throughout Illinois.
- Future public education efforts regarding the expungement process should be intensified in African American communities and should target females.
- Provide additional funding for re-entry programs that focus on helping ex-offenders secure permanent employment and housing.
- Remove barriers to education and employment for persons with a criminal conviction.

BACKGROUND:

According to the Illinois Department of Corrections, as of June 30, 2005, 44,669 adults were incarcerated and 33,255 adults were on parole. Of those incarcerated, 94% were male and 6% were female. African American adults (60%) were more likely to be incarcerated than Hispanics (11%) and Whites (28%). The recidivism rate for all races was 51.8%.


In 2008 the Illinois Community Safety and Reentry Commission issued a report entitled, “The Inside Out: A Plan to Reduce Recidivism and Improve Public Safety.” The report identified the “top ten high-impact regions of our state that have traditionally housed the highest population of returning offenders and the highest crime”. Springfield, in Sangamon County, is ranked eighth. According to the Inside Out report, of the state’s parole population, 1.5% or 460 parolees reside in Springfield. The rate of parolees per 1,000 population is 2.4 and the recidivism rate is 54.6%.

Springfield is the sixth largest city in Illinois. According to the U.S. Census Bureau, 2008 American Community Survey, an estimated 207,728 persons live in the city. The majority of the residents are White (86.3%), followed by African American (10.7%), American Indian, and Alaska Native (0.1%). Hispanics represent 1.6% of the population and those who identified as “Not Hispanic” represent 98.4% of the population. When examined by gender and by age, males 18 years and older comprised 47.1% of the population and females comprised 52.9% of the population. In 2008, the rate of unemployment was 4.7%.

For the past several years, the Illinois African-American Family Commission has partnered with community-based organizations to educate ex-offenders and the general public about options to help persons with criminal convictions re-enter the community and obtain employment, housing, and other human services. Families and communities are affected economically and socially when individuals are arrested, detained and incarcerated by the criminal justice system. Many families become financially insolvent when the primary “breadwinner” is arrested and incarcerated. A person’s involvement with the criminal justice system may affect their family’s ability to provide for the care, education, stability and well-being of their children. The costs to communities may be measured by the increase or decrease in the strength of the offender’s social bonds such as interpersonal, familial, work place, and economic relationships⁷. Expungement of criminal records is one vehicle that can be utilized to assist families and communities to improve social bonds and increase the ability of parents to fulfill their care giving role. It will also aid in closing the revolving door of the current penal system by providing a “second chance” for ex-offenders.

At the request of key stakeholders in Springfield, and in partnership with several civic, government and community organizations, an expungement summit was held Saturday, April 26, 2008 at Southeast High School in Springfield, Illinois. The Summit was organized with the chief goal of educating the public about expungement, sealing, and clemency procedures specific to criminal records in Illinois. The Illinois African-American Family Commission designed a survey to assess the survey participants’ knowledge of the expungement process and to solicit recommendations that may improve future expungement summits.

⁷ Orsagh, T. and Chen, J.R. (1988). “The Effect of Time Served on Recidivism: An Interdisciplinary Theory.” *Journal of Quantitative Criminology*, 4(2): pp. 155-171.



All Summit participants were asked to complete the survey. A total of 217 people attended the Springfield Expungement Summit 2008 while 109 of them completed the survey (50% response rate).

DEMOGRAPHICS:

Understanding the demographic make-up of Springfield and the summit participants is vital for placing the survey results in a proper context. Thirty-three percent (33%) of the survey participants were in the age range of 18-29, 28% were in the age range of 30-39, 30% were in the age range of 40-49, 7% were in the age range of 50-59 and 2% were 60 years old or older (Figure 1). Males comprised 52.2% of the survey participants and females represented 47.8% of the survey participants (Figure 2). In regards to race/ethnicity, the majority of the participants were African American (57.7%), followed by Whites (40.2%) and Latinos/Hispanics (2.1%) (Figure 3). At the time of the survey, 61.5% of the survey participants were employed, and 38.5% were unemployed (Figure 4).



Figure 1. Age of Survey Participants

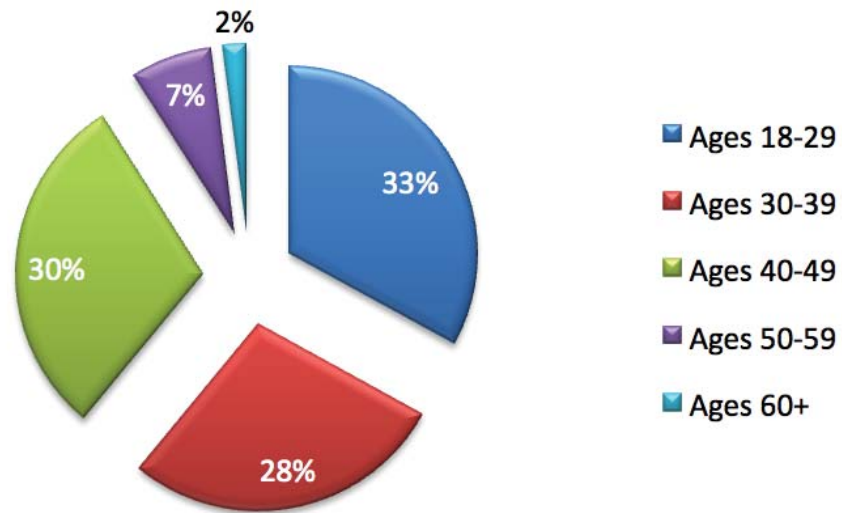


Figure 2. Gender Distribution of Survey Participants

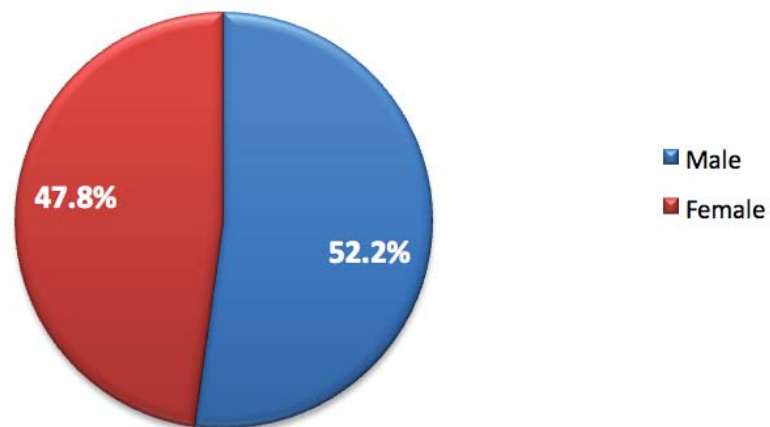




Figure 3. Race/Ethnicity of Survey Participants

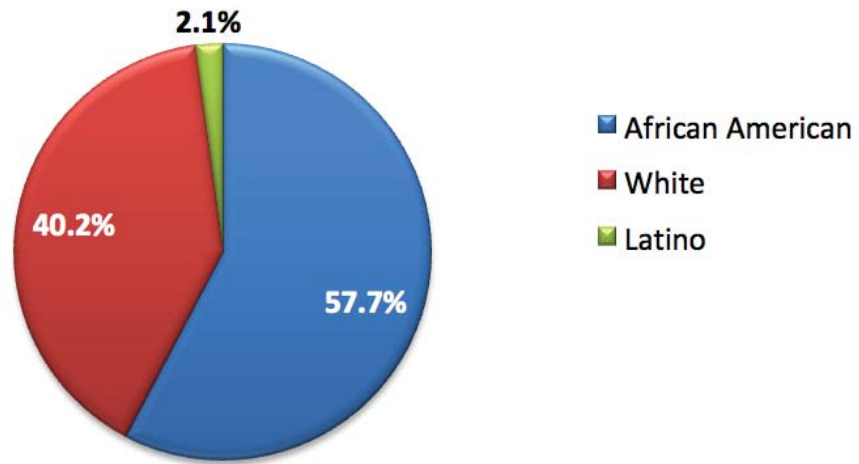
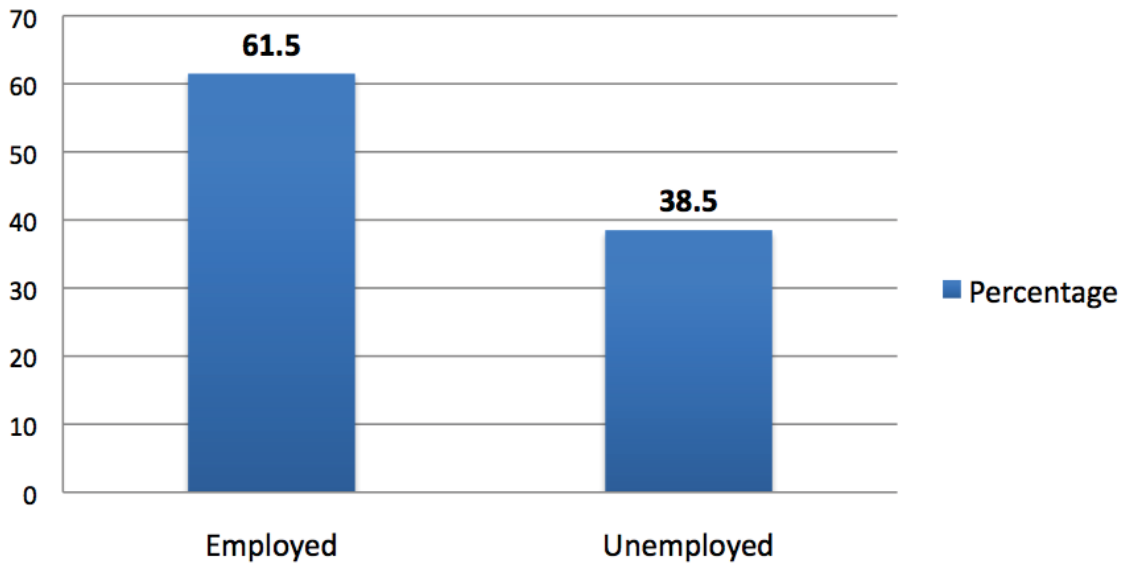


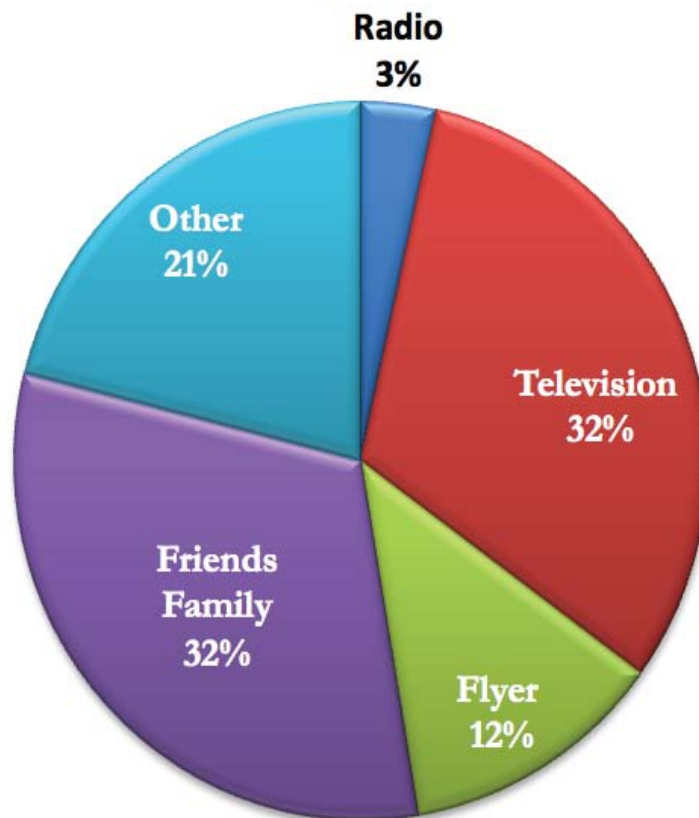
Figure 4. Employment Status of Survey Participants



ADVERTISING:

The Springfield Expungement Summit 2008 was publicized through various media sources. Respondents were asked to indicate the source through which they were informed of the Summit. Ninety-six percent (96%) of the total survey participants answered this question. The majority of respondents received information about the Summit from friends/family (32%) and from television broadcasts (32%). Approximately 12% of the respondents received information about the Summit from a flyer, and 3% received information about the Summit from a radio broadcast. The remaining 21% received information about the Summit from another source not listed as an option (Figure 5). It should be noted that although “Newspaper” was not an option on the actual survey, 8% of the respondents indicated that they received information about the Summit through this source. Other answers included: pastor/church, the Salvation Army, alderman, and parole officer.

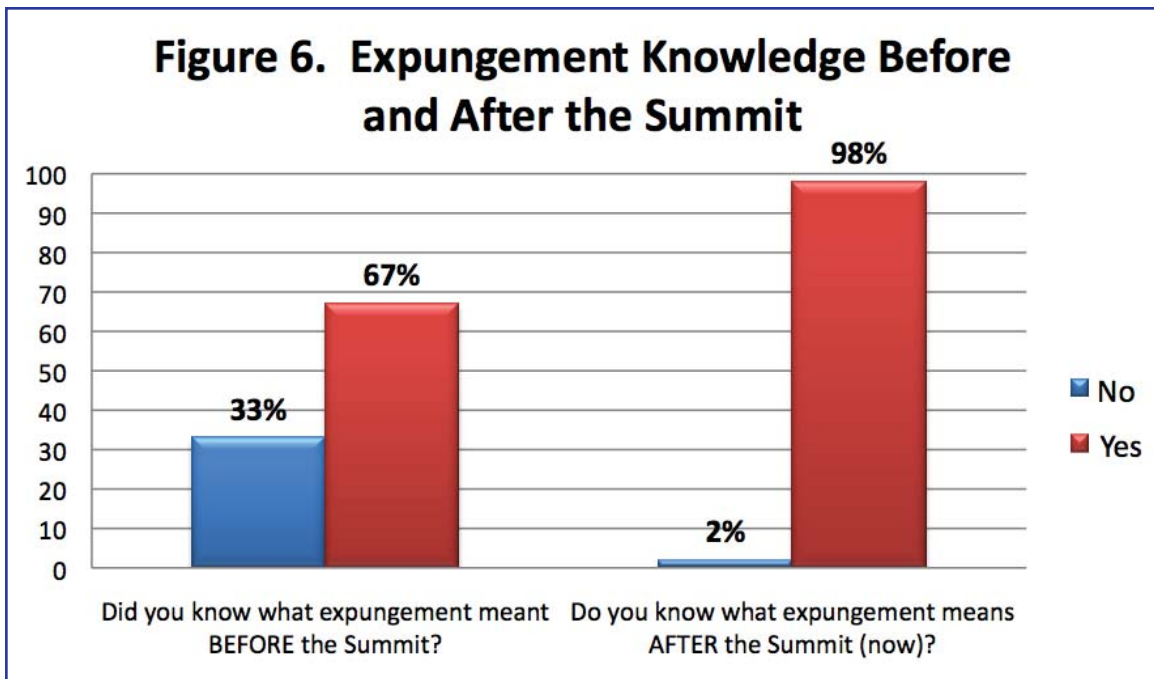
Figure 5. How did you hear about the Summit?



As a follow-up, respondents were asked to indicate how well the source identified in the previous question correctly explained what participants needed to bring to the Summit (records, fees, etc.) and what resources or services would be there. Fifty-seven percent (57%) of the survey participants noted that their sources correctly explained the information needed to obtain services at the Summit.

KNOWLEDGE OF THE EXPUNGEMENT PROCESS:

The Springfield Expungement Summit 2008 was effective at increasing the number of individuals who were knowledgeable about the expungement process in Illinois. According to survey respondents, 67% of the participants were knowledgeable about the expungement process before attending the Summit and 33% were unknowledgeable about expungement. However, after attending the Summit, 98% of respondents reported being knowledgeable about expungement and only 2% of respondents were unknowledgeable, highlighting a 45% increase in the number of individuals who were familiar with the expungement process (Figure 6).





PRIOR ATTEMPTS TO CLEAR CRIMINAL RECORD:

The main purpose of the Summit was to inform the public about the actions required and the options available for clearing a criminal history. These options include: expungement, sealing, and filing a petition for executive clemency. Executive clemency is an extraordinary measure that is rarely granted, but it is a legal mechanism in place with the intention of helping criminal offenders clear their names. The expungement and sealing processes are similar legal mechanisms developed for ex-offenders. Similar to the executive clemency process, the expungement and sealing process can be long, complicated, and very expensive- especially for individuals with limited resources. There are organizations that provide legal assistance to ex-offenders who need help negotiating the expungement and sealing application process.

According to the Illinois State Prisoner Review Board's website, approximately 400 clemency petitions were filed per quarter in 2003. As of December 31, 2005, there were 713 executive clemency petitions received by the Illinois State Prisoner Review Board, and there was 1 (.14%) pardon, 31 (4.35%) denials and 681 (95.51%) petitions pending.⁸

Of the total population at the Summit, 96 (89%) people answered the question, "Have you ever applied for executive clemency?" Ninety-two (84.4%) survey respondents responded that they have never applied for executive clemency. We asked the survey participants "Have you ever tried to have your criminal record expunged or sealed?" Of the 96 who responded, 82 (75.2%) noted that they had never tried to have their record expunged or sealed.

CONVICTIONS:

Between 1994 and 2004, the number of felony convictions in state courts increased by 24%.⁹ From 1995-2005, based on the type of property index offense, 75% of arrests were for theft¹⁰ and the rate of drug arrests increased 23% in Illinois as a whole (from 718 per 100,000 persons to 880 per 100,000 persons).¹¹ Respondents were asked to indicate the criminal offenses for which they were convicted. The types of offenses listed by all respondents who provided this information were coded using the Illinois Uniform Crime Reporting (I-UCR) program and the FBI National Program's eight Crime Index offenses.¹² Offenses were classified into the following categories: violent crimes against persons (e.g., murder, aggravated assault), crimes against property (e.g., arson, burglary), drug offenses and other offenses (e.g., driving under the influence, weapons, fraud). Due to 20% of respondents indicating convictions of multiple offenses, the percentages were obtained using the total "number of offenses" and not from the total "number of participants".

⁸ <http://www.state.il.us/PRB/docs/prb2005annualreport.pdf>, retrieved January 2009

⁹ <http://www.ojp.usdoj.gov/bjs/pub/pdf/fssc04.pdf>, retrieved January 2009

¹⁰ Arrest is not the same as conviction. Merriam-Webster defines arrest as the taking or detaining in custody by authority of law and conviction is defined as to find or prove guilty.

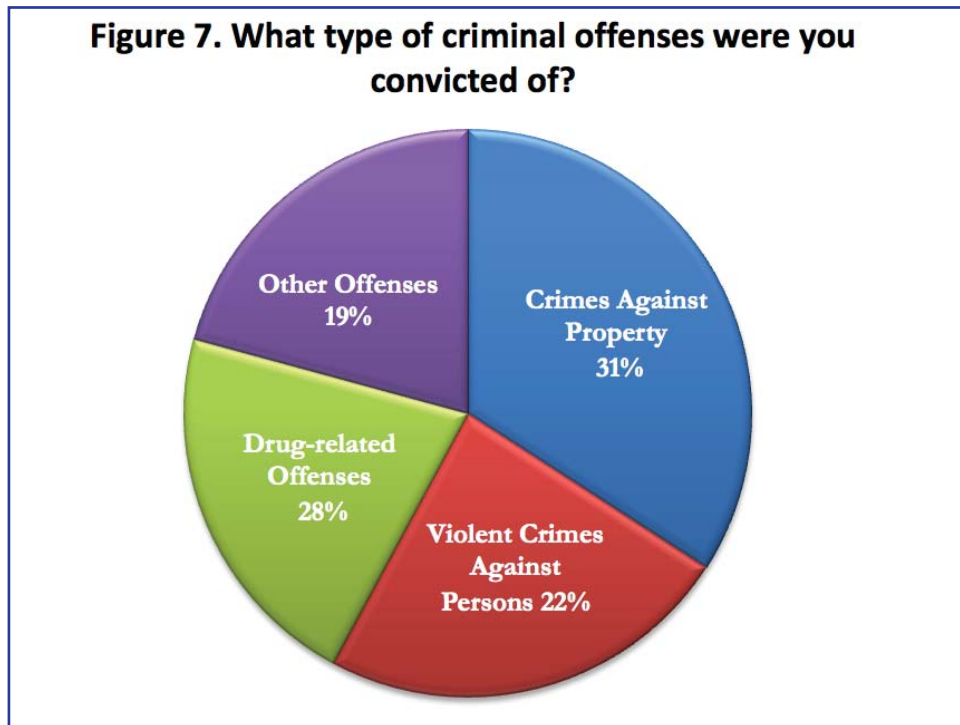
¹¹ <http://www.icjia.state.il.us/public/pdf/TI%202008/T&I%202008%20Full%20Report.pdf>, retrieved January 2009

¹² The FBI National Program categorizes offenses into Part I offenses and Part II offenses. Part I offenses include more serious offenses such as criminal homicide and aggravated assault, whereas Part II offenses include less severe offenses such as disorderly conduct, weapons convictions, and driving under the influence. The Illinois UCR Program further sorts Part I offenses into Violent Crimes against Persons (e.g., aggravated assault) and Crimes against Property (e.g., theft). Although drug offenses are classified as Part II offenses by the FBI, due to the high percentage of drug offenses in the current sample of respondents, these offenses were assigned a separate code.

The item was presented in the following open-ended format: “What type of criminal offense(s) were you convicted of?” Of the 109 survey participants, 70 participants responded to the question. Eighty percent (80%) indicated that they were convicted for one offense and 20% indicated that they were convicted for at least two offenses.

It should be noted that eight (11%) respondents indicated the criminal severity of their offense (i.e., felony or misdemeanor), whereas the remaining 62 respondents reported the type of offense (e.g., drug conviction). Due to the small number of individuals who reported the severity of their offense, the responses of these individuals were not used for the following coding and analyses. The responses of the remaining 62 (89%) participants were coded and the frequencies were analyzed.

Of the total number of offenses, approximately 31% were crimes against property with the majority being a conviction for theft (Figure 7). Approximately 22% of the total number of offenses were violent crimes against persons with the majority being convictions of battery. Moreover, approximately 28% of the total offenses were drug-related offenses, and approximately 19% were other offenses (e.g., disorderly conduct, public aid fraud, or driving under the influence).

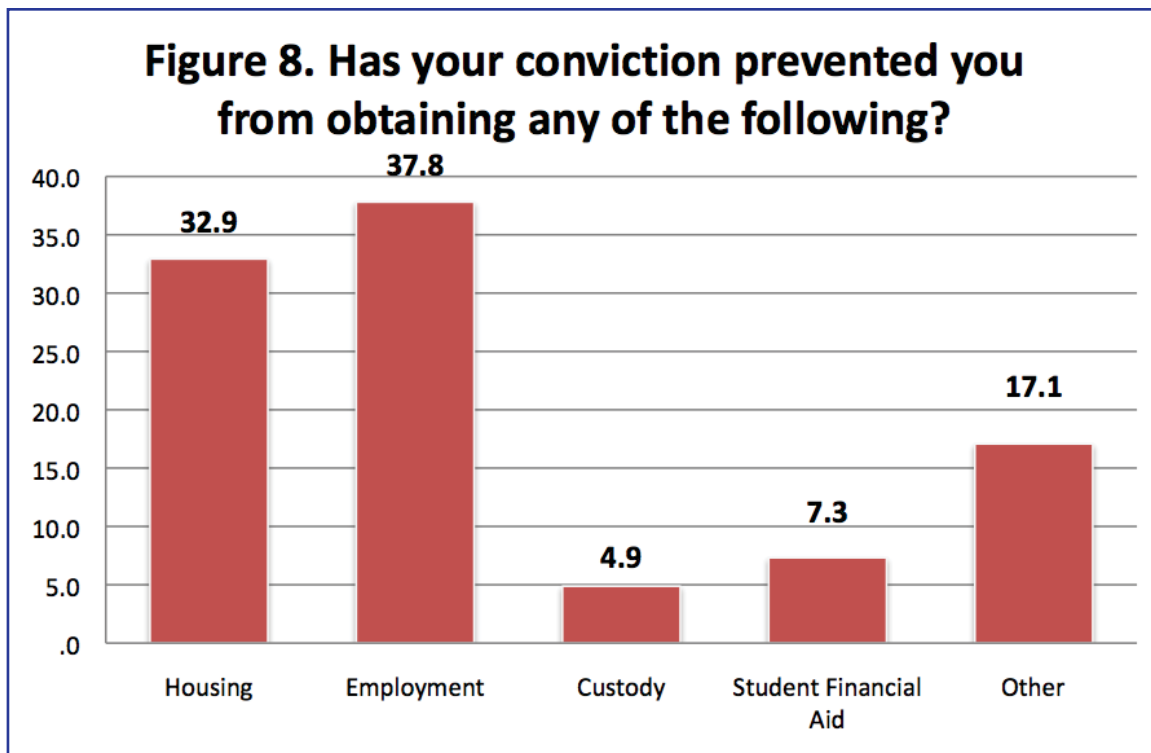




“I need this expunged because I need employment. Also, I’m a loving father who needs to be there for his kids (and I can’t do that because I have no [driver’s] license.)” *Survey Participant*

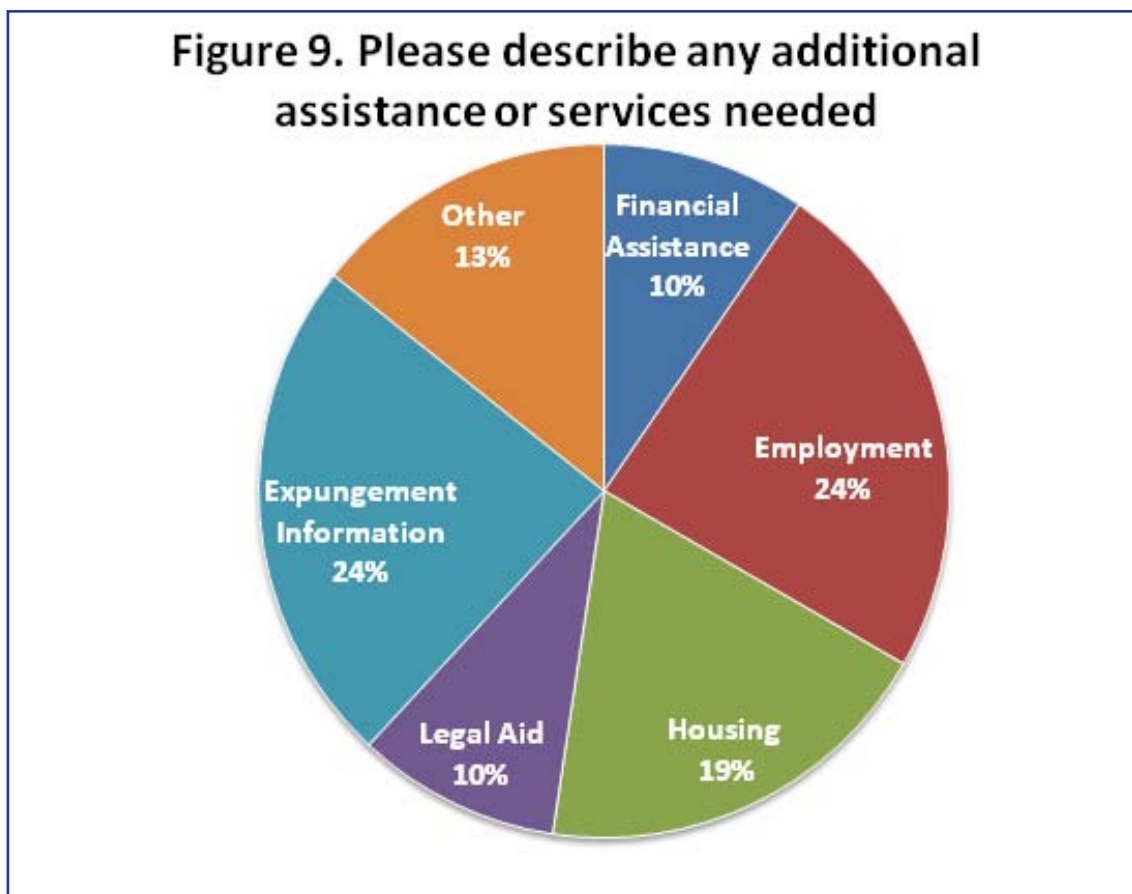
CONSEQUENCES OF CONVICTIONS:

A criminal record may eliminate an individual’s access to housing, education funding, driver’s license privileges, public assistance, and employment opportunities. Marking “yes” to the question, “Have you ever been convicted of a felony?” on a job application may prevent the applicant from getting the job. With this in mind, we asked our survey participants, “Has your conviction prevented you from obtaining any of the following?” The available responses included: Housing; Employment; Custody; Student Financial Aid; and Other. Out of the 82 total respondents, 37.8% noted that their convictions prevented them from obtaining employment and 32.9% felt their housing opportunities were restricted because of their convictions (Figure 8).



REQUESTING ADDITIONAL SERVICES/ASSISTANCE:

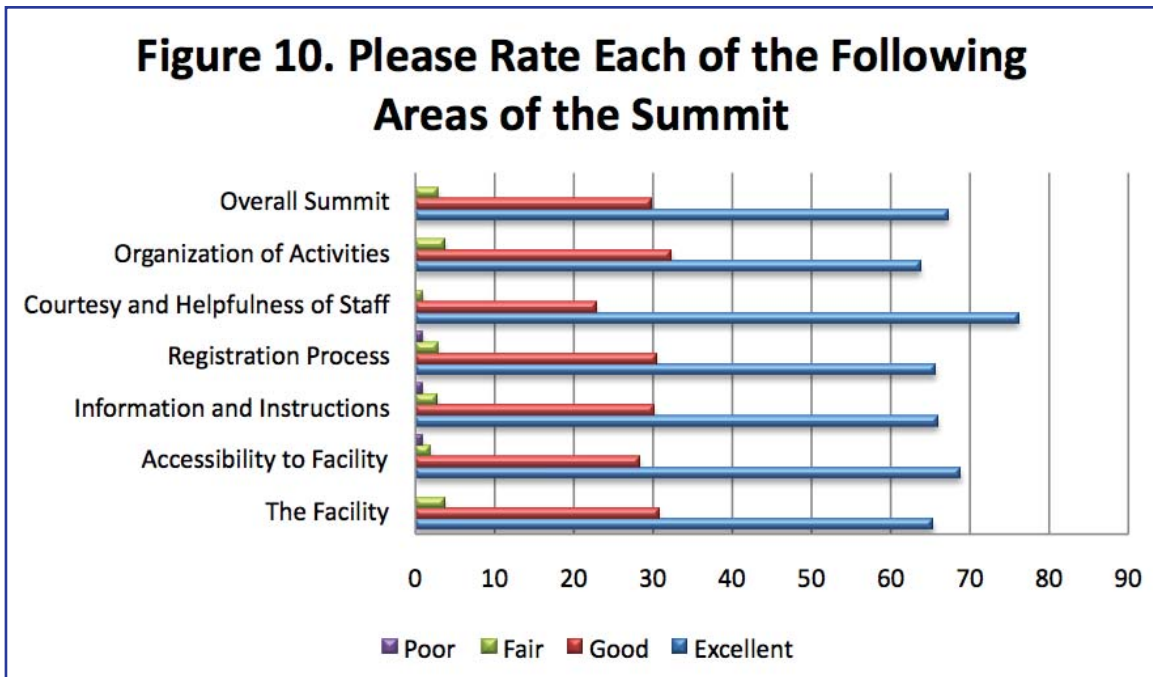
Our findings suggest that more information regarding the expungement process should be made available to individuals with a criminal history. We asked the participants in an open-ended format if there were any additional services needed (Figure 9). Approximately 24% noted a need for both additional expungement information and further employment services.





EVALUATION OF THE SUMMIT:

Participants were asked to rate different components of the Summit. The choices were ‘Excellent,’ ‘Good,’ ‘Fair,’ or ‘Poor.’ An average of 67.6% of the participants rated all components of the Expungement Summit 2008 as ‘Excellent.’ See Figure 10.



“I feel like these programs or events should be held monthly to assist more people ...” *Survey Participant*



SUMMARY

Our findings reveal that the individuals who completed this survey need to be provided with continuous information regarding employment services and the expungement process. The causal relationship between a criminal record and employment outcomes has been proven in research by Devah Pager. The author notes, "...mere contact with the criminal justice system, in the absence of any transformative or selective effects, severely limits subsequent employment opportunities" (p. 960).¹⁴ Moreover, education efforts that inform, aid, and support individuals with criminal histories must be implemented. The benefit to society will be measured by safer neighborhoods, increased employment opportunities, less recidivism, stronger families and a decrease in crime.

The Illinois African-American Family Commission recommends expanding public education efforts regarding the executive clemency, expungement, and sealing processes in Illinois. Additional summits and smaller community forums should be held more frequently. Our report indicates that television broadcasts and print media were the two most frequent media outlets through which individuals were informed about the 2008 Expungement Summit. We recommend that these two outlets be utilized to educate the public about the expungement process. For example, future summits and community forums can be videotaped and aired on public access channels. Brochures outlining the expungement process and steps for obtaining additional information may be distributed at social service agencies and government offices in Illinois.

Of the participants, people of color, particularly African Americans, were more likely to be involved with the criminal justice system than other racial groups. Individuals of Hispanic heritage attended the forum at a higher rate than their rate in the general population 2.1% vs. 1.6%. The Commission recommends that future expungement public education efforts should not only target the African American community but also include outreach to the Hispanic community. Forthcoming summits and forums should provide information in Spanish, and print materials, such as brochures and flyers, should be distributed in Spanish as well as English.

Keeping children, families and communities safe is a moral as well as a civic obligation of all citizens. Many individuals, as a result of family, economic, and social status, along with institutional and structural inequities, often engage in activities that threaten the security and well-being of their community and society at large. Such persons may engage in antisocial behavior that may result in arrest, conviction and incarceration. Once these individuals have been through the criminal justice system and return to their communities, society and those holding the power of authority have a decision to make. They can decide to either ostracize these individuals by preventing or denying access to housing, employment and other services, thereby keeping them on a path of recidivism; or they can choose to remove barriers to programs that promote positive behaviors, self-sufficiency and restorative justice. Expungement initiatives are not only needed to reduce recidivism, but also as a means to address the increasing cost to taxpayers to support the state correctional system.

The Commission believes that if the recommendations presented in this document are implemented, coupled with public policy changes aimed at expanding access to expungement information and removing barriers to social services, Illinois will dismantle the criminal justice revolving door and save a generation of children while reunifying families and maintaining public safety.

¹⁴ Pager, Devah. (2003) The Mark of a Criminal Record. *The American Journal of Sociology*, Vol. 108, No. 5, pp. 937-975

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APPENDIX

SPRINGFIELD EXPUNGEMENT SUMMIT-2008 SURVEY

EXPUNGEMENT SURVEY

We would like to thank you for attending and participating in this Summit. It is our hope to serve you in a timely, professional, and positive manner. In order to continue improving future summits, we would appreciate your feedback.

Please answer the brief questions below and turn it in prior to leaving. The information you provide is confidential. Thank you for your assistance.

.....

1. How did you hear about the expungement Summit?
 - a. Radio
 - b. Television
 - c. Flyer
 - d. Friends/Family
 - e. Other

2. Did the source you identified in question #1 correctly explain what you needed to bring to the Summit (records, fees, etc.) and what resources or services would be there?
 - a. Yes
 - b. No

3. Please rate each of the following areas of the Summit? (Excellent, Good, Fair, Poor)
 - a. The facility where the Summit was held
 - b. Ease of getting to the facility
 - c. Information and instructions given upon arriving
 - d. Registration process
 - e. Courtesy and helpfulness of staff
 - f. Organization of activities
 - g. The overall Summit

4. After the Summit, what benefit(s) did you receive or do you expect to receive in the future?

5. Have you ever tried to have your criminal record expunged or sealed?
 - a. Yes
 - b. No

6. Have you ever applied for clemency?
 - a. Yes
 - b. No

7. Did you know what expungement meant before the Summit?
 - a. Yes
 - b. No



8. Do you know what expungement means now?
 - a. Yes
 - b. No

9. What type of criminal offense(s) were you convicted of?

10. Has your conviction prevented you from obtaining any of the following?
 - a. Housing
 - b. Employment
 - c. Custody
 - d. Student Financial Aid
 - e. Other

11. Please check the box that indicates your race, gender, age, and employment status.
 - a. Race
 - i. African American
 - ii. Hispanic
 - iii. White
 - iv. Other

 - b. Gender
 - i. Male
 - ii. Female

 - c. Age
 - i. 13-17
 - ii. 18-29
 - iii. 30-39
 - iv. 40-49
 - v. 50-59
 - vi. 60 and over

 - d. Currently employed
 - i. Yes
 - ii. No

12. Please describe any additional assistance or services needed:

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