OHIO’S CQE PROJECT:
CROSSING LAW SCHOOL
BOUNDARIES TO ADDRESS
A PRESSING COMMUNITY NEED

Joann Sahl
Associate Clinical Professor
University of Akron School of Law
330-972-7189
jsahl1@uakron.edu

Robert Salem
Clinical Professor of Law
University of Toledo Law School
419-530-1800
Robert.Salem@utoledo.edu
AGENDA

✓ Issues facing individuals with criminal convictions

✓ Issues specific to Ohio

✓ The Ohio CQE Project: an effort to mitigate collateral consequences of criminal convictions

✓ Ohio’s CQE law and its procedures

✓ The nature and scope of the project and our collaboration

✓ The benefits and pitfalls of this type of collaboration
WHAT WE KNOW ABOUT REENTRY ISSUES IN OUR COUNTRY
70.3 million adults have a criminal record

7 million people under correctional control, 2.2 million in jail or prison
  - Incarcerate more people than any other country

60% of prison population are people of color
1 in 3 adults arrested by age 23

Majority of Arrests in this country for nonviolent Misdemeanors

U.S. is global leader in arrests
RETURNING TO OUR COMMUNITIES

- 95% in state prisons return to their communities
- 600,000 released from prison each year
- 12 million cycle in and out of local jails each year
IMPACT ON OUR CHILDREN

• 2.6 million children (1 in 25) have a parent in prison

• 25% of African-American children born after 1990 will witness their father being sent to prison by their 14th birthday

• Parents’ incarceration affects children’s economic mobility
WHAT WILL THOSE WITH CONVICTIONS FACE?
THE MARCH OF COLLATERAL CONSEQUENCES

- Civil Impacts of a Conviction
  - Employment
  - Housing
  - Public Benefits
  - Professional License

- 87% of employers conduct background checks

- 95% of convictions are guilty pleas
  - Informed of sentence – not collateral consequences

- Nationwide -44,000+ and still counting
TACKLING THE PROBLEM IN OHIO
Ohio’s Numbers

- 1.9 Million (1 in 6) Ohioans Have a Criminal Record – Felony or Misdemeanor Conviction

- 24,000 People Released from Ohio Prisons Each Year

- 844 Collateral Consequences and Counting
THE USUAL SUSPECTS

- **SEALING (EXPUNGEMENT)**
  - Can apply 1 to 3 years after conviction
  - 2 misdemeanors, 1 misdemeanor and 1 felony
  - Not really a perfect remedy: too many disqualifying offenses, too many employers can see sealed convictions

- **PARDON**
  - Process is limited to certain old offenses
  - Takes too long
  - Even once pardoned, pardoned conviction not sealed from public view
OHIO’S SOLUTION: CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)
GENERAL OVERVIEW

Ohio Rev. Code § 2953.25 (Effective 2/2013)

- Creates a process by which an individual, who is subject to a "civil impact" or "collateral sanction", may obtain an order of limited relief from a court that will provide relief from certain bars on employment or occupational licensing in the state of Ohio.

- Only covers Ohio offenses.

- CQE is issued by common pleas court in county where applicant resides.
THE PROCESS

- 16 Page Online Application – Must have an e-mail

- Application Reviewed for Completeness by Ohio Department of Rehabilitation and Correction

- Once ODRC approves, CQE filed in county of residence

- Court reviews – no hearing
  - Contacts all courts
  - Contacts victims
  - Contacts prosecuting attorney

- If granted, applicant prints CQE from DRC website
THE COURT WILL GRANT THE CQE:

- If it will materially assist applicant with obtaining employment or occupational licensing

- Applicant has substantial need for CQE to live a law-abiding life

- Granting CQE would not pose unreasonable risk to safety of the public or any individual

- If granted, applicant must access CQE from DRC website
WHY AN APPLICANT NEEDS HELP

1. Must SPECIFICALLY list the collateral sanctions (CIVICC)

2. Other specific questions:
   - Define the reasons you believe the certificate of qualification for employment should be granted.
   - Define why a certificate will materially assist you in obtaining employment or occupational licensing.
   - Define why you have a substantial need for a certificate in order to live a law-abiding life.
   - Describe why granting the petition would not pose an unreasonable risk to the safety of the public or any individual.
STARTED CQE CLINIC IN AKRON IN 2013

- Monthly Free Outreach Clinic: CQE, Sealings, Driver's License – Other Community Partners (Funded by grants from City of Akron and County Department of Job and Family Services)

- Staffed by Volunteer Law Students

- Number who have attended the clinics: 2939

- Number of CQE petitions completed: 757
EXPANDING THE CQE EXPERTISE

- Received a grant from the Ohio State Bar Foundation

- Grant allowed us to do the following:
  - CQE training in Toledo, Youngstown, Columbus and Cleveland
  - Employer Education
  - Statewide CQE Survey
THE TRAINING

- Conducted training at each location
  - How to complete the online application
  - Provided documents for clinic (posted on conference website)
  - Created a dedicated website for each site – with site specific information
    (https://www.uakron.edu/law/cqeresources/)

- Outreach Clinic – Attended first clinic

- Continuing Support after first clinic
OUR PARTNERS

- CLEVELAND
- COLUMBUS
- TOLEDO
- YOUNGSTOWN
CLEVELAND

- Clinic Location
  - Zion Hill Missionary Baptist Church

- Clinic Date
  - March 28, 2015

- Community Partners
  - Towards Employment,
  - Oriana House through the North Star Neighborhood Reentry Resource Center (North Star)
  - Cleveland-Marshall College of Law
  - Case Western Reserve University School of Law

- Number of clinic volunteers: 12
Clinic Location
- First Presbyterian Church

Clinic Date
- April 24, 2015

Community Partners
- Community Initiative to Reduce Violence (CIRV)
- Home For Good
- United Returning Citizens

Number of clinic volunteers
- 10
CLINIC LOCATION
- Capital University Law School

CLINIC DATE
- September 12, 2015

COMMUNITY PARTNERS
- Legal Aid Society of Columbus and Capital University Law School

NUMBER OF CLINIC VOLUNTEERS
- 22
**Clinic Location**
- Center for Equal Justice (ABLE/LAWO's Building)

**Clinic Date**
- July 11, 2015

**Community Partners**
- Reentry Coalition of Northwest Ohio, Inc. (RCNWO)
- University of Toledo College of Law
- Criminal Justice Coordinating Council
- Advocates for Basic Legal Equality, Inc.
- Legal Aid of Western Ohio.

**Number of clinic volunteers**
- 26
531 CQE Grants Since 2013

77 Denied
LESSONS LEARNED FROM THE CLINIC

- Clinic was more difficult with community members who were not law students/lawyers
- Need a dedicated person to spearhead/sustain clinic
- Technology, technology, technology
BENEFITS OF STATEWIDE COLLABORATION

- Student experience and education
- Wider reach, greater impact
- Integrated approach to problem-solving
- Avoid duplication of efforts
- Better services
- Greater information and knowledge sharing
- Financial savings
**POTENTIAL PITFALLS**

- Mission drift
- Loss of flexibility
- Loss of autonomy
- Lack of cooperation and differing agendas
- Resources spread too thin
- May be difficult to manage and administer
WORKING GROUPS
QUESTIONS FOR DISCUSSION

1. Identify a critical need in your community that can be addressed with multi-law school/community partnership

2. Identify potential partners for the project

3. Identify obstacles to implementing the project