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TOP STORY

Macon County record sealing, expungement summit gives residents hope for second chances

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Attorney Jeff Richardson, left, and law student Pat McGlasson answer questions Saturday during an expungement summit at Richland Community College. The summit provided free legal assistance to those who wish to clear their criminal records. Attorneys reviewed criminal history, provided advice on what remedies are available and prepared petitions.

DECATUR — Weston Stephens is looking for a new beginning, and after Saturday, he's hoping that he's a few steps closer to getting one.

Stephens was one of hundreds of people who registered for an expungement summit hosted by the Macon County Circuit Clerk's Office at Richland Community College. Saturday's event featured attorneys and representatives of other legal resources on deck to help area residents begin the process of expungement or record sealing.

"I did the wrong thing," said Stephens, 29, referencing past arrests on cannabis and burglary charges. "Now I'm trying to do the right thing. The past is already written, but the future's not."

Under state law, certain arrests and convictions can be removed from records if conditions are met. Expungement allows for the legal record of an arrest or other information to be erased in the eyes of the law, while sealing records means crimes do not appear on routine background checks.

Whether someone is eligible to have their record expunged or sealed depends on certain variables. People can find out more about both processes by visiting www.illinoislegalaid.org.

Stephens said since his arrests, he has since served jail time, paid fines and carried out his probation. Despite all of that, he said, it's been hard for him to find work or leave the country.

Criminal histories often prevent people from getting jobs and housing, which is why Macon County Circuit Clerk Lois Durbin said her office worked to organize the summit. She said it had been in the works since February and is the first of its kind to be held in the county.

"With the way the economy is, people are trying to get jobs, Durbin said. "This is one way to help them out; by giving them a second chance."



Volunteers Benie Kalala, right, and Teresa Snow help out on Saturday during an expungement summit at Richland Community College. The Macon County Circuit Clerk's office hosted its first expungement and record sealing Summit. The summit provided free legal assistance to those who wish to clear their criminal records. Attorneys reviewed criminal history, provided advice on what remedies are available and prepared petitions.

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Other counties in the area, like Champaign County, have done similar summits in recent months. On Aug. 25, the Greater Decatur Black Chamber of Commerce hosted a free seminar that aimed to educate those with criminal records about ways to have their legal histories sealed or erased.

Those who had appointments during the summit were able to fill out the necessary forms to get the expungement process started during the summit.

Typically, Durbin said, filing for expungement or sealing often comes with a fee, but people were able to file for free during the summit. The process involves filing paperwork with the courts.

"If the request is approved (by a judge), on that day we will send notice to law enforcement letting them know they need to expunge those cases," Durbin said. "They'll be expunged from the circuit court's records, too."

Among the legal resources represented during the summit were the Land of Lincoln Legal Assistance Foundation and Cabrini Green Legal Aid.

Land of Lincoln is a nonprofit corporation that provides free civil legal services to low-income residents and senior citizens in Central and southern Illinois.

Valerie McWilliams, an attorney with the organization's Champaign office, said state laws in recent years have become more forgiving toward people who want to have their records expunged or sealed.

"There's a lot more things now that are sealable," McWilliams said. "And that's because state legislature recently is acknowledging that it's important for people to get a second chance so that they can get a job."

McWilliams said a lot of the credit for the gradual relaxing of state legislation in regards to expungement and record sealing should go to Cabrini Green, a Chicago-based nonprofit that provides several legal, social work and community-based services to Illinois residents.

Cabrini Green has successfully lobbied for several legislature changes to be put into effect, such as increasing the number of felony convictions covered by the sealing law and removing fines and fees as barriers to sealing convictions.

Paul Coleman, a founding member of Cabrini Green's leadership council, led the orientation workshops that summit attendees sat in on during the event.

He said he's volunteered with the organization for years, and as someone who has experienced the process of applying for expungement or record sealing, he knows that it's possible for people to move on with the right amount of patience and knowledge of their legal rights.

"I'm not embarrassed to stand on that stage and say what I've been through; the robberies, the thefts, the aggravated batteries," Coleman said. "Because this was 30 years ago. I'm 50 ... A lot of people are afraid to talk about their background. I'm not afraid to talk about my background."



Paul Coleman said he's volunteered with Cabrini Green Legal Aid since 2009. He said he never shies away from telling others about his own experiences with expungement and record sealing. "A lot of people are afraid to talk about their background. I'm not afraid to talk about my background," he said. "It's what you're doing now — what your growth is (and) how you've grown — that's what's most important."

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As they stood in the lobby of Richland's Schilling Community Education Center, state Rep. Sue Scherer, D-Decatur, and Cabrini Green Community Organizer Colette Payne said events like the expungement summit are the beginning of many people's path to a second chance.

"I hope some people by doing this (applying for expungement) as a community, that people can get the strength and courage from other people who are going through the same thing," Scherer said.

Payne, who began volunteering with Cabrini Green after she was released from Decatur Correctional Center in 2012, said persistence is key when it comes to erasing or sealing a criminal record.

"I tell people as a person with lived experience that it isn't easy, and anything worth having is worth fighting for," she said. "So we have to fight for our lives."

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Expungement vs. sealing

Expungement can remove arrests, court supervisions and certain probations from criminal records. Criminal convictions cannot be expunged.

The following will happen when an expungement request is approved:

- The arresting authority will remove the arrest record from their official files
- The circuit clerk removes the applicant's name from the public record, and doesn't let anyone see it
- Even though the record is officially clear, the Department of Corrections and law enforcement agencies will still have access to the expunged record for offenses requiring a five-year waiting period only and supervision for domestic battery or criminal sexual assault
- The criminal record no longer appears on background checks

Sealing is when a record cannot be seen by the general public. Criminal convictions cannot be expunged, but the records can be sealed.

However, some employers are required by law to do background checks and can still see sealed felony convictions. Examples of these employers include:

- A hospital or school
- An organization that requires you to work with or around children
- Fire departments, police departments and other public or government jobs

No other employer can see any cases that are sealed. Landlords also cannot see any record that has been sealed.

Law enforcement agencies, such as police departments, courts and state's attorneys, can still see sealed records. Sealed records cannot be accessed without a court order.

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