People are in prison because of a paperwork problem.
A New Law Made Him a ‘Free Man on Paper,’ but He Died Behind Bars

By Mitch Smith
Feb. 15, 2019

Marie Dianne Cheatham was making arrangements for her husband's release from prison when he died.

Louisiana routinely jails people weeks, months, years after their release dates

By Richard A. Webster and Emily Luu, NOLA.com | The Times-Picayune | Posted February 17, 2019 at 08:37 AM | Updated February 21, 2019 at 04:24 PM

Keeping Hundreds Of Inmates In After Their Release Dates

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People are dying or staying longer in prison because of algorithmic and bureaucratic errors.
We don’t know what fines and fees are owed so we can’t tell who’s eligible or not to get their vote restored
People are unable to vote because of dirty data.
How many Americans are living in paper prisons?

How many second chances have become missed chances because of the poor administration of second chances?
America’s Paper Prisons: The Second Chance Gap
Paper Overview

1. Defines “the second gap” and explores why it exists

1. Through data work and analysis, measures it in various domains

1. For expungement, measures the non-convictions second chance gap across the country using a dataset of 60K background checks.

1. Reports on the convictions second chance gap in about 10 states
Defining the “Second Chance Gap”

The difference between eligibility and delivery of second chances.
Domains of study

Resentencing

Reinfranchisment

Records

Clearance
Why the Records Clearance Second Chance Gap Matters

- ~80M People have a record
- 44K collateral consequences
- 50 States have passed laws to mitigate the harms of records through “expungement”

But what about their uptake?
Two types of Second Chance Gaps

- **Uptake Gap**: the share of those eligible for relief who have applied for or received it. Reflects the effectiveness of the administration of the law.

- **Current Gap**: the share of those currently with criminal records who could clean their record. A product of the generosity of the law and effectiveness of its administration.
Methods

- Obtained “deep records” on gig jobseekers from proprietary source, and from public criminal records databases
- Data cleaning and normalization
- Worked with the CCRC and attorneys in 50 states to understand state level records clearing law
- Application of law to records
Getting the Work Done

from Code

TO DO
1. Check if there's a mistake in the Fort Bend County's work about the status of our request. Someone in our office requested, but they cannot get the employment statistics for Fort Bend County.
2. Talk to Lee Co. Can we submit a request for employment statistics?
3. Call Lee Co. (Fort Bend County) and see if they can send us employment statistics.
4. Call Lee Co. She did not pick up. Leave a message.
5. Call Lee Co. She did not pick up. Leave a message.
6. Call Lee Co. She did not pick up.
7. Call Lee Co. She did not pick up.
8. Call Lee Co. She did not pick up. Leave a message.
9. Call Lee Co. She did not pick up. Leave a message.
10. Call Lee Co. She did not pick up. Leave a message.

To Code

Getting the Work Done

From Code

To Code

=>

Eligible Eligible
Estimating the Non-Convictions Current Gap

This paper estimates the current gap using records of gig jobseekers. Analysis based on a random sample of ~60K background checks of people seeking primarily on-demand jobs (e.g., with Uber, Doordash, Instacart) from Jan 2017–Oct 2018.
This analysis can provide a lower-bound estimate

- In robustness checks, gig jobseekers appear less likely to fall into the current gap than the general population.

<table>
<thead>
<tr>
<th>State</th>
<th>Description of Representative Sample</th>
<th>Current Gap (Eligible Share) in Representative Data</th>
<th>Current Gap (Eligible Share) in Jobseeker Sample (matched sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD</td>
<td>Complete records from 1995–2015 for Baltimore City and Baltimore, Anne Arundel, and Frederick Counties</td>
<td>71%[^2]</td>
<td>53%</td>
</tr>
<tr>
<td>AK</td>
<td>A sample of 9,758 criminal cases from the state AOC from 1998–2015</td>
<td>24%</td>
<td>18%</td>
</tr>
<tr>
<td>SC</td>
<td>A sample of around 4,000 criminal histories from the South Carolina Law Enforcement Division</td>
<td>63%</td>
<td>41%</td>
</tr>
</tbody>
</table>
An estimated 35-45%+ of Gig Jobseekers could clean their records

*Based on analysis and application of clearances rules in 50 states to the criminal records to a population of ~60K actual background checks performed. The state-balanced gap accounts in part for differences in geography between gig jobseekers and the national population of people with arrest records, based on an analysis of all arrest records by state from 1995 to present.
An estimated 20-30M Americans could clear their criminal record partially or entirely (lower-bounds estimate)
Estimating the Convictions Uptake Gap - mostly \(~< 10\% \) (www.paperprisons.org/about)

Estimated Petitions-Based Conviction Expungement Uptake Rates

- CA Prop 64 (Pre AB 1793)
- NY
- CT
- IA
- MO
- MN
- NC
- WA
- OR
- CO
- DE
- IL

Percentages shown in the graph.
People are are being denied jobs, housing, and other opportunities because of the broken administration of expungement processes.
How can we work with others to close the second chance gap?
The Paper Prisons Initiative of Santa Clara University conducts empirical research to draw attention to the tens of millions of Americans stuck in paper prisons - unable to access employment, housing, voting, resentencing opportunities available under the law - due to their past contact with the criminal justice system. We document the “second chance gap” between eligibility for and delivery of relief from this contact. This website provides reports and information on each state’s “second chance expungement gap” - the difference between eligibility and ability to access expungement - using the methodology described in America’s Paper Prisons: The Second Chance Gap (Mich. Law. Rev. 2020).
Help Close the Second Chance Gap

SECOND CHANCES
AND EMPATHY

Hackathon

Our criminal justice system is broken! Let's work to fix it
and unlock second chances for millions of Americans!

bit.ly/scu_hack
How can *we* work together to close the second chance gap?

<table>
<thead>
<tr>
<th>What We Can Offer</th>
<th>What We Need</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Reports and summaries of the law</td>
<td>- Ground truthing of legal summaries</td>
</tr>
<tr>
<td>- 50-state descriptive statistics</td>
<td>- Consultation on grades of data, state data sources</td>
</tr>
<tr>
<td>- Collaborations on research e.g. datamap</td>
<td>- Understand your needs:</td>
</tr>
<tr>
<td>- Hackathon support - playbook/seed grants</td>
<td>- Visualizations?</td>
</tr>
<tr>
<td></td>
<td>- How-to make reports guide?</td>
</tr>
<tr>
<td></td>
<td>- Expungement tools?</td>
</tr>
</tbody>
</table>