Bringing Automatic Record Clearance to Your State

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Who we are
People-centered problem solvers showing that with the mindful use of technology, government can work well for everyone

Our goal
A resilient government that effectively and equitably serves all Americans
CLEAR My RECORD

Clearing all eligible criminal records in the U.S.

What we bring

Technical perspective to ensure the feasibility & impact of Clean Slate policy
Our Vision

People impacted by the criminal legal system are able to pass a background check so they can qualify for jobs, housing, and educational opportunities from which they’re typically excluded.
Noella Sudbury, Owner and Founder of Sudbury Consulting, LLC

- Led Utah’s successful campaign to pass Clean Slate in 2019
- Leading Utah’s current campaign to successfully implement Utah’s Clean Slate law
  1. Utah’s law is fully implemented and eligible records are cleared automatically;
  2. Individuals with records are aware of the law and its impact on their lives;
  3. Eligible individuals take advantage of the law to access greater opportunities;
  4. The voices of directly impacted people are elevated to lay the groundwork for future expansion and reform for those who are not yet eligible for clean slate expungement relief.
I. Automatic record clearance
II. Centralized states
III. Decentralized states
IV. Dealing with data
V. Open Q&A
Automatic Record Clearance Overview
States where CfA has worked (including active campaigns)

Other states with Clean Slate laws

Clean Slate bill passed
when it comes to automatic record clearance...

we’re not “making the computer do the petition-based process”
Process for implementing automation

**Step 1**
Determine eligibility
Which records qualify for record clearance?

**Step 2**
Update records
Modify disposition, flag as expunged, or sequester
First: where do records live?

Criminal History Repository
State Police

- records linked to individuals
- may only contain fingerprinted offenses
- may lack sentencing, incarceration, diversion info

Case Management System
Courts

- case records not always linked to individuals
+ includes lesser charges
+ timely disposition info
How court data is organized

Centralized system
Court data from all counties is stored in the same case management system (CMS)

Decentralized system
Each county has its own system for storing and managing court data
Centralized Courts
# Utah's Clean Slate Implementation Process

<table>
<thead>
<tr>
<th>Eligible Case Identification</th>
<th>Prosecutor Notice</th>
<th>Judicial Order</th>
<th>Removal from Criminal History</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utah Administrative Office of the Courts identifies cases on a monthly basis</td>
<td>Prosecutors have 35 days to review and e-file objections to the automatic expungement of clean slate eligible cases. Objection rights are extremely limited and specified by statute</td>
<td>If no objection is filed, an order is issued to expunge the case. Orders with the judge’s signature will be automatically generated and sent to BCI. There is no judicial review unless an objection is filed.</td>
<td>Pursuant to the order, BCI removes clean slate eligible cases from a person’s criminal history record. BCI notifies all law enforcement agencies, corrections, and other record holders of duty to expunge any associated records.</td>
</tr>
</tbody>
</table>
Decentralized Courts
Can we even do this?!
What makes this more complicated?

Step 1. Determine eligibility

Aggregating court records for eligibility determination.

Step 2. Update records

Automating the sealing / expungement of records.
Can you determine eligibility based on the Criminal History repository from the State Police?
Has someone already solved this problem?

**Supreme Court**

Decentralized states may create a data warehouse that collect records from county court systems nightly

**Statewide IT Dept**

CJLEADS project in NC pulls together information from courts, police and corrections into a unified view of the data
Does some layer of centralization already exist?
How big is the problem we’re trying to solve?
How many different court systems?
Just how decentralized are we?

**State A**

76% of the state’s population is covered by three separate Case Management Systems

**State B**

79% of the state’s counties are all on the same Case Management System
Minimal amount of work for the maximum amount of impact
There are a lot of actors, a lot of paper and a lot of data in the petition-based expungement process. Many fewer of them actually share or sell data to background check companies. Simplify: where do we really need to ensure records are updated for the purposes of Clean Slate relief?
Where do background check companies go?

- Criminal History Repository
  - State Police

- Case Management System
  - Courts
We can often cover 70-80% of the court population by batch updating records with 1 - 3 vendors
Embrace low-tech solutions for the last 20%

- Recognize that not all systems are equipped for automated/batch updates

- For low volume courts, a monthly excel spreadsheet of cases/charges to manually update may be the best place to start
You can’t automate paper.

- There’s no way to *automate* the clearing of physical files
- Flagging digital records and de-indexing should be sufficient for automated expungement
“But our data is bad.”
“Really really bad.”
Remember: we’re not making the computer do the petition-based process.
Work with the data you have

1. Start with the most comprehensive, centralized set of criminal history data you have (Courts or State Police)

2. Accept the limitations of the data in these systems

3. Design the policy to reflect what’s feasible for automated eligibility determination
The petition-based process isn’t going away!
Questions?