Top Five Myths in Clean Slate Automation

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Non-profit using technology and human-centered design to show that government can and should work well for everyone.
Help people impacted by a criminal record pass background checks so they can qualify for housing, jobs and educational opportunities and improve the well-being of all communities.
How do we help states?

We provide a **technical perspective** on Clean Slate policy and implementation to ensure the **feasibility & impact** of automatic record clearance legislation.
Clean Slate Policy paves path to clear eligible convictions at specified time, automatically

Courts & Repositories update records to reflect relief granted

Millions of people can get the job or housing they were previously blocked from

We accomplish our goals by working across three pillars

PASSING BILLS

IMPLEMENTING LAWS

INFORMING & CONNECTING PEOPLE
Where we’ve done this work
Compact Council & NFF States
Top Five Myths in Clean Slate Automation
MYTH #1

Automatic record clearance is about making the computer do the petition-based process.
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Automatic record clearance is about making the computer do the petition-based process.
You can’t replicate that process

- Multi-person teams within different agencies
- Paper letters
- Individual emails
- Conversations
- Phone calls

Computer systems can’t talk to each other as easily as humans can.
EXAMPLE: Petition-based clearance process

Individual
- Get finger-printed
- Receive record
- Apply for clearance
- Appear at hearing

Court
- Receive, process, review app
- Hearing
- Make decision & update records
- Notify other agencies
- Receive confirmation
- Notify applicant
- Get relief

State Police
- Provide record

Other agencies
- Appear at hearing
- Sequester records & confirm

CODE for AMERICA
Automatic clearance process

Individual

Court

State Police

Other agencies

Determine who's eligible → Update records → Notify other agencies → Notify people → Get relief

Update records
What does automatic record clearance entail?

1. Determine which charges are **eligible**

2. **Notify** the relevant agencies

3. **Update records** in the relevant systems
Ideally, design the process to have the **least** number of interactions possible.
MYTH #2

Automatic record clearance isn’t possible because we can’t automate paper
MYTH #2

Automatic record clearance isn’t possible because we can’t automate paper.
Focus on the **access points to records** in your system
Instead of **destroying** or **moving** records...

- Deindexing
- Flagging
- Digital sequestration
Instead of sending agency **notifications** for each charge...

- Monthly bulk orders
- CSV files of eligible charges
MYTH #3

Automatic record clearance isn’t possible because my data isn’t perfect...
MYTH #3

Automatic record clearance isn’t possible because my data isn’t perfect...
What does automatic record clearance entail?

1. Determine which charges are eligible

2. Notify the relevant agencies

3. Update records in the relevant systems
Most comprehensive, centralized sources of eligibility data

- **Criminal History Repository**
  - State Police

- **Case Management System**
  - Courts
Automatic record clearance isn’t possible because my data isn’t perfect...
This is a major area of focus for Code for America in the legislative process
Work with the data you have. Be pragmatic. Be creative. Be willing to compromise.
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Work with the data you have

1. Start with the **most comprehensive, centralized** set of criminal history data you have (CHRI/CMS)

2. **Accept the limitations** of the data in these systems

3. Design the policy to reflect what’s **feasible** for **automated** eligibility determination
You may not have...

● **Final dispositions on all of your charges...**
  ○ Work with the data you do have.

● **Every field required for the petition-based process**
  ○ Are those fields absolutely necessary?
  ○ Can another data point be used as a proxy?

● **Completion of probation or diversion programs**
  ○ Can you extend the time window for eligibility?
Work with the data you have.
Be pragmatic. Be creative.
Be willing to compromise.
Work with the data you have.
Be pragmatic. Be creative.
Be willing to compromise.
MYTH #1

Don’t get stuck in the mindset of replicating the petition-based process
Automatic and manual record clearance are fundamentally different...

for reasons that beyond just technology.
For those few individuals who finally decide to petition clear their criminal record...

There’s a sense of urgency a sense of immediacy.
Scale over Immediacy.
Simplicity over Complexity.
Speed over Effort.
We’re trying to clear as many records as we can within the confines of our existing systems & data
Work with the data you have.
MYTH #4

Automatic record clearance isn’t possible because there are too many systems
MYTH #4

Automatic record clearance isn’t possible because there are too many systems.
What does *automatic* record clearance entail?

1. Determine which charges are eligible

2. Notify the relevant agencies

3. **Update records in the relevant systems**
What does automatic record clearance entail?

1. Determine which charges are eligible
2. Notify the relevant agencies
3. Update records in the relevant systems
What is the goal?

What are we trying to achieve?
Help people attain housing, employment and educational opportunities...

by minimizing what shows up on a routine background check
Where do background check companies go?

- There are **a lot of actors, a lot of paper and a lot of data** in the petition-based expungement process.
- Way **fewer of them actually share or sell data** to background check companies.
- **Where do we really need to ensure records are updated** for the purposes of Clean Slate relief?
What kind of background checks?

- Data brokers purchasing bulk digital records for resale purposes
- Private detective walking into a local police department to pull physical files
What is the goal?

What are we trying to achieve?
What kind of background checks?

★ Data brokers purchasing **bulk digital records** for resale purposes

問い Private detective walking into a local police department to pull physical files
Where do background check companies go?

Criminal History Repository
  State Police

Case Management System
  Courts
That’s where we focus on updating records

Criminal History Repository  
*State Police*

Case Management System  
*Courts*
Consider the goal we’re trying to achieve. Simplify the process. Minimize the number of systems that need to be updated.
MYTH #5

Automatic record clearance isn’t worth it because of online mugshots...
MYTH #5

Automatic record clearance isn’t worth it because of online mugshots...
Who’s addressing online mugshots?

- **Laws** regulating mugshot removal from commercial sites
- **Journalists** moving away from the practice of publishing mugshots
States with laws regulating online mugshots
Associated Press
“[Stories of arrests for minor crimes] can have a long, damaging afterlife on the internet that can make it hard for individuals to move on with their lives.”

Orlando Sentinel
“Without context, the [mugshot] galleries have little journalistic value and may have reinforced negative stereotypes.”

Mississippi Sun Herald
“Plenty of people have contacted us over the years to say they were cleared of the crime but that mugshot has prevented them from getting jobs. It turns up in background searches.”
States with publications that no longer publish mugshots and/or shield names of arrests
Gazette Article Removal Request

In the era of the Internet, a simple mistake, poor decision or minor crime can show up in search results and impact lives for a long time.

The Gazette has been receiving an increasing number of requests from people who say they're being impacted long after charges were dropped or their court case has been completed. Whether it's a job search, housing or kids Googling a parent's name, it's difficult to fully put the incident behind them.

There are many reasons we write stories about public safety and arrests. While details of many of the stories are gleaned from publicly available records, the passage of time changes how newsworthily the story is.

Using the criteria below, The Gazette will consider requests for removal of non-felony and non-violent criminal offenses. Other cases will be handled on an individual basis.

The Gazette will not consider removal requests from celebrities, local or elected officials. We will not remove articles resulting in the death of another individual. Cases not meeting the thresholds below will be considered on a case-by-case basis.

To be considered, the following information and parameters should be met:

The Salt Lake Tribune will consider requests to remove booking photos or other changes to past coverage.

Under a new fresh start effort, photos and names may be deleted from past stories about minor crimes.

The Salt Lake Tribune will consider requests from people who want their names or images removed from past coverage.

We recognize the lasting impact The Tribune's reporting can have, especially for those accused of minor, nonviolent crimes.

A team of Tribune reporters and an editor worked for two months to develop The Tribune's new guidelines and procedures for taking down articles. Booking photos may be removed from stories, for example, or an article about the outcome of a case may be added.

Personal stories will be torn across the country, other newspapers are outlining how they already implemented similar approaches or are now ready with the potential long-term consequences of reporting, especially for people of color.

Fill this form out for your Right to be Forgotten

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At cleveland.com, we don't think people should have to pay for minor mistakes for the rest of their lives.

Because our website is so big, our content appears high in search engines, meaning that if we published a story about a minor crime you committed, your story often would be the first thing to appear in searches of your name.

In the old days, a story about a minor crime would appear on a newspaper page and quickly begin to fade from memory. It didn't haunt you for the rest of time.

So we're giving people a chance to clear the record. If there's a dated story on our site that is causing you harm, we'll consider removing

Request to remove outdated stories from Google

The Bangor Daily News reviews requests to remove old crime stories from Google. [More context here.]

Here are some stipulations:

— This policy does not include anyone considered a public figure.

— We won't remove stories about domestic violence or non-violent crimes, such as murder, armed robbery or sexual assault.

The same applies to crimes against children.

— We'll only block stories about misdeeds that were published at least 5 years ago. For felons, that's 10 years. We're basing that on the deadlines set by the Maine court system for the destruction of old documents.

— This is aimed at helping individuals to move on from past mistakes, not to help companies improve their public relations.
Summary
Implementing Clean Slate does not mean...

1. making the computer do the petition-based process
2. “automating” paper
3. updating every system in the state
4. catching every single charge
5. fixing internet reputations
Our recommendations

- The **scale** of this project is largely up to you
- Get involved **early in the process**
- Work together **with policymakers**
- **Share data** for feasibility and impact analysis purposes
- Ensure **policy doesn’t get ahead of the technology**
To learn more

Web

codeforamerica.org/programs/clear-my-record
cleanslateinitiative.org

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Questions?