Technology and

Criminal Record Clearance

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Speakers

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Mr. Tashea's comments are made on his own behalf and not on behalf of the American Bar Association.

Clean Slate
CLEARINGHOUSE

A project funded by the U.S. Department of Labor
and the U.S. Department of Justice

Clearinghouse

- Online clearinghouse of each state's adult and juvenile record clearance policies, resources, guides, and legal service providers

Audience

- Legal service providers, reentry and workforce service providers, people with criminal records, policymakers

Goals

- Provide accessible, up-to-date information on record clearance policies across the country
- Increase capacity of legal service providers and create a community of practice for record clearance

cleanslateclearinghouse.org

The Council of State Governments Justice Center

Overview

- Introduction to record clearing and technology
- High level look at technology in record clearing practices
- Automating expungement petitions: Maryland and Pennsylvania
- Integrating automated expungements with case management systems
- A quick look at Clean Slate in Pennsylvania and beyond

Expungement Applications

- Can be public/client-facing or attorney-facing
- Can be manual or automated
- Can make a referral, determine eligibility, or complete forms

What's Required

- Basics
  - An expungement statute with objective factors
  - End users with internet access
  - Capacity to continually update and refine the tool

- Advanced
  - A useable dataset

Automating Expungement: Maryland

- Statewide web portal with all criminal cases that is (1) free, (2) no bot blocker, (3) includes all relevant information.
- Expungement law in Maryland is objective and does not require a court hearing.

Charge and Disposition Information

(Each Charge is listed separately. The disposition is listed below the Charge)

Charge No: **001**   Description: **BURGLARY-FOURTH DEGREE**
Statute: **CR.6.205.(a)**   Description: **BURGLARY- 4TH DEGREE-DWELL**
Amended Date: CJIS Code: **2 3030**   MO/PLL: Probable Cause: **X**
Incident Date From: To: Victim Age:

Disposition

Plea: **OTHER PLEA**
Disposition: **NOLLE PROSEQUI**   Disposition Date:**10/27/1998**
               Fine: **$0.00**   Court Costs: **$0.00**   CICF: **$0.00**
Amt Suspended: Fine: **$0.00**   Court Costs: **$0.00**   CICF: **$0.00**
PBJ EndDate: Probation End Date: Restitution Amount: **$0.00**
Jail Term: Yrs: Mos: Days:
Suspended Term: Yrs: Mos: Days:
Credit Time Served:

MDExpungement

- With a given case number, MDExpungement uses a web scraper to pull the HTML of the case from Maryland's portal.
- The HTML is parsed for the particular variables needed to make a determination of whether the case is eligible for expungement.
- The variables are run through an algorithm and the editable PDF petitions are populated.
- Over 61,000 expungement petitions have been printed since 2015.

Multiple Ways of Using the Expungement Tool

Use External Site to Expunge Cases

Use Chrome Extension on State's Site

Expungement API

- After scraping all of the data on Maryland's site, we can run people's names against the new database, allowing us to search using more fields.
- Allows other organizations to build applications on top of the database.
- Built into our CMS, Legal Server, so we know instantly if any client has eligible cases.

```
Array
(
    [036025101302] => Array
    (
        [0] => Array
        (
            [CaseDisposition] => FORWARDED TO CIRCUIT COURT
            [Expungeability] => FORWARDED TO CIRCUIT COURT
            [TrackingNumber] => 036025101302
            [CaseNumber] => 5R00037336
        )

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        (
            [CaseDisposition] => None
            [Expungeability] => NOT EXPUNGEABLE YET
            [TrackingNumber] => 036025101302
            [CaseNumber] => 12K03001008
        )

        [2] => Array
        (
            [OverallExpungeability] => NOT EXPUNGEABLE YET
        )

    )

    [066033100825] => Array
    (
        [0] => Array
        (
            [CaseDisposition] => JURY TRIAL PRAYED
            [Expungeability] => FORWARDED TO CIRCUIT COURT
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            [CaseNumber] => 3R00051915
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            [CaseDisposition] => None
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            [TrackingNumber] => 066033100825
            [CaseNumber] => 12K06001640
        )

        [2] => Array
        (
            [OverallExpungeability] => EXPUNGEABLE
        )

    )
)
```

Expungement Map

- We ran every case through the expungement algorithm to determine how many cases were eligible.
- Geocoded defendants' addresses so we could map eligible cases.
- Mail letters to defendants when we hold a clinic near them.
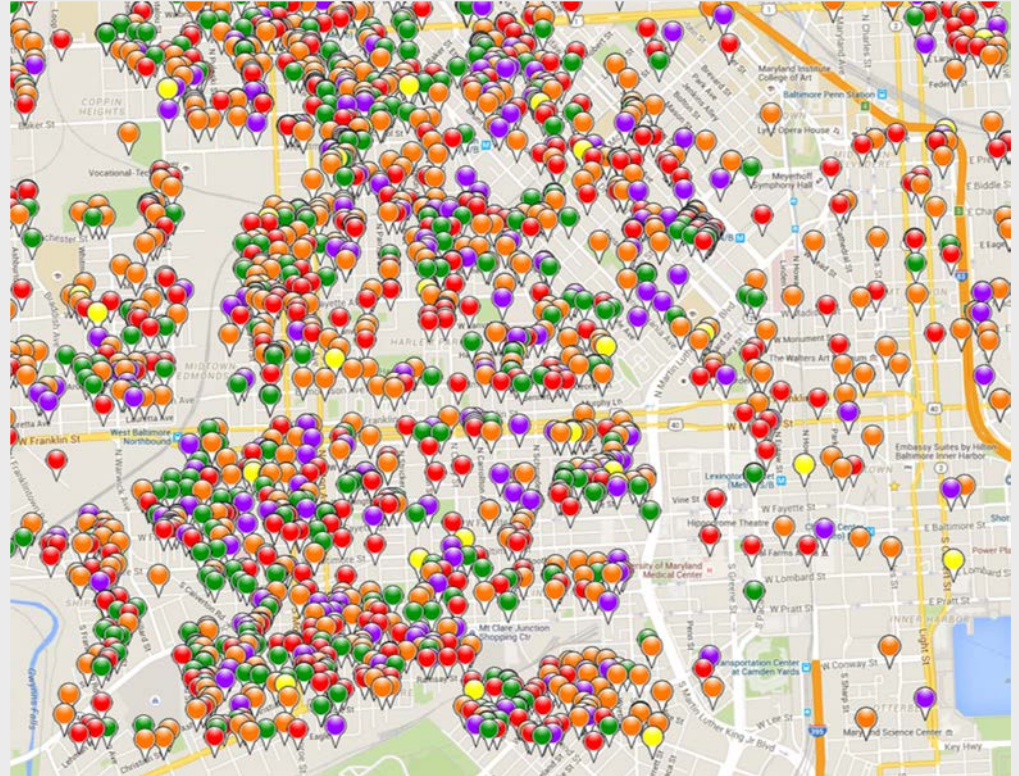
Lessons Learned

- Originally designed for pro-se use. However, the biggest users are attorneys.
- Need to anticipate lots of edits and updates.
  - Changes in the law
  - Changes in court procedures
  - Changes in forms
  - Recommendations from attorneys
  - Bugs
- Lots of disclaimers!

Automating Expungement: Pennsylvania

- Very similar to MD
- "Headless" browser searches the PA court database, downloads dockets, scrapes text from the dockets, runs a person's record through an algorithm, and generates word-editable petitions
- Additional tool for determining whether cases are potentially sealable
- Over 45,000 petitions generated statewide since 2011

Pennsylvania's Expungement Generator

Databases: Great for Audits, Funders, and Legislators

- **Internal audits**: How are we doing? Are we reaching the right clients? Did we prepare an expungement for that client?

- **Funders**: How many expungements did we file last year? How many records were fully cleared? What is the value of our services?

- **Legislators**: What are our bona fides? What is the state of the world (statistically speaking)? Who would benefit?

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Integrating Tools within Case Management Systems

- This is the future of legal tech
- Crude integration: PA tool emails our case management system
- Tighter integration: PA tool has an API, Legal Server can now connect to APIs
- Advantages: Easier, quicker to check; tight integration means including checks in normal processes; can include other checks at same time

Crude Integration

1. Type client info into CMS

2. Retype client info into expungement tool
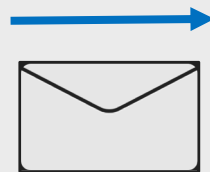
3. Email sent to CMS with expungement petitions

4. CMS updated with expungement petitions

Tight Integration Using an API

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1. Type info into CMS

2. CMS uses API to send info to expungement tool

3. Expungement tool operates without human intervention

4. Expungement tool uses API to send info back to CMS

5. CMS is updated with expungement petitions/info

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Iterative Model of Development

- Rather than start with the most complicated, fully featured program, start small . . .
- If your program is being used, iterate on it in the most useful way.
- Continue to iterate, each time evaluating the value of the new portion of the program vs the cost.
- Abandon projects that don't pan out and focus hard on those that do.

Automating at a State Level: Clean Slate Legislation

Positives:

- Statewide database of records = State can automate record clearance
- Huge increase in volume, cost savings to petitioners and state, reduction in work required, actually implements policy goals

Negatives:

- Lowest common denominator sealing, limited by state electronic infrastructure, sealing does not destroy record

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Thank You

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Learn More About Record Clearance

Email: cleanslate@csgjusticecenter.org

Sign up to receive newsletters and other announcements at cleanslateclearinghouse.org

The Council of State Governments Justice Center