The Hidden Costs of Reentry: Understanding the Barriers to Removing a Criminal Record

April 21, 2022 | 1:00 PM ET

The webinar will begin shortly
Welcoming Remarks

Jennifer Scherer, PhD
Acting Director
National Institute of Justice
What we’ll do today

What is criminal justice record-clearing?

Overview of the study

What we’re seeing so far
What we’ll do today

What is criminal justice record-clearing?
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.
What is criminal justice record-clearing?

**An attempt** to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Distinctions:
* Automatic versus petition-based
* Limit access versus destroy
What is criminal justice record-clearing?

An attempt \textit{to limit access to, or destroy,} (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Distinctions:
* Automatic versus petition-based
* Limit access versus destroy

← This study
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

* Theoretical: Gov’t destruction or suppression of info re key function good?
* Legal: Legal theory re private info aggregators? “follow reasonable procedures to assure maximum possible accuracy” FCRA, 15 U.S.C. § 1681e(b)
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Problem: There is no such thing as a person’s criminal record.
<table>
<thead>
<tr>
<th>KBI Cycle</th>
<th>KLS Record</th>
<th>Offense(s) Charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missing</td>
<td>RAXXCRXX</td>
<td>1) Underage Consumption of Alcohol</td>
</tr>
<tr>
<td>Missing</td>
<td>RAXXCRXX</td>
<td>1) Theft by Deception</td>
</tr>
<tr>
<td>Missing</td>
<td>RAXXCRXX</td>
<td>1) Drug Paraphernalia</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) Drug Paraphernalia</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3) Deprivation of Property</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4) Possession of Stolen Property</td>
</tr>
<tr>
<td>Missing</td>
<td>RAXXCRXX</td>
<td>1) Theft</td>
</tr>
<tr>
<td>Missing</td>
<td>DCXXCRXX</td>
<td>1) Marijuana Possession</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) Drug Paraphernalia</td>
</tr>
<tr>
<td>1</td>
<td>Missing</td>
<td>1) Theft</td>
</tr>
<tr>
<td>2</td>
<td>Missing</td>
<td>1) Theft</td>
</tr>
<tr>
<td>Missing</td>
<td>DCXXCRXX</td>
<td>1) Theft</td>
</tr>
<tr>
<td>3</td>
<td>DCXXCRXX</td>
<td>1) Burglary</td>
</tr>
<tr>
<td>Missing</td>
<td>DCXXCRXX</td>
<td>1) Theft</td>
</tr>
<tr>
<td>4</td>
<td>DCXXCRXX</td>
<td>1) Probation Violation</td>
</tr>
<tr>
<td>6</td>
<td>DCXXCRXX</td>
<td>1) Driving w/o valid license</td>
</tr>
<tr>
<td>7</td>
<td>DCXXCRXX</td>
<td>1) Marijuana Possession</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2) Drug Paraphernalia</td>
</tr>
<tr>
<td>Missing</td>
<td>DCXXCRXX</td>
<td>1) Methamphetamine Possession</td>
</tr>
</tbody>
</table>
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Maybe . . . (Prescott & Starr 2020, but . . .)
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Automatic, public, broad record-clearing ban the box?

(or so an argument might run, Agan & Starr 2017, Doleac & Hansen 2020)
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

Benefit from petition-based record-clearing → host of assumptions
* Expungement gap & a2j
* Jobs, housing units otherwise available
* Recidivism, despite looooonnnngggggg waiting periods?
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

* What is record-clearing for?

Perhaps identity???? (If so, don’t need empirical study, but . . . )
recidivism employment housing
What is criminal justice record-clearing?

An attempt to limit access to, or destroy, (frequently) factually accurate information (an individual’s “record”) so as to benefit the subject of that information.

So, does it? How about let’s find out???

With an RCT!!!!!!!
What we’ll do today

Overview of the study
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• Referral to treatment
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
• **Outreach & community engagement**
  • Client reaches out to KLS for services
  • KLS intake and eligibility determination
  • Study intake
  • Consent & authorizations
  • Baseline survey
  • Randomization
  • Referral to treatment
  • Surveys every 3 weeks for 2 years
  • Administrative data collection for 5 years
• Outreach & community engagement
• **Client reaches out to KLS for services**
• **KLS intake and eligibility determination**
• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• Referral to treatment
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination

• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• Referral to treatment
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
CONSENT

- Risks
- Benefits
- Expectations
- Voluntariness
- Opt-out and complaints
- Retainers for service
- Powers of attorney
- Administrative data
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• **Baseline survey**
• Randomization
• Referral to treatment
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
• Capturing participant information for future surveys
• Guidance on mechanics of survey tool
• Administering first survey
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• Baseline survey
• **Randomization**
• Referral to treatment
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
- Controlled by A2J Lab
- Batches
- Multiple methods
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• **Referral to treatment**
• Surveys every 3 weeks for 2 years
• Administrative data collection for 5 years
limited-scope services

full-scope services
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• Referral to treatment

**Surveys every 3 weeks for 2 years**
• Administrative data collection for 5 years
Baseline survey

- housing quality & maintenance
- deterrence
- Subjective well-being
- involuntary moves & homelessness
- employment

Exit survey
• Outreach & community engagement
• Client reaches out to KLS for services
• KLS intake and eligibility determination
• Study intake
• Consent & authorizations
• Baseline survey
• Randomization
• Referral to treatment
• Surveys every 3 weeks for 2 years

• Administrative data collection for 5 years
What we’ll do today

What we’re seeing so far
- Most participants are employed
- Lots of job changes
- Higher wages than expected

- Inconsistent records
- Error prone records
- Does a record ever go away?

- Incredibly high survey response rate
Accuracy and Permanency of Criminal Records in the Digital Age

NIJ Webinar: The Hidden Costs of Reentry: Understanding the Barriers to Removing a Criminal Record

April 21, 2022

Sarah E. Lageson
Rutgers University
@sarahlageson
Dissemination and permanency of criminal records

Accuracy and error in digital criminal records

Consequences

Theoretical & policy implications

Research funded by National Institute of Justice: NIJ: 2017-IJ-CX0036
LAW ENFORCEMENT | public notification

COURTS | 1st amendment compliance

CORRECTIONS | community surveillance

REPOSITORY | criminal history services
DISSEMINATING CJ DATA

ARREST → ROSTER → CRAWL → REPOST → INDEX

CHARGE → DATA → BUY → MERGE → SELL
Agency practices

Modernize recordkeeping within limited resource capacity

Maintain institutional control while relying on third party software

Respond to community demands and FOIA requests

Synthesize and coordinate data across agencies and jurisdictions

Results?

internal management and investigatory systems $\rightarrow$ valuable data commodity

archived, outdated, and misleading data available to the public

fundamental changes to the purpose and uses of criminal record data
LEGAL – WHY IS THIS PUBLIC?

First Amendment protects re-publication of information obtained from publicly accessible sources
   Cox Broadcasting Corp v. Cohn (1975)

Law cannot impose damages for truthfully publishing public information

Even if those records are arrests that didn’t lead to charges, are sealed or expunged

Regulation only covers Consumer Reporting Agencies – not websites or platforms
   Fair Credit Reporting Act; CDA Sec. 230
<table>
<thead>
<tr>
<th></th>
<th>N</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law Enforcement</td>
<td>49</td>
<td>98%</td>
</tr>
<tr>
<td>Criminal Court</td>
<td>50</td>
<td>100%</td>
</tr>
<tr>
<td>Incarceration Rosters</td>
<td>44</td>
<td>88%</td>
</tr>
<tr>
<td>State Criminal Record</td>
<td>25</td>
<td>50%</td>
</tr>
<tr>
<td>TYPE</td>
<td>N</td>
<td>%</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----</td>
<td>-------</td>
</tr>
<tr>
<td>ARREST RECORD</td>
<td>41</td>
<td>82%</td>
</tr>
<tr>
<td>BOOKING PHOTO</td>
<td>21</td>
<td>42%</td>
</tr>
<tr>
<td>COURT RECORD*</td>
<td>41</td>
<td>82%</td>
</tr>
<tr>
<td>INCARCERATED PEOPLE</td>
<td>50</td>
<td>100%</td>
</tr>
<tr>
<td>PRISON RECORD</td>
<td>18</td>
<td>36%</td>
</tr>
<tr>
<td>RAP SHEET*</td>
<td>29</td>
<td>58%</td>
</tr>
</tbody>
</table>

*includes paywalled
Public Criminal Record Data

What’s good?

Public, low-cost

Includes PIIs

Uses: Research, journalism, advocacy
Recidivism, program evaluations, public safety, system watchdogging

Victim safety and notifications

Lawyer and family notifications

What’s bad?

Locally produced & uneven

Includes PIIs

Easily duplicated – and profitable

Stale (case processing)

Decontextualized and stigmatizing
Data brokers

Experian Public Records: Repository holds 600 million unique criminal records, covering 90% of the U.S. population

CoreLogic Background Data: 350 million criminal records representing defendant, alias, offense and disposition details

BackgroundChecks.com: 650 million criminal records in database

Data Diver: Criminal index contains nearly 500 million individuals, with over 2 billion criminal records ranging across 1,400+ jurisdictions.
Why do data brokers value criminal records?

**CHEAP**: FOIA access, data/web scraping

**IDENTIFIABLE**: full names, aliases, birth dates, home addresses, and photographs

**TARGETED**: predatory advertising directed to low-income people

**MARKETABLE**: risk management, culture of fear, institutionalized background screening

**UNREGULATED**: no FCRA oversight; data brokers are not CRAs

**CLICKBAIT**: valuable resale to people search websites
<table>
<thead>
<tr>
<th>Type of Access</th>
<th>N</th>
<th>% of reporting states</th>
<th>% of all states</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Law Enforcement Agencies (N=41 disclosing states)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photograph</td>
<td>21</td>
<td>51%</td>
<td>42%</td>
</tr>
<tr>
<td>Full date of birth</td>
<td>22</td>
<td>54%</td>
<td>44%</td>
</tr>
<tr>
<td>Year of birth or age</td>
<td>14</td>
<td>34%</td>
<td>28%</td>
</tr>
<tr>
<td>Full home address</td>
<td>4</td>
<td>10%</td>
<td>8%</td>
</tr>
<tr>
<td>City of residence only</td>
<td>6</td>
<td>15%</td>
<td>12%</td>
</tr>
<tr>
<td>Physical characteristics</td>
<td>30</td>
<td>73%</td>
<td>60%</td>
</tr>
<tr>
<td>Bail/bond amount</td>
<td>34</td>
<td>83%</td>
<td>68%</td>
</tr>
<tr>
<td><strong>Criminal Courts (N=32 disclosing states)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full date of birth</td>
<td>14</td>
<td>44%</td>
<td>28%</td>
</tr>
<tr>
<td>Year of birth or age</td>
<td>12</td>
<td>38%</td>
<td>24%</td>
</tr>
<tr>
<td>Full home address</td>
<td>10</td>
<td>31%</td>
<td>20%</td>
</tr>
<tr>
<td>City of residence only</td>
<td>5</td>
<td>16%</td>
<td>10%</td>
</tr>
<tr>
<td>Physical characteristics</td>
<td>14</td>
<td>44%</td>
<td>28%</td>
</tr>
<tr>
<td><strong>Corrections Agencies (N=50)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photograph</td>
<td>30</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Full date of birth</td>
<td>26</td>
<td>52%</td>
<td>52%</td>
</tr>
<tr>
<td>Year of birth or age</td>
<td>18</td>
<td>36%</td>
<td>36%</td>
</tr>
<tr>
<td>Physical characteristics</td>
<td>41</td>
<td>82%</td>
<td>82%</td>
</tr>
</tbody>
</table>
Consequences

accuracy and error

harms to people and expungement policy
Comparison of public and private criminal records across databases

Descriptive analyses of 2,600+ “data points” for 178 people

1. How reliable are digital criminal record data?

2. Where do records originate? Where do records appear in the private sector?
Data Collection

178 total participants from NJ and MN

Requested computerized criminal history report, or ‘CCH’
  • (fingerprinting/notarized release, fees)

Entered and coded each "criminal history event" into database

Matched criminal history events across platforms:
  • CCH
  • 3 levels of FCRA-compliant bulk commercial data vendor
  • Non-FCRA compliant people search engine
CCH as baseline

• Automated matching:
  • Case numbers
  • Dates (e.g., offense, arrest, file, indictment, disposition, sentence; ±30 days)
  • Statute
  • Charge description

• Hand matching:
  • Considering context, is it likely these represent the same charging event?
  • LOTS of missing data in third-party records

• Identify “orphan records”: records that don’t seem to be connected to charges in the CCH
DATE: December 21, 2017

TO: [Redacted]

PCN: [Redacted]

RE: NAME [Redacted]

DOB [Redacted]

Dear Sir/Madam:

Pursuant to your request for a criminal history background check, this letter is to advise that a search of the Master Fingerprint File of the New Jersey State Police, Identification & Information Technology Section was conducted.

This search revealed that a criminal history does exist and is maintained within our Bureau database.
ARREST 001

ARRESTED: 12/16/1986
AGENCY CASE NO: [Redacted]

AGENCY: NJNPD0000 PD NEWARK
001 CNT: NJ24:21-20A1 COCAINE-POSSESS

INDICTMENT/ACCUSATION
NO: [Redacted]
AGENCY: NJ007053J

DISPOSITION DATE: 01/21/1988

DISPOSITION: GUILTY
001 CNT: NJ2421-20A1 DEG: 0 COCAINE-POSSESS

AGGREGATE SENTENCE DATE: 01/21/1988

COURT: NJ007053J ESSEX CO SUPERIOR COURT

PAGE TO FOLLOW
PROBATION 2Y

ARREST 002
ARRESTED 03/24/1987  AGENCY CASE NO: [BLANK]
AGENCY: NJNPD000000 PD NEWARK
001 CNT  NJ2421-20A1 COCAINE-POSSESS
PENDING COURT

ARREST 003
ARRESTED 03/31/1990  AGENCY CASE NO: [BLANK]
AGENCY: NJNPD000000 PD NEWARK
001 CNT  NJ2C35-10A1 COCAINE-POSSESS
PENDING COURT

ARREST 004
ARRESTED 02/10/1991  AGENCY CASE NO: [BLANK]
AGENCY: NJNPD000000 PD NEWARK
001 CNT  NJ2C35-5A1 COCAINE-SELL
001 CNT  NJ2C35-7 DRUG OFFENSE

INDICTMENT/ACCUSATION
NO: [BLANK]  DISPOSITION DATE: 10/18/1991
AGENCY: NJ007013A ESSEX COUNTY PROSECUTOR

DISPOSITION: GUILTY  FELONY CONVICTION
001 CNT: 2C:35-5B(3) DEG: 3 COCAINE
AGENCY: NJNPD0000  PD NEWARK
001 CNT  NJ2C35-10A1  COCAINE-POSSESS
PENDING COURT

*****************************************************************************
ARREST 004  *****

ARRESTED 02/10/1991  AGENCY CASE NO:  
AGENCY: NJNPD0000  PD NEWARK
001 CNT  NJ2C35-5A1  COCAINE-SELL
001 CNT  NJ2C35-7  DRUG OFFENSE

INDICTMENT/ACCUSATION
NO:  
AGENCY: NJ007013A  ESSEX COUNTY PROSECUTOR

DISPOSITION DATE: 10/18/1991
DISPOSITION: GUILTY  FELONY CONVICTION
001 CNT: 2C:35-5B(3)  DEG: 3  COCAINE

AGGREGATE SENTENCE  DATE: 10/18/1991
COURT: NJ007053J  ESSEX CO SUPERIOR COURT
PROBATION  3Y  JAIL TIME CREDIT  9D
SUSP DIVER LIC  6M  AMOUNT ASSESSED  $1,080

*****************************************************************************
DEPARTMENT OF CORRECTIONS DATA NOT FOUND FOR THIS SID NUMBER
*****************************************************************************
### Charge Counts
*(total without matching across sources)*

<table>
<thead>
<tr>
<th>Participants</th>
<th>n=73</th>
<th>n=101</th>
<th>n=174</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Official Criminal History Report (CCH)</strong></td>
<td>1,323</td>
<td>1,279</td>
<td>2,602</td>
<td></td>
</tr>
<tr>
<td>Regulated state criminal records repository. Private records released only to participants.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FCRA-Compliant, Commercial</strong></td>
<td>1,824</td>
<td>941</td>
<td>2,765</td>
<td></td>
</tr>
<tr>
<td>Commercial data, National, State, County database search</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-FCRA Compliant, Internet</strong></td>
<td>503</td>
<td>151</td>
<td>654</td>
<td></td>
</tr>
<tr>
<td>Unregulated commercial background/people search service.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charge Counts</td>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participants</td>
<td>n=174</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Official Criminal History Report (CCH)</strong></td>
<td>2,602</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulated state criminal records repository. Private records released only to participants.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>WHERE THESE CHARGES ARE APPEARING</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>FCRA-Compliant, Commercial</strong></td>
<td>1,291</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial data, National/State/County database search</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Non-FCRA Compliant, Internet</strong></td>
<td>215</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unregulated commercial background/people search service.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- **CCH:** 2,602
- **FCRA:** 1,291
- **NON-FCRA:** 215
## “Orphan” Cases

<table>
<thead>
<tr>
<th>Category</th>
<th>Examples</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving-related</td>
<td>Driving after revocation/suspension, driving violations, driving with open bottle, no insurance</td>
<td>594</td>
</tr>
<tr>
<td>Drug-related</td>
<td>Possession, paraphernalia, manufacture, sales</td>
<td>273</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>Child endangerment, escape, underage consumption, disorderly conduct, false information</td>
<td>191</td>
</tr>
<tr>
<td>Theft-related</td>
<td>Theft, shoplifting, auto theft</td>
<td>125</td>
</tr>
<tr>
<td>DWI</td>
<td></td>
<td>33</td>
</tr>
<tr>
<td>Receiving Stolen</td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Property</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weapons-related</td>
<td>Unlawful possession, possession of explosives</td>
<td>27</td>
</tr>
<tr>
<td>Assault/Sex Assault</td>
<td>Agg assault, sex assault of vic under 13, simple assault</td>
<td>27</td>
</tr>
<tr>
<td>Burglary</td>
<td></td>
<td>23</td>
</tr>
<tr>
<td>Forgery/Fraud</td>
<td>Credit card fraud, counterfeiting, forged check</td>
<td>23</td>
</tr>
<tr>
<td>Robbery</td>
<td></td>
<td>21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1,364</td>
</tr>
</tbody>
</table>
### Example: Participant NJ053 Convictions

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/16/86</td>
<td>Cocaine Possession Felony</td>
</tr>
<tr>
<td>2/10/91</td>
<td>Cocaine Sales Felony</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>07/30/1987</td>
<td>Cocaine Possession Felony</td>
</tr>
<tr>
<td>6/19/91</td>
<td>Cocaine Sales Felony</td>
</tr>
</tbody>
</table>

### FCRA ORPHANS

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/07/1988</td>
<td>Robbery (F) Conviction</td>
</tr>
<tr>
<td>06/19/1991</td>
<td>Poss w/ Intent (F) Conviction</td>
</tr>
<tr>
<td>07/16/1991</td>
<td>Burglary (F) Conviction</td>
</tr>
<tr>
<td>09/12/1991</td>
<td>Murder (F) Dismissed</td>
</tr>
<tr>
<td>09/19/1991</td>
<td>Agg Arson (F) Conviction</td>
</tr>
<tr>
<td>07/21/1992</td>
<td>Rec Stolen Prop (F) Conviction</td>
</tr>
<tr>
<td>08/03/1995</td>
<td>Rec Stolen Prop (F) Conviction</td>
</tr>
<tr>
<td>12/10/1998</td>
<td>Drug Possession (F) Conviction</td>
</tr>
<tr>
<td>07/18/1999</td>
<td>Unlawful Poss Firearm (F) Conv</td>
</tr>
<tr>
<td>07/18/1999</td>
<td>Rec Stolen Prop (F) Conviction</td>
</tr>
<tr>
<td>09/22/1999</td>
<td>Burglary (F) Conviction</td>
</tr>
<tr>
<td>09/28/1999</td>
<td>Robbery (F) Conviction</td>
</tr>
<tr>
<td>11/29/1999</td>
<td>Burglary (F) Conviction</td>
</tr>
<tr>
<td>12/21/1999</td>
<td>Felon in Poss Gun (F) Conviction</td>
</tr>
<tr>
<td>09/30/2004</td>
<td>Child Abuse/Neglect – Sex Act by</td>
</tr>
<tr>
<td></td>
<td>Caretaker (F) Conviction</td>
</tr>
<tr>
<td>05/22/2009</td>
<td>Robbery (F) Conviction</td>
</tr>
</tbody>
</table>
Example: Participant NJ053 Convictions

CCH

12/16/86
Cocaine Possession Felony

3/24/87 Pending Court
3/31/90 Pending Court

2/10/91
Cocaine Sales Felony

FCRA MATCHES

07/30/1987
Cocaine Possession Felony

3/24/87 Pending Court
3/31/90 Pending Court

2/10/91
Cocaine Sales Felony

FCRA ORPHANS

12/07/1988 Robbery (F) Conviction
06/19/1991 Poss w/ Intent (F) Conviction
07/16/1991 Burglary (F) Conviction
09/12/1991 Murder (F) Dismissed
09/19/1991 Agg Arson (F) Conviction
07/21/1992 Rec Stolen Prop (F) Conviction
08/03/1995 Rec Stolen Prop (F) Conviction
12/10/1998 Drug Possession (F) Conviction
07/18/1999 Unlawful Poss Firearm (F) Conv
07/18/1999 Rec Stolen Prop (F) Conviction
09/22/1999 Burglary (F) Conviction
09/28/1999 Robbery (F) Conviction
11/29/1999 Burglary (F) Conviction
12/21/1999 Felon in Poss Gun (F) Conviction
09/30/2004 Child Abuse/Neglect – Sex Act by Caretaker (F) Conviction
05/22/2009 Robbery (F) Conviction

“The first time I tried to do expungement, I went to the DA and she said, ‘you’re stuck with this for the rest of your life’”
Opting out

“I have looked myself up out of curiosity and try to see what pops up. And it’s not a pretty sight. It tells me that as long as I don’t try for high level jobs, that I should be ok. I should fly under the radar.” - Daryl

“I applied for two jobs over Christmas and then they said they were gonna do a criminal background check, and that means they hire a company to look up your record. Then they find it and then it’s permanently in databases even if you get it expunged later.... it will go around the internet. It could go anywhere.” – Tammy
“I’ve never really looked it up online. I don’t want to know what’s on there.” – Sam

“I never look for myself. Not interested. I know who I am. If it’s out there, it’s out there. Not interested in that. I hope there’s not any photos of me floating around. But I don’t go looking for them.” – Ryan

“Everything just goes onto the computer. I don’t look at it.” – Kira

“I’ve never looked for it. It’s too complicated. What CAN I do – IF I could do anything? And then people see it, and they think you did it, it says you did something, but the truth is I didn’t do anything.” – Mariah

“No. I deliberately avoid it. It’s a horror story I don’t want to relive. And what good is my reaction to a website? What does that accomplish?” – Albert
Low recidivism; improved employment

BUT – very low uptake, less than 10%
- Second chance gap; selection bias
- Slow, onerous, expensive, narrow
- Compliance questions

~37 states

Variation: sealing, set-aside, destroying, expunging

Eligibility: Offense, Time, Age, Fines/Fees

See: https://ccresourcecenter.org/

Does expungement work?

YES, for what it’s intended for – employment, housing, regulated screening processes

BUT:
Automation clears legal records; does not automate expungement compliance

Stigma is about more than employment
Provide free digital access to personal criminal histories
- Credit report/Medical history

Streamline and automate sealing

Restrict (pre-conviction) data

Protect data: user IDs, captchas, paywalls

Regulate people search

Right to Be Forgotten

CREATE LESS RECORDS.
THANK YOU!

✉️ sarah.lageson@rutgers.edu
🐦 @sarahlageson
The Clean Slate Clearinghouse and National Inventory of Collateral Consequences of Conviction

This project was supported by Grant No. 2019-MU-BX-K015 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice’s Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.
About the Bureau of Justice Assistance (BJA)

Mission

To provide leadership and services in grant administration and criminal justice policy development to support state, local, and tribal justice strategies to achieve safer communities. BJA works with communities, governments, and nonprofit organizations to reduce crime, recidivism, and unnecessary confinement, and promote a safe and fair criminal justice system.

bjaojp.gov
Funded and administered by the Bureau of Justice Assistance (BJA), the National Reentry Resource Center (NRRC) is the nation’s primary source of information and guidance in reentry.
Established in 1946, the American Institutes for Research® (AIR®) is a nonpartisan, not-for-profit organization that conducts behavioral and social science research and delivers technical assistance both domestically and internationally in the areas of education, health, and the workforce. AIR’s work is driven by its mission to generate and use rigorous evidence that contributes to a better, more equitable world. With headquarters in Arlington, Virginia, AIR has offices across the U.S. and abroad. For more information, visit www.air.org.
Clean Slate Clearinghouse

1. Includes overviews of adult and juvenile record clearance policies in all U.S. states and territories

2. Offers contact information for legal services providers in each state.

3. Provides news, resources, trainings and other tools focused on clean slate and related records clearance policies and practices

https://cleanslateclearinghouse.org/
Clean Slate Resources
Welcome to the NICCC

Consequences of collateral consequences are legal and regulatory restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, health, or adequate nutrition.

Search Collateral Consequences

Use this category to search and find details about policies relating to collateral consequences of a criminal conviction.

[Table of Collateral Consequences Inventory]

National Inventory of Collateral Consequences of Conviction (NICCC)

Collateral Consequences Inventory

Let the categories below lead you to see details of policies relating to collateral consequences of a criminal conviction.

[Table of Collateral Consequences Inventory]

- [Search within resources]
- [Resource Type]
- [Jurisdiction]
- [Consequence Type]
- [Description]
- [Search]

Feature Resources

- [National Legal Aid & Defender Corporation]
- [American Bar Association]
- [National Association of Criminal Defense Lawyers]
- [National Legal Aid & Defender Corporation]

[Website: https://niccc.nationalreentryresourcecenter.org]

https://niccc.nationalreentryresourcecenter.org
Collateral consequences. Legal and regulatory restrictions that limit or prohibit people convicted of crimes from accessing employment, business and occupational licensing, housing, voting, education, and other rights, benefits, and opportunities.

The NICCC includes more than 40,000 consequences* across all U.S. states, DC, PR, USVI, and federal

Inventory is fully searchable by description, jurisdiction, consequence type, keywords, offense type, discretion and duration.

Results can be exported.

*The NRRC is currently reviewing and updating
NICCC
Collateral consequences impact:

Civic Participation
Employment
Education
Family/Domestic Rights
Government Benefits
Health/Wellbeing
Housing/Residency

Immigration/Naturalization/Travel
Income
Loans/Grants
Judicial Rights
Licensing
Property Rights
### Consequence Details

**Cancel voter registration**

*Va. Code Ann. § 24.2-427.1*

<table>
<thead>
<tr>
<th>RELEVANT SUBSECTIONS</th>
<th>DISCRETION</th>
<th>RELATED LAWS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B), (B2)</td>
<td>Mandatory/Automatic</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DURATION</th>
<th>NOTES &amp; OTHER INFORMATION</th>
<th>CURRENT THROUGH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indefinite</td>
<td>Number of consequences: 1</td>
<td>2021 legislative session and all 2021 regulatory rulemaking</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>KEYWORDS</th>
<th>TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil rights &amp; voting</td>
<td>Political &amp; civic participation</td>
</tr>
</tbody>
</table>

| OFFENSES | |
|----------| Any felony |

---

Inventory provides details on each consequence (and 1,500+ relief mechanisms) including offense(s), keywords, legal determinations, statutory references, and direct link to full text.

**Important note:** Inventory information is not legal advice.
The NICCC team is currently reviewing all existing entries in the Inventory for accuracy.

The team updates the Inventory with new consequences, and removes repealed statutes and regulations, annually following state legislative calendars.
The NICCC library currently houses more than 100 current state and national studies; standards, policies, and model legislation; state consequences inventories; journal articles and other reports; videos, podcasts, and other trainings; and much more.

And we’re always looking to add to our resources!
Thank you!

Nicholas Read
NRRC Deputy Director / NICCC Director
nread@air.org

Join the NRRC’s distribution list to receive National Reentry Resource Center updates!

https://nationalreentryresourcecenter.org/subscribe
Questions?

Please enter your questions into the Q&A box

Send to All Panelists