

Collateral Consequences of Low-Level Criminal Records in the U.S. and the Promise of Automated Expungement

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Scope of the Problem

- 1 in 3 U.S. citizens has a criminal record
- Large focus on felony convictions
- Misdemeanors= ~ 80% of U.S. criminal cases
- Definition=low-level offenses (e.g., trespassing, minor drug possession, petty theft)
- Research gap: limited data on collateral consequences of misdemeanors

(Sources: Mayson & Stevenson, 2020; Natapoff, 2015, 2018)



Research Question

- What collateral consequences do individuals with low-level criminal records experience?



What We Know: Impacts of Misdemeanors Records

- Enduring stigma even without conviction (Jain, 2021; Kohler-Hausmann, 2018)
 - “Mark” effect: increased police/legal system contact (Jain, 2021; Kohler-Hausmann, 2018)
 - Lifelong consequences due to online record accessibility (Lageson, 2020, 2023)
 - Barriers to employment, housing, and other life areas (Leasure, 2019; Natapoff, 2018; Uggen et al., 2014)
 - Disproportionate impact on low-income and people of color (Natapoff, 2018)
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Study Design

- Data from larger original multistate qualitative research study
 - 200 interviews with individuals who have criminal records
 - 40 stakeholder/community representative interviews
- 4 states with automated “Clean Slate” expungement: CA, PA, NJ, UT



Seeking paid participants for study on criminal records

Study Title: The Impact of Automated Record Clearance on Individuals, Families, and Communities

About

This study will address the effects of criminal records on individuals' lives. We will also investigate the impact of automated/petition-based record clearance on people's experiences and the experiences of their families and communities.

Information

Compensation will be provided. \$40 gift card for an initial interview \$40 gift card if selected for a follow-up interview.

Note: We cannot ensure the confidentiality of email.



Scan this code to sign up!

Your responses are confidential. Only our research team will have access to any of the information you tell us, and

Eligibility

People convicted of a cannabis offense in California before July 1, 2019. Interviews will last approximately 45-60

Automated Record Clearance

- **Automatically removes eligible criminal records from public view** — no individual action or fees required.
- Implemented in 12 states: CA, CO, CT, DE, MI, MN, NJ, NY, OK, PA, UT, VA.
- Aims to:
 - Remove barriers to opportunities
 - Support economic and social reintegration
 - Address inequalities

(Sources: Code for America, n.d.; National Conference of State Legislatures, 2024)

Study Design Cont.

- Data from larger original multistate qualitative research study
 - 200 interviews with individuals who have criminal records
 - 40 stakeholder/community representative interviews
- 4 states with automated “Clean Slate” expungement: CA, PA, NJ, UT
- Study period: 2021-present
- Semi-structured interviews with male and female participants possessing low-level records (N=64)



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Interview Themes

Collateral consequences of records: restricted opportunities, ongoing and anticipated stigma, frustration with enduring consequences due to minor records, efforts to manage record-based stigma

Promise of automated expungement: increased opportunities, identity transformation and redemption, sense of relief, enhanced confidence

Collateral consequences: restricted opportunities, frustration, management of record-based stigma

“Marco,” Latino male, California

*“They said, ‘yeah, they pretty much were like, oh, because of that, you know, we kind of take that as, you know, not being truthful.’ And I was like, okay, like, I understand, you know, **I just figured it was like, not a big offense**, you know, but it was for a petroleum company, where, you know, **they’re very thorough with their background checks** and everything of that nature...**I just feel like it’d be different. Like, if it was like a hard drug.** I don’t know. That’s just my that’s my way of thinking...And then **I just feel like, you know, people or companies are like, ‘we need employees.’ Like, who cares if they smoke on their free time?**”*

“Min,” Asian female, Utah

*“**[I] just always feeling like I have to jump through hoops every single time an application comes up where I have to disclose my records. It’s annoying.** And then like, recently, having found out that, you know, **the driving while suspended was actually a misdemeanor. And so there were instances where I was dishonest because I didn’t disclose that. I didn’t know. Yeah, so I feel that like guilt and shame.**”*

Benefits of automated expungement: identity transformation and redemption, increased opportunities

“Ava,” Asian female, Pennsylvania

“I think this work is so important, because I think it truly is just life changing. I think the actual, like arrest and the conviction can be life changing. Like, in an instant, even if you're being stupid, and you're just drunk for a night, in an instant, your whole life can really change from that. And I think that I think it's so important to give people a second chance to come back from that, especially if you know, that is an isolated incident.”

“Nicholas,” White male, Utah

“I didn't know that you could get your record expunged. I just always assumed that that's just what it was. And yeah, I was kind of just stuck with that forever. Yeah, so like when I **when I first heard about the expungement process and clean slate** and everything was when I had went to my wife, was like ‘Hey, you know, there’s a way I can get all this stuff cleared off’...I've kind of always wanted to be a teacher. Yeah, ever since I was younger. But soon as I started getting in trouble, it was like that kind of went out the window. And now it's like, wow, this is like a lifelong dream that I'm actually going to be able to accomplish and work with kids.”

Conclusion and Implications

01

Blocked opportunities are pervasive experiences for those with low-level records

02

Individuals seek to overcome punitive barriers that feel disproportionate to the minor nature of their records

03

Automated expungement offers a chance to overcome collateral consequences

04

Need for increased awareness of automated expungement

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Thank you!



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