

ALGORITHMIC JUSTICE: THE IMPLEMENTATION OF AUTOMATIC CRIMINAL RECORD SEALING



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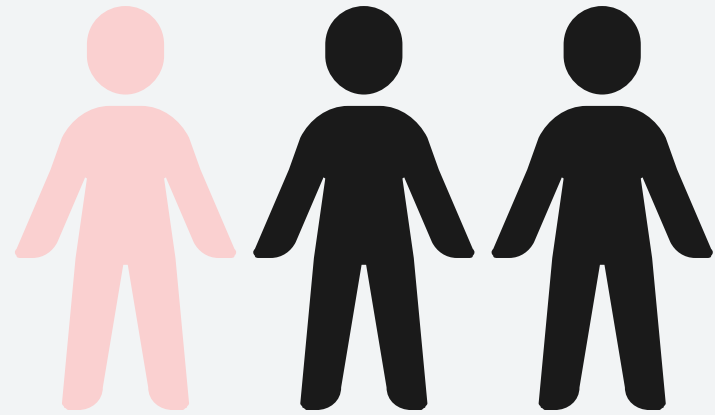
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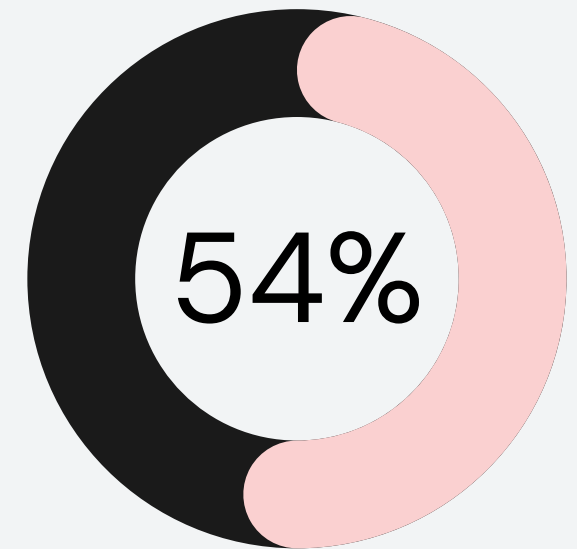
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CRIMINAL RECORDS



70m to 100m Americans
(~1 in 3) have a criminal
record

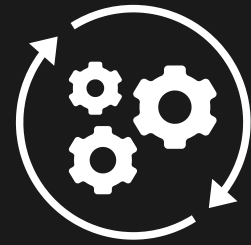


Over half of incarcerated
people are parents of
minor children

AUTOMATIC RECORD CLEARANCE



Record clearance without filing a petition or (often) payment of a fee by the person whose records are sealed or expunged



Automatic clearance refers to the legal filing process as initiated by the state



Automated clearance uses algorithmic or automated means to accomplish automatic expungements



27 states have at least one statutory automatic record clearing provision, with laws in 13 states + DC meeting "Clean Slate" criteria

THEORETICAL FRAMEWORKS

Implementation science

- Organizational characteristics
- Front line actors
- Policy context
- Dissemination

Tech + “big data” in criminal justice

- Substantive goals + technical challenges
- Privacy, equity

Administrative burden

- Shift of burden from individual to state
- Shift of decision making from people to algorithms

RESEARCH QUESTIONS

①

How, and to what extent, can criminal record clearance be automated, while maintaining accuracy, fidelity to substantive goals, and impact?

②

What conditions are conducive or obstructive to timely, full, effective, and sustainable implementation of automatic record clearance? What challenges and limitations must be addressed?

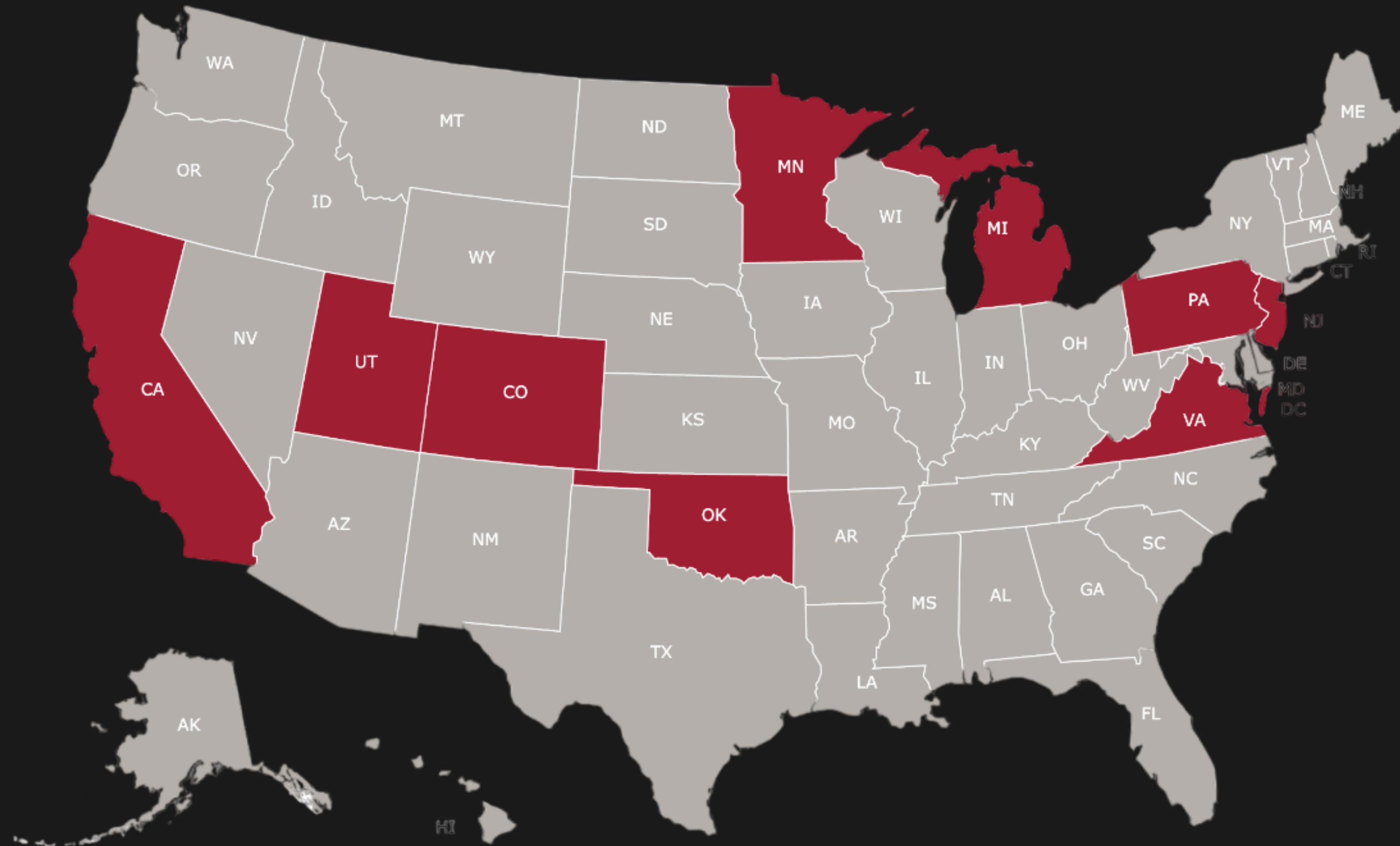
③

What best practices facilitate successful implementation and maximize benefits to recipients of automatic record clearance?



DATA + METHODS

9 STATES IN OUR STUDY



STUDY DESIGN



INTERVIEWS

**Community & Govt.
Stakeholders**

PA, UT, CA, NJ
2021-24 (n = 69)

w/follow-ups in
2025-26 (n = 30)

CO, MI, MN, OK, VA
2025-26 (n = 20)



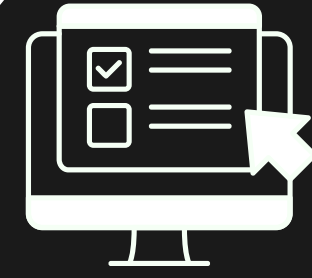
INTERVIEWS

**Clean Slate-eligible
participants**

PA, UT, CA, NJ
2021-24 (n = 105)

+ follow-ups in
2025 (n = 40)
2026 (n = 40)

CO, MI, MN, OK, VA
2025 (n = 30)



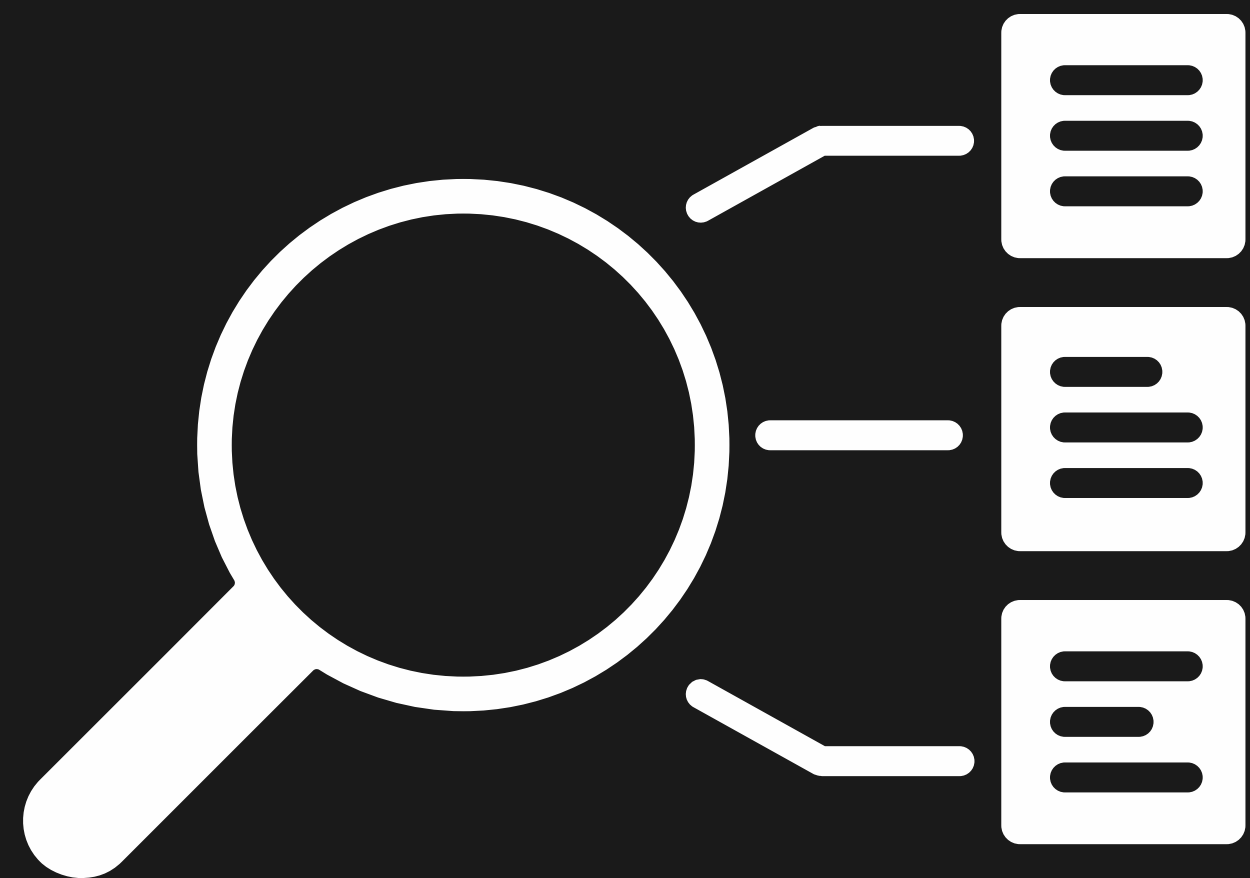
SURVEYS

**Clean Slate-eligible
participants**

CO, MI, MN, OK, VA

Wave 1
2025 (n = 750)

Wave 2
2026 (n = 750)



FINDINGS

AUTOMATIC ≠ AUTOMATED

When substantive policy goals exceed technical capacity, manual processing is required



- Data from multiple jurisdictions and levels of government
- Incomplete, missing, inconsistent, or erroneous records
- Antiquated systems
- Old records – sometimes non-digitized
- Complex eligibility rules

The courts send a list... to the prosecutors, and they have a certain time frame to review that list... then the judge can sign off on it. And those orders, the actual expungement orders are then sent on to [the Bureau of Criminal Identification]...

[The courts] send the BCI a kind of a weekly download... And we run it through our system to try to match electronically, that specific case, that incident, that person... **we only get about 14, maybe 15% that go through automatically** to where... they send us the court order, and we're able to match it programmatically and actually expunge that record...

the rest... we have to go in and research them... **if we can find the person, if we can find the incident on our criminal history, and then we will go through and expunge that information. But that's a very manual process...** we still have to check our record. And we still have to check the FBI record just to make sure that there's nothing on either of those databases, and then we expunge that information. And then once it's expunged... we send on a notification to the [local] law enforcement agency.

- State Law Enforcement Official, UT

People call it automated expungement. But actually the only automated part of it is the determination of eligibility. And a **small portion of cases can actually really be automatically expunged through the coding and all that stuff.** But the majority of their cases require some manual intervention by people that may even include ... going and pulling physical files and stuff.

– **Corrections official, CT**

There's just a lot of variation in how records are kept. And especially in rural Oklahoma, **there are areas that are still using paper** there. Like, for instance, e file is only in like, you can only e file, I think, in five counties here. So there's just not a lot of technological literacy in the court systems in a lot of areas of the state.

– **Clean Slate advocate, OK**

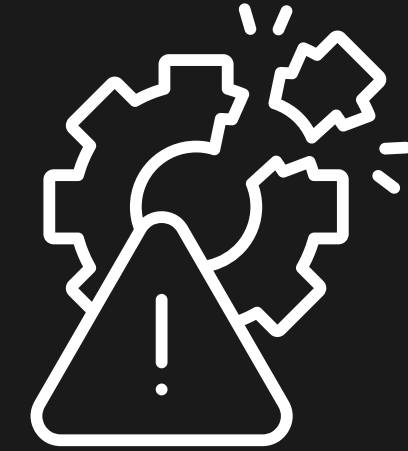
I mean I'm still filing things by paper... getting literal faxes.

– **County official, CA**

Well, if we don't know what happened to the charges, then we don't know whether you qualify or not. And so **some counties... decided to clean up cases by filling in those dispositions. And that meant going to the paper records and trying to figure out what happened.**

– **Slate courts administrator, PA**

ENABLING AND OBSTRUCTING CONDITIONS



- Buy-in and collaboration among key agencies and stakeholders
- Up-to-date and centralized or integrated data systems
- Funding and personnel for implementation
- In-house IT staff or external consultants
- Agreement about hierarchy and workflow

- Inadequate planning and budgeting for implementation
- Insufficient staffing to handle manual processes
- Volume and complexity of data
- Data decentralization and inconsistencies
- Outdated or flawed hardware or software

ENABLING CONDITIONS

we're lucky we just have some **phenomenal internal IT support** and these men and women... they're just terrific. They're **not only very smart, but they have a very mission driven understanding of their job**. I meet with them and they ask us, what is the goal you're trying to achieve, and if there's an information management system solution to it, we're going to help you find that solution.

- **County Court official, CA**

One of the things that really was kind of a make or break for us is the fact that **Utah has a unified court system where every court in the state is all on the same system... it's a system that's owned and maintained and operated internally by court staff in Utah...** I know Pennsylvania was saying they had to build, they basically had to build Clean Slate three times because they had three different court systems.

- **Local government official, UT**

There was an enormous amount of work done by people in the Lieutenant Governor's office, by the governor's office, at State Police, with the repository, at the state courts, at the local courts, **they all went about it in a good faith way**. And I just don't know how many other places you can get that... **allies in high places, people that actually wanted this to happen and said they were going to get it done on time and did.**

- **Clean Slate advocate, MI**

OBSTRUCTING CONDITIONS

It's not the first time that's happened here, where **legislation will get passed, but there's no funding for the thing, or there isn't... a plan for implementation.** When it passed, the statute basically said, within three years of the passing of this legislation, this is when it'll happen. And the three years, I think, are up like this November, and they still, they're working on a plan... I do think that the governor set aside funding for it, which is helpful.... But I couldn't tell you if it'll be enough money to make it happen and sustain it.”

- Legal aid provider, OK

It's very complex... what I'm hearing from the courts is that **the code that was written, understandably, was not perfect. And they needed to make some adjustments** to make sure it was accurate... And so **that has taken some time and some manual labor.** Another thing... has to do with... information that was included on those judicial orders and more specifically, information that was missing when those records were transferred from the courts to the Department of Public Safety for the rest of the clearance... those **orders did not include all the information needed to complete the process. People in the Department of Public Safety BCI expungement division had to do a bunch of manual work to track those down.** And so they weren't able to be cleared automatically as intended.

- Clean Slate advocate, UT

OBSTRUCTING CONDITIONS

We just we just barely got our additional people hired. And before they can become effective, **we have to do quite a bit of training ... we're usually looking at at least six months of training ...** people have to understand a lot before they can be effective at going in and doing the research that's needed and updating the records correctly.

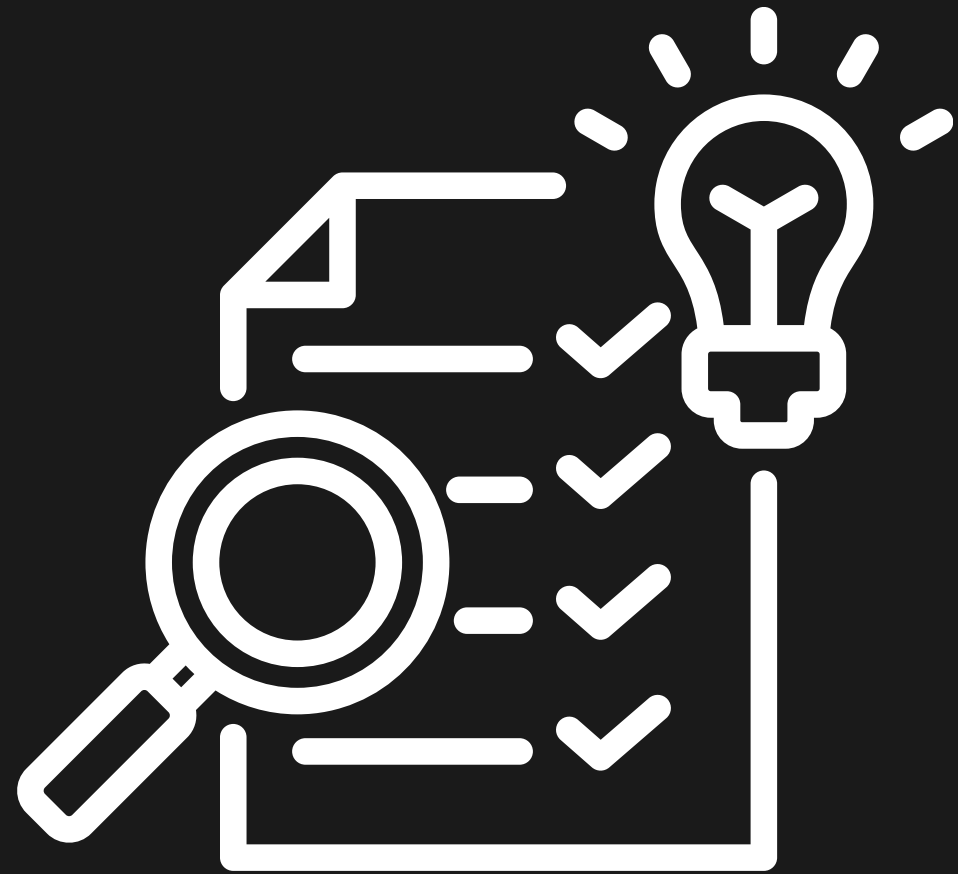
– **State Law Enforcement Official, UT**

a lot of local law enforcement entities in Utah are **swamped by the amount of automated orders that they're receiving.** And **they don't have automated processes** to do their portion of the cleanup that's required when something's expunged. And **it's created a real workload nightmare** for them.

– **State Court Official, UT**

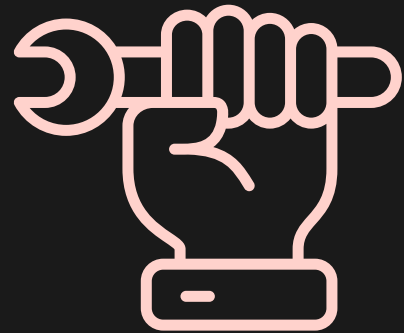
Finding people in the country that have the programming capability for the system that we run was in and of itself a **Herculean effort.** We have some good programmers that we have found that are nationwide that help us, **we brought back some retired folks, because again, this system is so old.**

– **Correctional official, CT**



CONCLUSIONS

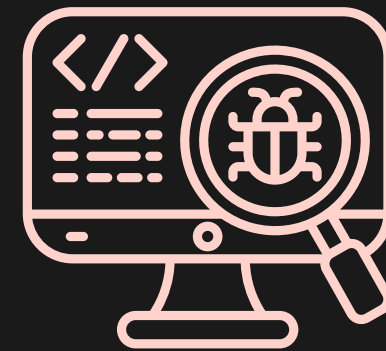
IMPLEMENTATION ISSUES DELAY AND LIMIT POLICY EFFECTS



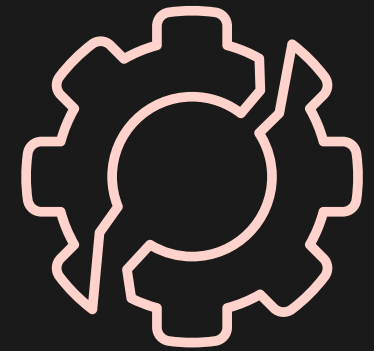
Automatic record clearance is far from automated and requires substantial manual effort



Administrative burden falls heavily on overburdened frontline staff, resulting in delays



Data and technology constraints impede full algorithmic case processing



Lack of observed impacts may be due in part to implementation shortcomings and lack of beneficiary engagement

POLICY RECOMMENDATIONS



Engage front-line personnel from the start

- To shape eligibility criteria
- To establish hierarchy and workflow
- To ensure buy-in



Ensure adequate funding

- To upgrade and integrate data, software, hardware
- For personnel to conduct manual processes



Center beneficiary experiences

- Awareness of law and record status
- Impact of changes
- Prohibition of use of expunged data
- Privacy issues

RELATED WORK

- Lageson, Sarah, Ericka Adams, and Elsa Y. Chen. "Automating Administrative Burden in Algorithmic Criminal Record Expungement." *Law & Society Review* (2026)
- Adams, Ericka B., Elsa Y. Chen, and Sarah E. Lageson. "The Symbiotic Harm of a Criminal Record." *Criminal Justice and Behavior* (2026)
- Chen, Elsa Y., Sarah Lageson, and Ericka Adams. "'This is Everyone's Issue': The Role of Policy Entrepreneurs, Coalition Building, and Issue Framing in the Passage and Adoption of Automatic Criminal Record Expungement." *Criminology and Public Policy* Volume 24, Number 4 (2025), p. 655–687
- Lageson, Sarah, Carolina Ribiero Caliman, Elsa Y. Chen, and Ericka Adams. "Online Recruitment of Interview Participants with Criminal Records: Methodological Challenges and Opportunities." *Journal of Qualitative Criminal Justice and Criminology* Volume 15, Number 1 (2026): p. 129–164

THANK YOU!

Our project website:



Contact Elsa Chen:

