

# 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)



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# Research Question

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






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# 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!**

### Eligibility

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

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

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# 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)

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  - 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

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## 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.**”*

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# 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.**”***

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# Conclusion and Implications

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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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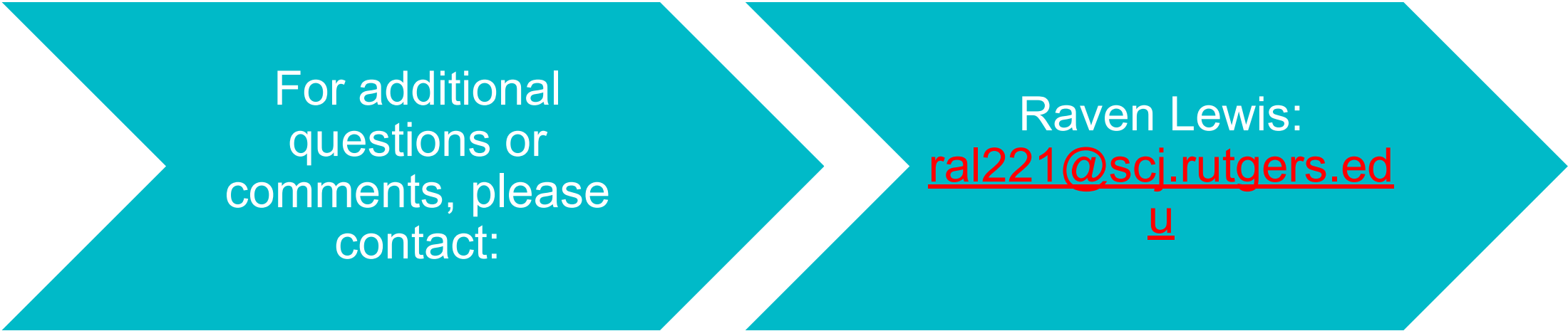
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# Thank you!

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