



Seeking State Recognition in Automated Policymaking: The Case of Clean Slate Criminal Record Expungement

Joanna Wahmhoff & Sarah Lageson, JD, PhD
Northeastern University



Abstract

Policymaking has increasingly embraced automation and algorithmic approaches to adjudicating benefits and determining eligibility. We use the case study of automated criminal record expungement—where the state automatically seals eligible criminal records held in governmental databases without notifying the record subject—to understand how people impacted by an automated policy designed to deliver a benefit understand the policy and view the role of the state. Using an original survey (N = 750) and in-depth interviews (N = 30) with people who are eligible for automatic expungement, we find that people who are eligible for Clean Slate policy deeply value recognition of their expungement through official state notice and documentation. Respondents were also skeptical that states would fully deliver on the promise of a Clean Slate and were more likely to prefer that information about the public policy come from state sources, rather than legal aid or community efforts. We theorize that such documentation offers “proof” of one’s rehabilitation from the same state apparatus that arrested or prosecuted them in the past.

Background

- “Clean Slate” refers to policies that automate the criminal record sealing (hiding from public view) process
 - It differs by state but generally applies to people who have completed their sentence and have remained crime free for a period of time (typically 7-10 years)
- 13 states and Washington D.C. have passed Clean Slate laws

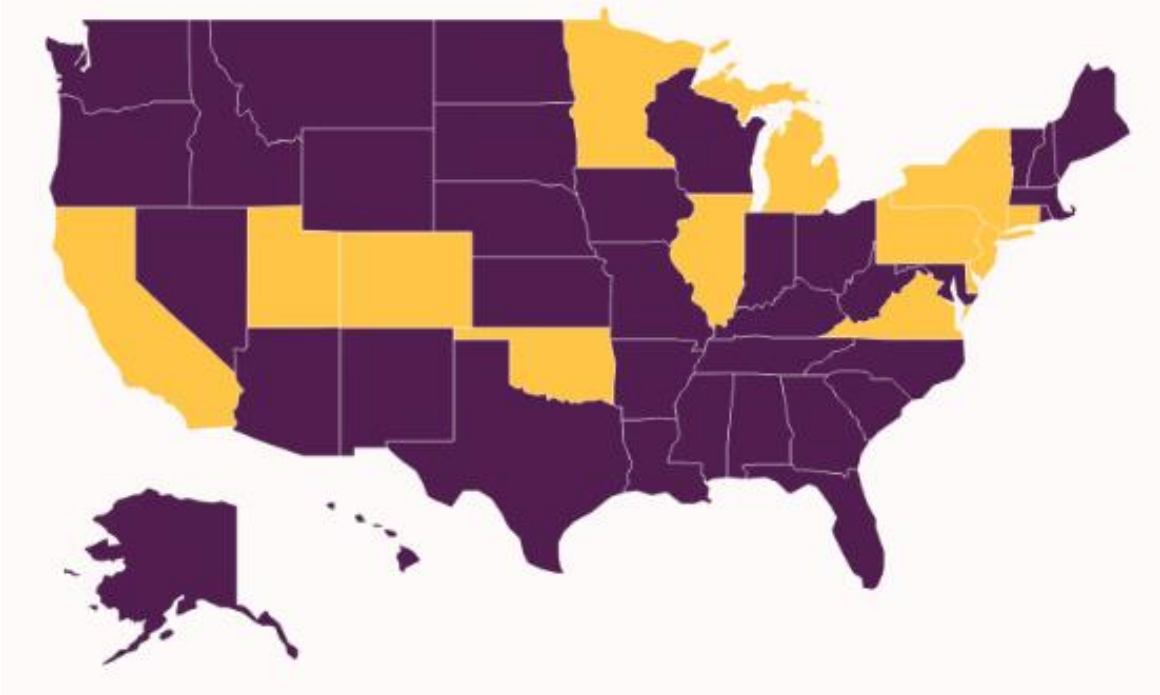
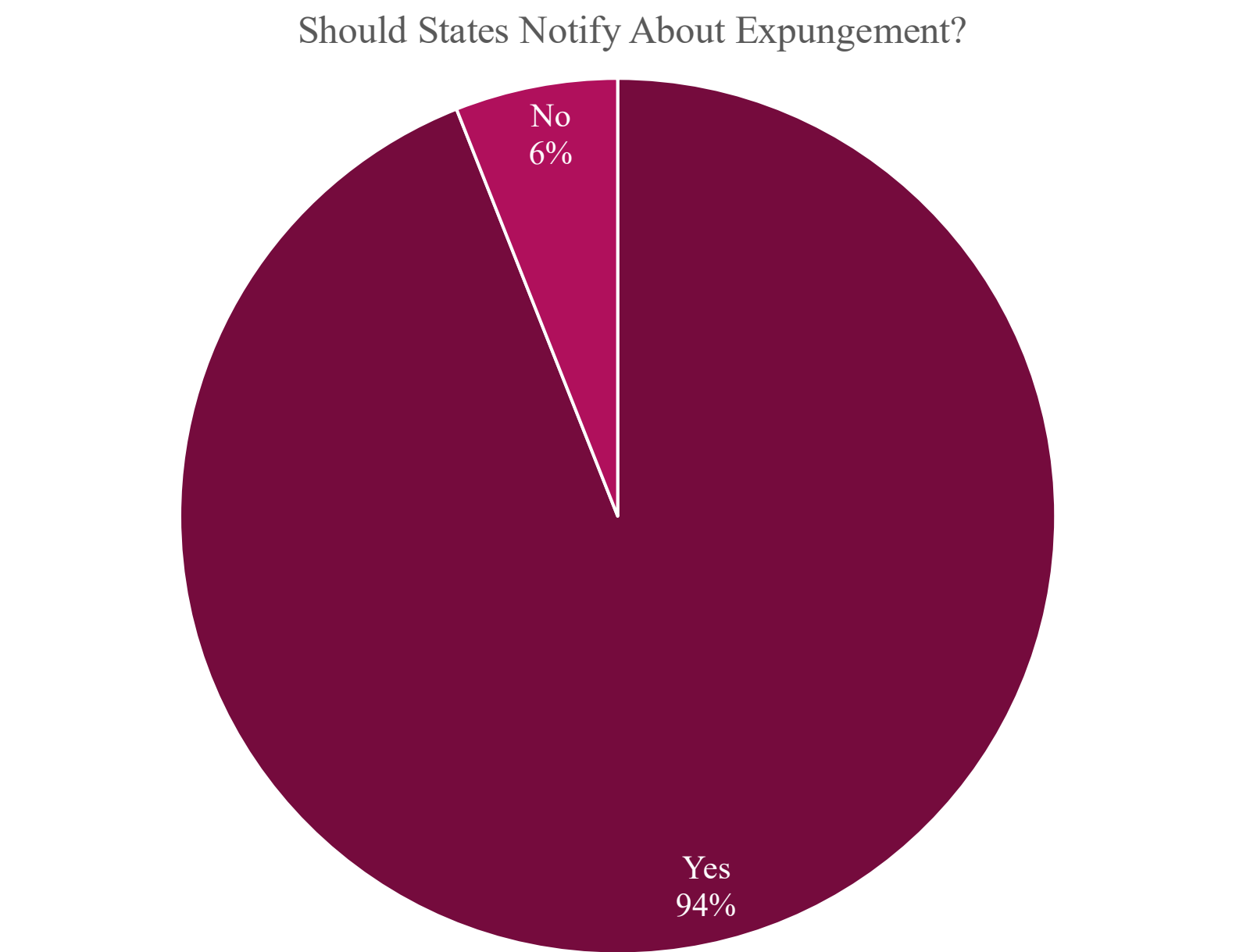


Image taken from The Clean Slate Initiative

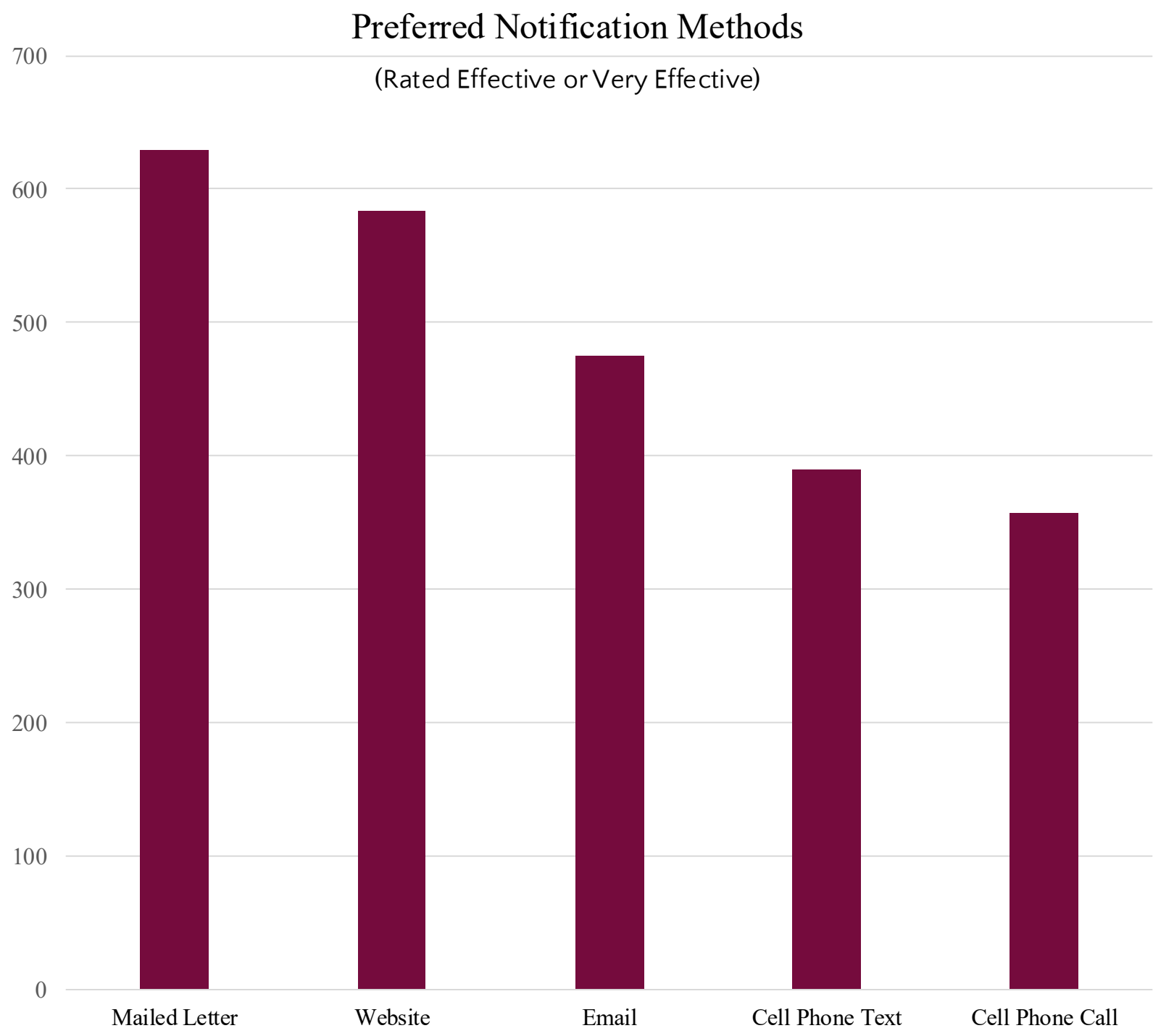
Methodology

- Two data sources were used:
 - Survey of 750 people eligible for Clean Slate in CO, MI, MN, OK, & VA
 - 150 respondents for each state
 - YouGov
 - 30 interviews with people eligible for Clean Slate in the same states
 - 6 respondents for each state
 - Prolific
- Respondents were screened based on self-reported criminal history, not awareness of record expungement

Results – Notification Preferences



- The majority of respondents believed it is the state’s responsibility to notify about expungement
- No noticeable difference by state



- Respondents across states most strongly preferred a mailed letter as the method of notification
- Digital forms of communication were less preferred

Results – Why Should States Notify?

Double Notification: Notification informs individuals about the law as well as the status of their records

“I think if they're [the state is] doing that [expunging automatically], then yeah, I think that would be considered their responsibility. Because most people, generally, don't get on here and look at their, you know, name all the time, so they just probably would never know, and that's a pretty big deal to have that expunged.”

“I think that [notification] would definitely be a plus, for sure. It would be good to know because a lot of times people don't keep up with the news, things like that. I had no idea about any of this, and I live here, so I would have had no clue about it or even thought to check unless I had done this study. So yeah, it would definitely be beneficial to a lot of people because people probably aren't constantly checking those things, or they don't think to check them.”

Confidence: Notification provides confidence in the future, especially regarding jobs and housing applications

“Maybe it would inspire people to look out, you know, look for jobs where they were afraid of being judged. You know, if they know it's not going to be seen.”

“Yes definitely [states should notify]. Well, yeah, because a lot of people don't know. I mean, like me, I don't if I wouldn't know, if I knew, I could apply for more jobs, you know, because a lot of jobs that I apply for as soon as they get to the background check, I'm just like stuck.”

Data Ownership: People want access to and a clear understanding of the information a state holds about them

“It is the person's, it is their record, they should know what's going on with it, if it's sealed or not, or if it's displayed publicly, it's personal information, they should know how it's being handled.”

“If it affects their lives, they [individuals] should be notified.”

Results – Mailed Letter as Symbolic Proof

- Support for notification appeared to stem from a desire for “proof” of the expungement
- Many participants believed that a mailed letter could serve this purpose

“[...] a certified letter would be amazing, like a super bring attention to me letter, that would be cool. [...] cuz I'd have all kinds of proof that it happened to. Like, I wouldn't just because they said it, just because they sent me that text. It was like, you're good, that doesn't mean I'm good. So I would take the certified letter as a that would be far more like, concrete proof.”

Results – Dual Service

- Participants suggested being notified about their record status when contacting the state or being contacted by the state for other purposes

“Oh, when you renew your license, whatever, something simple is not they don't have to mail you a letter. But I would suggest that you know, but I mean, you renew your driver's license, your ID, or anytime you're in contact with the state office like that, you know they could, they could let you know somehow.”

References

The Clean Slate Initiative. (2025). *Clean Slate in states*. <https://www.cleanslateinitiative.org/states>

The Clean Slate Initiative. (2025). *No one should be defined by their record*. <https://www.cleanslateinitiative.org/>

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