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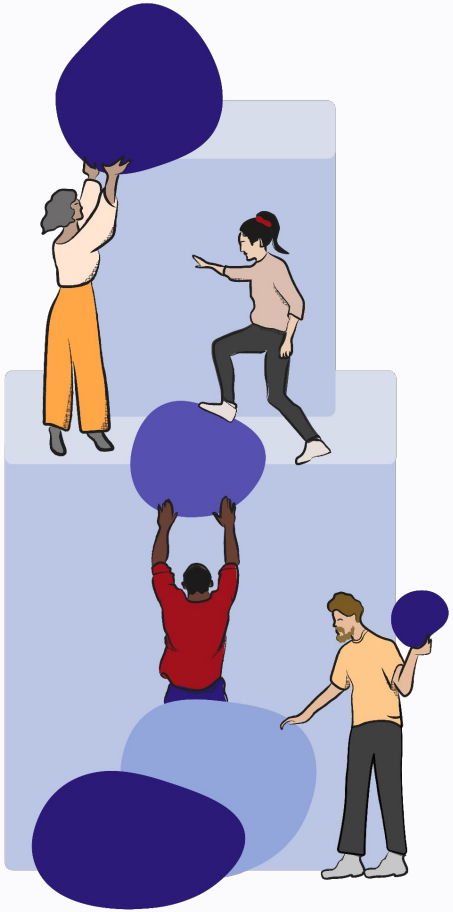
Helping government work well for *everyone*



About Code for America

We use human-centered technology to improve public services and make government work well for everyone.

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Clear My Record

Our goal is to help government clear all eligible criminal records across the country through state-initiated record clearance.

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Our work is rooted in the belief that **making state-initiated record clearance a routine government service** is the most efficient and effective way to remove barriers caused by criminal records—*at scale*.

Code for America helps states design and implement Clean Slate policies

We advise states on how to maximize scalable processes, reduce or eliminate manual work, and put existing technology to work in new and creative ways for state-initiated record clearance.

- We provide **pro bono policy design support** in collaboration with The Clean Slate Initiative, before a Clean Slate bill passes.
- We provide **pro bono support to agencies responsible for implementing** Clean Slate laws.

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Pro bono *policy design support* in collaboration with The Clean Slate Initiative

- **Tailoring eligibility rules** to work with data available to the agency responsible for identifying eligible records, allowing identification to be programmed rather than manual.
- **Structuring a clear step-by-step implementation process** that includes each agency in the state-initiated record clearance workflow.
- **Collaborating with agencies to surface potential implementation challenges *before* a bill passes** and adjust the policy to prevent those problems.

Pro bono *implementation support* for agencies

- **Developing algorithms to identify eligible records** by translating a policy's eligibility rules into code so that eligible records can be automatically identified in bulk.
- **Evaluating and prototyping third party tools** that agencies can deploy to handle new processes at scale.
- **Sharing successful implementation strategies from other Clean Slate states.**
- **Demonstrate technical solutions to common implementation challenges,** including:
    - **Record linkage:** Accurately linking records to identify the same individual across separate government systems.
    - **Data transformation:** Turning unstructured narrative text and documents into clean and usable data for automated processes.

Key concept:
Technical feasibility

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Technical feasibility means that a Clean Slate policy is designed with the **technical needs and capacities of implementing agencies** in mind.

Technically feasible policies are designed to **work with the data available to agencies** and often seek to **leverage existing technology in new and creative ways.**

How to design a *technically feasible* Clean Slate policy

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Designing a *technically feasible* Clean Slate policy

- The key to designing a technically feasible policy is to **understand that it will be something new**—it's not simply "automating" each part of an existing petition-based process.
- **Clean Slate policies are structured around three key steps:** identifying eligible records at scale, electronically notifying appropriate agencies, and updating eligible records to reflect state-initiated clearance status.
- Each of these three key steps provides opportunities to design a policy that **encourages automation** and **reduces or eliminates manual work** as much as possible.

State-initiated record clearance has **three key steps**

Initiating agency identifies eligible records

The initiating agency, such as the state criminal history repository or the administrative office of a centralized court system, determines which records qualify for clearance.

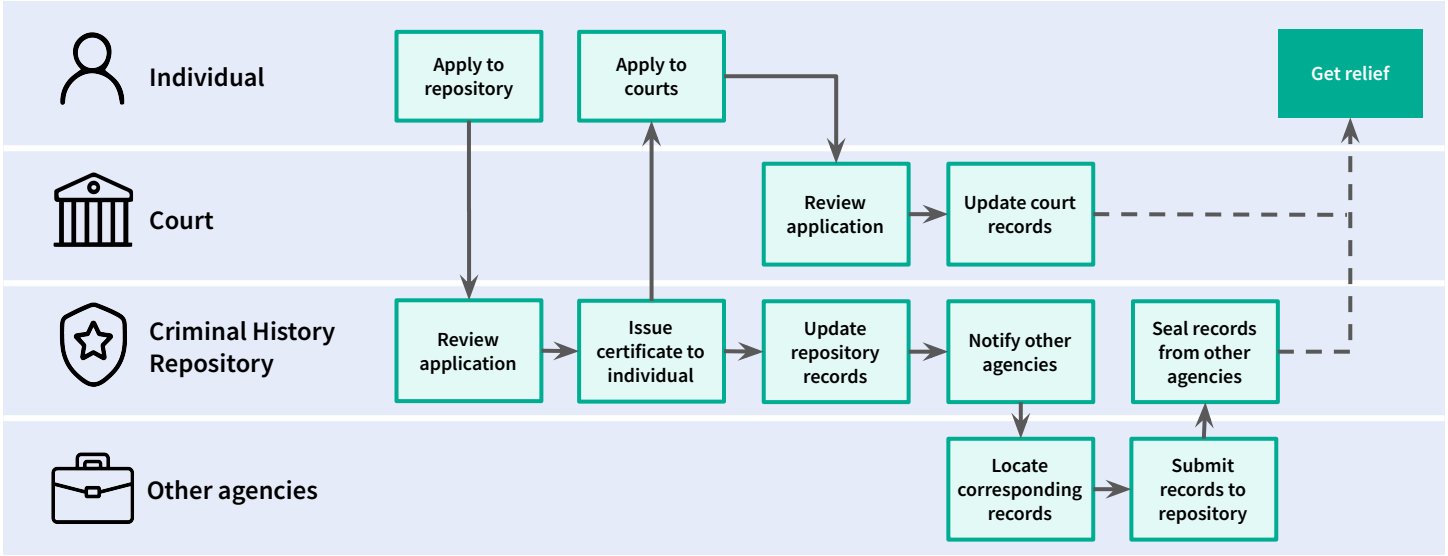
Initiating agency notifies other agencies

The initiating agency electronically shares information about eligible records with other record-keeping agencies.

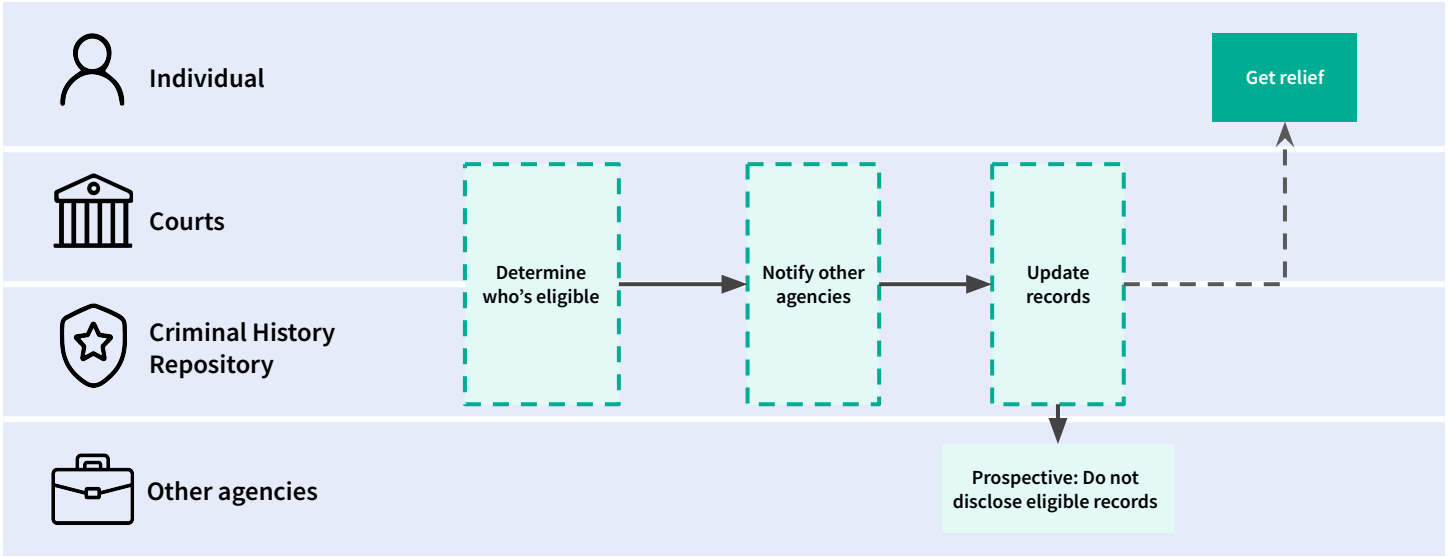
Agencies update their records

Record-keeping agencies update the eligible records in their systems and make sure these records are not disclosed publicly.

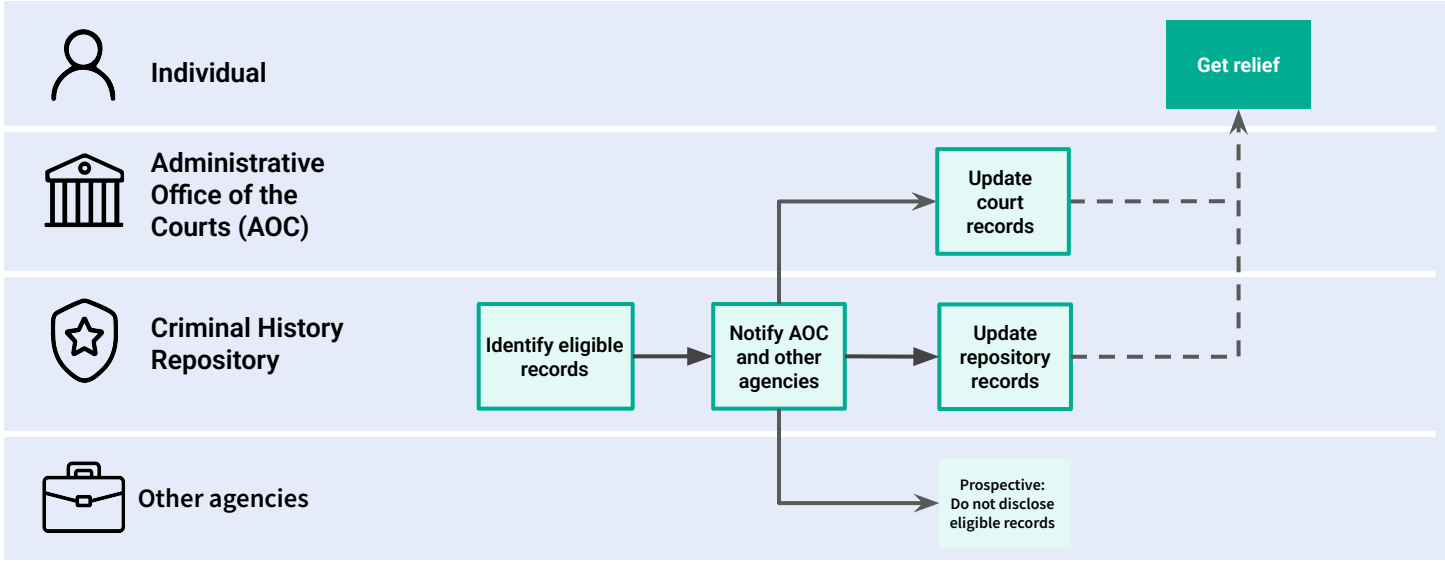
Petition-based processes usually involve steps that prompt manual work and can't be scaled effectively.



Structuring around the three key steps creates a new process that looks different from an existing petition-based process.



State-initiated processes tailor the three key steps for states' specific contexts.



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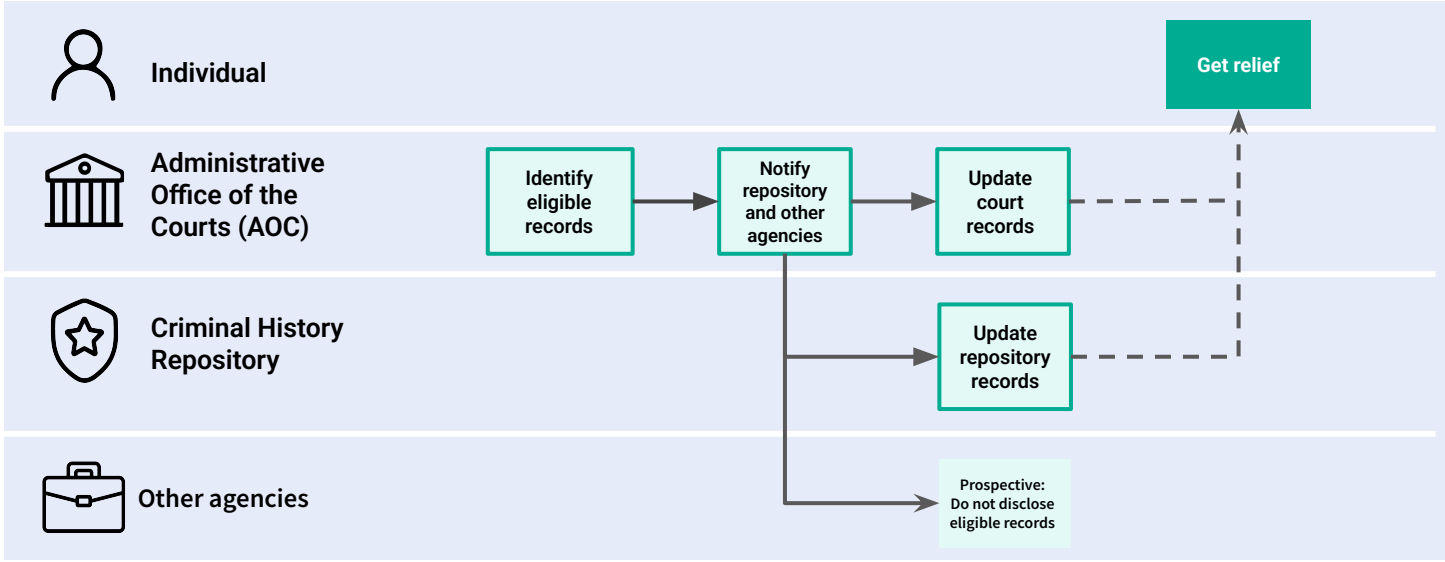

How to optimize identifying eligible records

- Choose an **initiating agency** with **centralized criminal history data**. This usually means a unified court system with a centralized case management system or a criminal history repository.
- The initiating agency will need to develop an **algorithm** to analyze its data to identify eligible records.
- The process can be **automated** when **eligibility criteria are intentionally designed** to only require data available to the initiating agency.

Example excerpt from Utah

Automated eligibility identification

```
[{
  "id" : "26",
  "eligible" : true,
  "partyIds" : [ 1025 ],
  "cases" : [ {
    "id" : "5517715",
    "eligible" : true,
    "charges" : [ {
      "case" : 5517715,
      "sequence" : 14,
      "eligible" : true,
      "severity" : "MB",
      "violation" : "76-6-106(3)(B)",
      "adjudicationDate" : "2002-04-22T00:00",
      "daysSinceAdjudication" : 8015,
      "truth_set_result" : true,
      "truth_set_description" : "
Class B misdemeanor 6 years have passed",
      "matching_results" : true
    } ]
  } ]
}]
```

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How to optimize interagency notification

- The initiating agency will need to **transmit notifications of eligible records to other agencies** that are background check sources.
- This greatly benefits from **automated data exchange between the initiating agency and the secondary agencies**. The smaller the number of secondary agencies, the easier interagency notification will be.
- Agencies should determine **which data fields need to be provided by the initiating agency** so the secondary agency can match its records effectively.

How to optimize updating eligible records

- **Repository and court records** will need to be updated in bulk to **remove them from electronic public-facing access points**.
- This benefits from intentionally scoping the policy **so as not to trigger unscalable record redaction and relocation requirements**, especially for paper records.
    - This may require new and specialized definitions of sealing or expungement—or a new record clearance term altogether—for the state-initiated process, as well as changes to agencies' internal rules and procedures.
- Agencies that are *not sources for background checks* **may not need to proactively update historical records** as long as they prevent public disclosure of the eligible records moving forward.
    - **Example:** An arresting agency can simply confirm whether a record has been identified as eligible by the initiating agency *upon a request to disclose the record*, rather than proactively updating all of its historical records.

Summary

Technical feasibility means government agencies have the data, infrastructure, and resources necessary to implement a Clean Slate policy as written.

Policy makers can increase the technical feasibility of a Clean Slate policy by:

- Tailoring eligibility criteria to real-world data points available to the initiating agency.
- Streamlining inter-agency communication and data sharing.
- Ensuring agencies have rules that allow them to update records to reflect clearance at scale and without requiring burdensome manual work.

Code for America and The Clean Slate Initiative can provide policy makers in Hawai‘i with pro bono support designing and implementing a technically feasible Clean Slate policy.

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