

Narrowing the Second Chance Gap

Connor Azzarello, Anthony Chen, Teddy Nguyen, Navid Shaghghi*, and Colleen Chien*

Ethical, Pragmatic, and Intelligent Computing (EPIC) Laboratory

Departments of Mathematics & Computer Science (MCS),

and Computer Science & Engineering (CSE)

Santa Clara University, Santa Clara, California, USA

{cazzarello, achen11, tpnguyen1, nshaghghi, cchien}@scu.edu

Abstract

A shocking number of Americans live in a "paper prison" due to contact with the criminal justice system: 80M - or one in three American adults - has a criminal record. 6 million Americans are barred from exercising voting rights due to a prior felony. 2.3 million Americans are incarcerated, a large share of them old and in theory legally eligible for release. Furthermore, the burdens of mass incarceration and criminalization are not evenly distributed: African Americans are 5 times more likely to be incarcerated in state prisons than whites; a substantial share of the variance, studies have independently found, cannot be explained by differences in levels of criminal offending, which themselves can reflect biased decision-making in criminalization. Across the country, every state has passed "second chance" legislation to, under certain circumstances, allow Americans to clear their criminal records, get back their right to vote, and shorten their sentences. These "second chances" are intended to lower barriers to full reintegration into society and unlock opportunity for millions of Americans. However research show that only a small fraction of those eligible for relief have received it, placing tens of millions of Americans in the "second chance gap." The Second Chance Gap Initiative uses empirical research to document and remove the barriers that prevent the one in three American adults that have a criminal record from receiving a second chance at participating in civil society. It is a partner of the Clean Slate Initiative, a national bipartisan coalition advancing policies to automatically clear all eligible criminal records across the United States.

The Second Chance Gap study underway at Santa Clara University's law school and the expungement tool under development by SCU's Ethical, Pragmatic, and Intelligent Computing (EPIC) laboratory aim to calculate the gap between the number of individuals who qualify to have their record(s) expunged and those who have had their records expunged. Each state and in some instances counties have different laws and regulations regarding what record(s) can be expunged. The process to get an individuals record is also incredibly complicated, that difficulty is accentuated by the fact these individuals have criminal record(s). This creates a vicious cycle where individuals have a difficult time determining if their criminal record can be expunged. The EPIC lab has created comprehensive a tool that allows users to determine if they can have their criminal record expunged for any state and given data of an individual's criminal record identifies if that individual's criminal records may be expunged. As part of the initiative for improved humanity, justice, and institution, we aim to help give millions of Americans in paper prisons a second chance.

Index Terms

Criminal Records Expungement, Digital Humanity, Justice and Strong Institutions, Legal Technology, Paper Prisons, Petitioning, Rule Engine, Second Chance Gap