
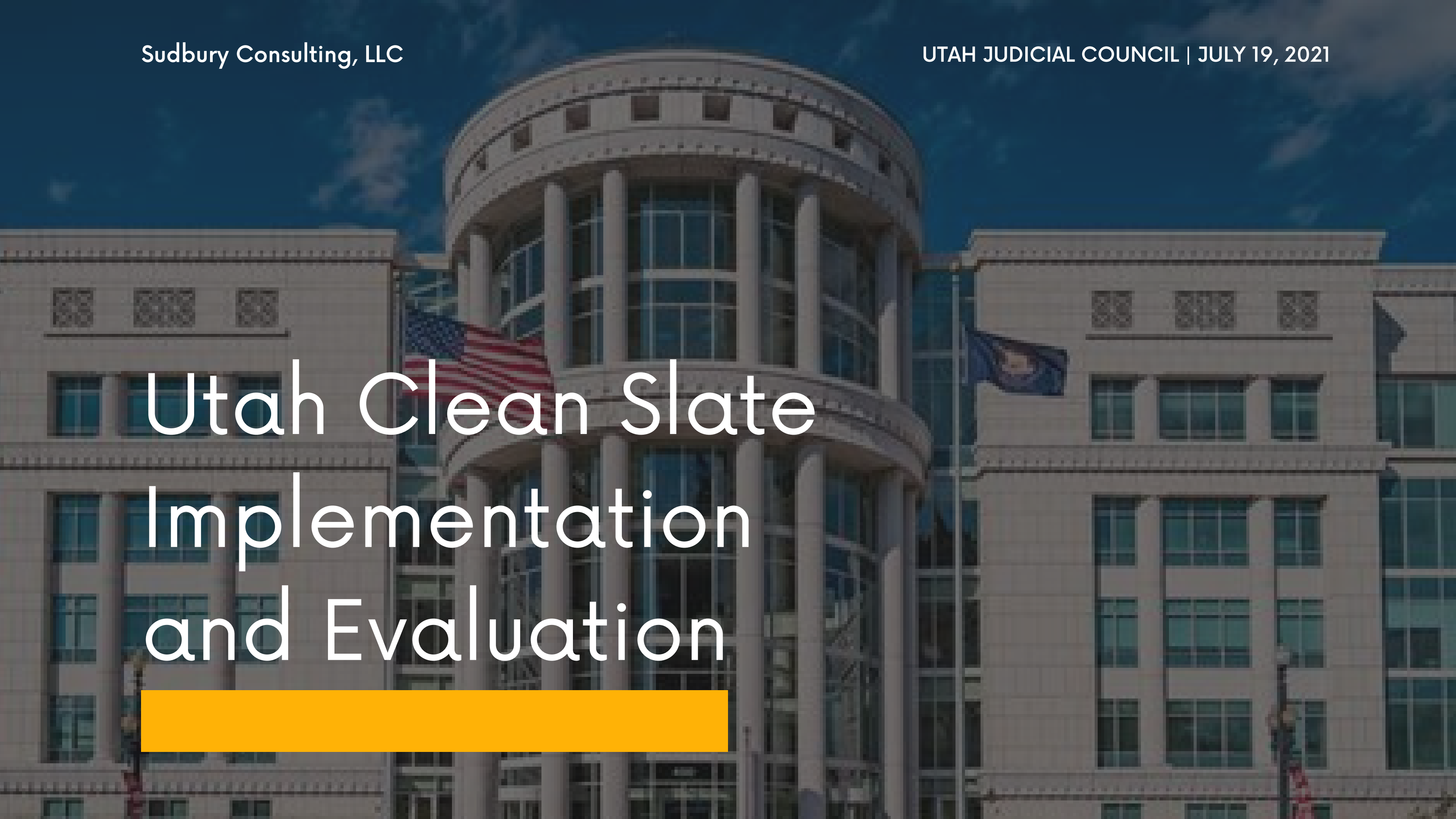


Utah Clean Slate Implementation and Evaluation



Presentation Overview

Part 1: Background

- The problem
- Legislative efforts
- Project goals

Part 2: Methods

- Entity Resolution
- Eligible Case Identification

Part 3: Findings & Implications

- Validation Study
- Statistical Findings
- Next Steps

Part 1:

Background



How We Got Here



1 in 3 Utahns have a record

More than 1 in 3 Utahns have some type of criminal record. Those records are largely still publicly available and permanent.

The Issue

Utah law allows individuals to expunge their records, but the petition-based court process is so complex, costly, and complicated that the vast majority of people eligible to clear their records never obtain relief.

Utah's Clean Slate Law

In 2019, Utah became the 2nd state in the nation to pass a Clean Slate law requiring the courts to automate its expungement process for qualifying misdemeanor records. This law eliminates the need for qualifying individuals to petition the courts to obtain an expungement.

Legislative Efforts

Utah's Clean State bill - HB 431 passed with unanimous support, and was signed into law by Governor Gary Herbert on March 28, 2019.

Under this law, Utah's Judiciary and the Utah Department of Public Safety, are required to make "reasonable efforts" to identify and automatically expunge qualifying records as "quickly as is practicable."*



*Utah Code Section 77-40-116


Who Qualifies?

Eligible Offenses

- Class A drug possession offenses
- Most Class B and C misdemeanors
- Infractions
- Dismissals with Prejudice
- Acquittals

Ineligible Cases

- All Felonies;
- Any case types ineligible for expungement under the petition-based process;
- All exempted misdemeanors under 77-40-102(5)(c) (weapons offenses, sex offenses, offenses against the person including DV and simple assault, misdemeanor DUIs, etc.)

- 
- Number of cases must be within numerical limits
 - Must be crime free for 5-7 years
 - No outstanding fines, fees, or restitution

Implementation Plan

In order to facilitate implementation, the Utah Administrative Office of the Courts entered a data sharing agreement with Code for America.

The Plan:

- Use computer software to match Utah criminal case records to the associated record holders;
- Using the statute, write computer code to identify cases eligible for automatic expungement relief under Utah's Expungement Act

Clean's Slate's Projected Impact

People with a record (Includes deceased & out of state)	1,152,000
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People with a conviction	780,000
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People living in UT with a conviction	654,000
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People with a conviction who are eligible for relief	263,000
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People living in UT with a conviction who are eligible for relief	223,000
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People with a conviction whose convictions are fully cleared	203,000
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Evaluation

Our Main Goal

Ensure that the Utah Administrative Office of the Courts issues judicial expungement orders for only those cases that meet the statutory criteria for automatic expungement under Utah law.

Objective 1

Determine if Code for America’s matching software accurately identifies and matches cases to the correct people

Objective 2

Determine if Code for America’s clean slate eligibility code identifies only those cases eligible for automatic expungement relief under Utah Code Section 77-40-102(5).

Part 2:

Methods

The Process

Sudbury Consulting worked with Drs. Arul & Himanshu Mishra, two data scientists from the University of Utah, to design a validation study to review Code for America's work

Part 1. Obtain 2,500 randomly selected eligible and ineligible cases from the AOC; work with legal expungement experts to review cases and provide an opinion on legal eligibility for automatic expungement.

Part 2. Compare the attorney determinations to the determinations of the code to determine rate of accuracy and any trend in errors.



Data from the courts included:

1

Qualified Cases

A list of randomly selected 1,250 "Qualified" cases, i.e., cases that the CfA code determined to be clean slate eligible

2

Unqualified Cases

A list of randomly selected 1,250 "Unqualified" cases, i.e., cases that the CfA code determined to be ineligible for relief

3

Full Case Histories for All Cases

Full case histories for all individuals with a case on the Qualified list and for all individuals with a case on the Unqualified List

Validation Events



Twenty volunteers were recruited to participate in validation events on May 25 & May 27, 2021. Attorney validators reviewed a total of 1,571 criminal histories that included cases on the Qualified or Unqualified case lists.

Volunteers included:

- Utah criminal defense attorneys,
- prosecutors,
- legal aid lawyers,
- paralegals who have deep subject matter experience in legal expungement eligibility, and
- the BCI Expungement Unit

Classifying Cases

Fully Eligible

A person’s whole record would be eligible for automatic expungement

Partially Eligible

At least one case on the person’s record would be eligible for automatic expungement

Not Eligible

The person had no cases that were eligible for automatic relief



Reasons for Ineligibility

People were deemed ineligible for the following reasons:

- Too many cases
- Ineligible case type
- Case dismissed without prejudice
- Open case
- Fines and fees
- Other

University of Utah's Work

- 1

Identify Overall Match Rate

.....

Validators' eligibility determinations were compared with the Qualified and Unqualified Lists to determine the overall match rate between CfA's determinations and the human expert review
- 2

Infer Race, Gender, and Ethnicity

.....

Algorithms were used to infer race, gender, and ethnicity based on first and last names
- 3

Analyze and Quantify Errors

.....

Conduct statistical analysis to measure the accuracy of the sample and make predictions about the whole dataset.

Part 3:

Findings and Implications

Overall Findings

1,571 total criminal histories reviewed:

- 1,357 decisions matched (for a match rate of 86%)
- 214 determinations did not match
 - 98 False Positives
 - 116 False Negatives



Confusion Matrix: Overall Findings

Attorney Determination (Ground Truth)		CfA Prediction		total
		p'	n'	
		p	n	
	P	True Positive = 806	False Negative = 116	P
	N	False Positive = 98	True Negative = 551	N

Metric	Estimate	95% Confidence Interval
Accuracy	86.38%	(84.58, 88.04)
Sensitivity	87.42%	(85.1, 89.49)
Specificity	84.9%	(81.91, 87.57)

Comparison by Gender

Metric	Estimate	95% Confidence Interval
Accuracy	86.25%	(84, 88.3)
Sensitivity	87.28%	(84.28, 89.9)
Specificity	84.97%	(81.36, 88.11)

Men

Metric	Estimate	95% Confidence Interval
Accuracy	86.27%	(82.89, 89.2)
Sensitivity	87.38%	(83.22, 90.83)
Specificity	84.21%	(77.86, 89.33)

Women

Comparison by Race and Ethnicity

Metric	Estimate	95% Confidence Interval
Accuracy	84.78%	(80.11, 88.71)
Sensitivity	88.14%	(82.44, 92.5)
Specificity	79.46%	(70.8, 86.51)

Hispanic

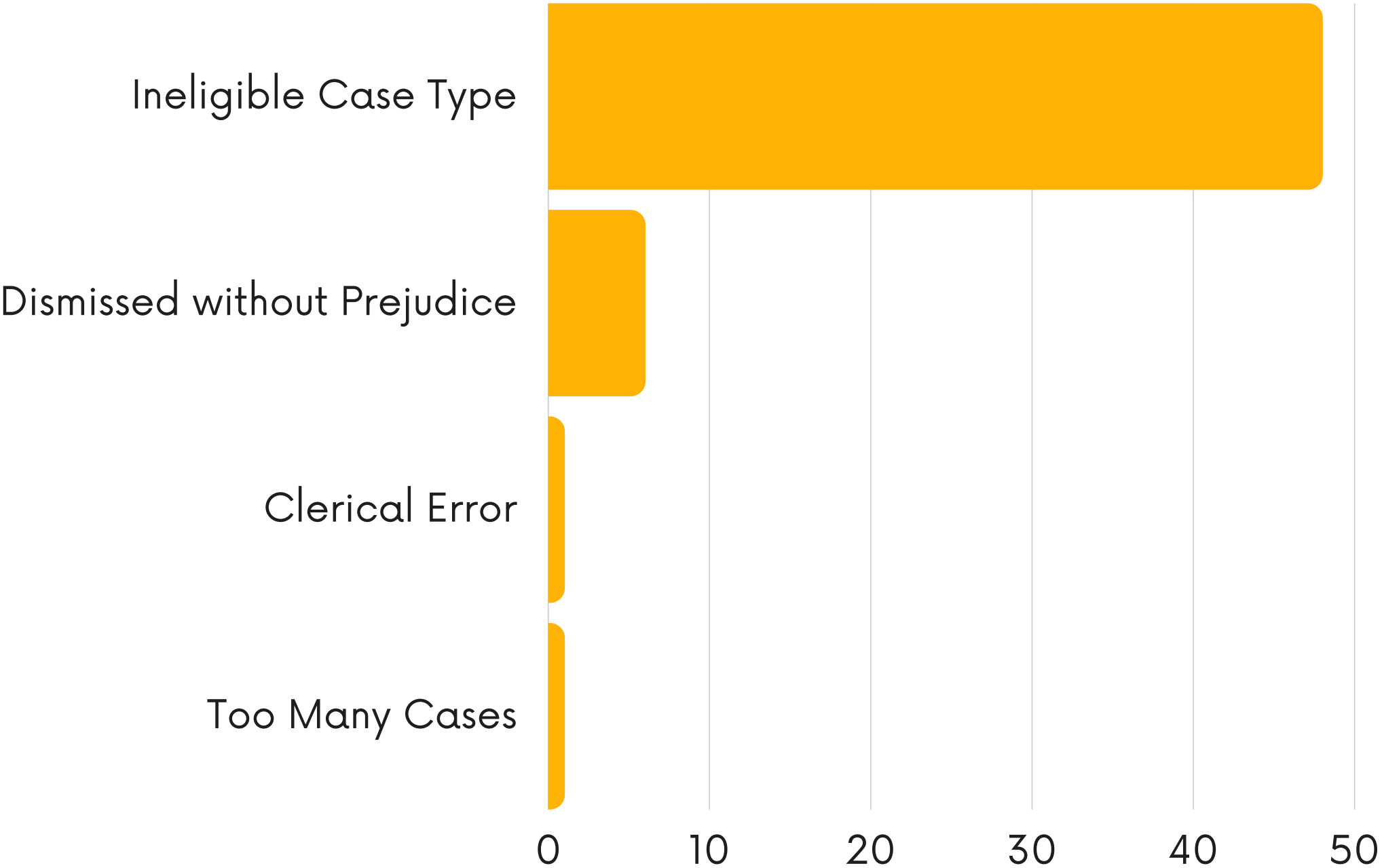
Metric	Estimate	95% Confidence Interval
Accuracy	87.01%	(84.9, 88.92)
Sensitivity	87.48%	(84.7, 89.92)
Specificity	86.35%	(82.91, 89.33)

White

False Positive Code Error: code says eligible, legal expert disagrees

False Positive Code Errors (N=56)

The majority of False Positives missed by CfA's algorithm were due to Ineligible Case Types* (N=48)



*Upon review of these cases, all ineligible case type errors were due to a missed list of offenses in Utah Code Section 77-40-102(5)(c)(iii)

False Positive Label	Definition
Ineligible Case Type (N=48)	The legal expert determined that the type of case was not one eligible for automatic expungement under the statute
Dismissed without Prejudice (N=6)	An attorney determined that because one charge in the case was dismissed without prejudice, the entire case was ineligible for automatic expungement.
Too Many Cases (N=1)	An attorney determined that the person's total number of cases was over the numerical limits set forth in the statute (i.e., the code did not identify all cases linked to that person).
Clerical Error (N=1)	Attorney found case was ineligible because a charge within the case was dismissed without prejudice, but after reviewing the docket determined this was due to a clerical error, because the case should have been dismissed with prejudice

Cases Dismissed
Without Prejudice

SECOND DISTRICT COURT - OGDEN
WEBER COUNTY, STATE OF UTAH

OGDEN CITY vs. DAVID LOPEZ RODRIGUEZ

CASE NUMBER 971002696 Other Misdemeanor

CHARGES

Charge 1 - 9.48.030 - INTOXICATION - Class C Misdemeanor
Offense Date: August 28, 1997
Disposition: August 29, 1997 Dismissed (w/o prej)

Charge 2 - 9.48.030.1 - PUBLIC DRINKING - Class C Misdemeanor
Offense Date: August 28, 1997
Plea: August 29, 1997 Guilty
Disposition: August 29, 1997 {Guilty Plea}



CURRENT ASSIGNED JUDGE
PARLEY R. BALDWIN

PARTIES

Plaintiff - OGDEN CITY

Defendant - DAVID

CASE NUMBER: 971002696 Other Misdemeanor

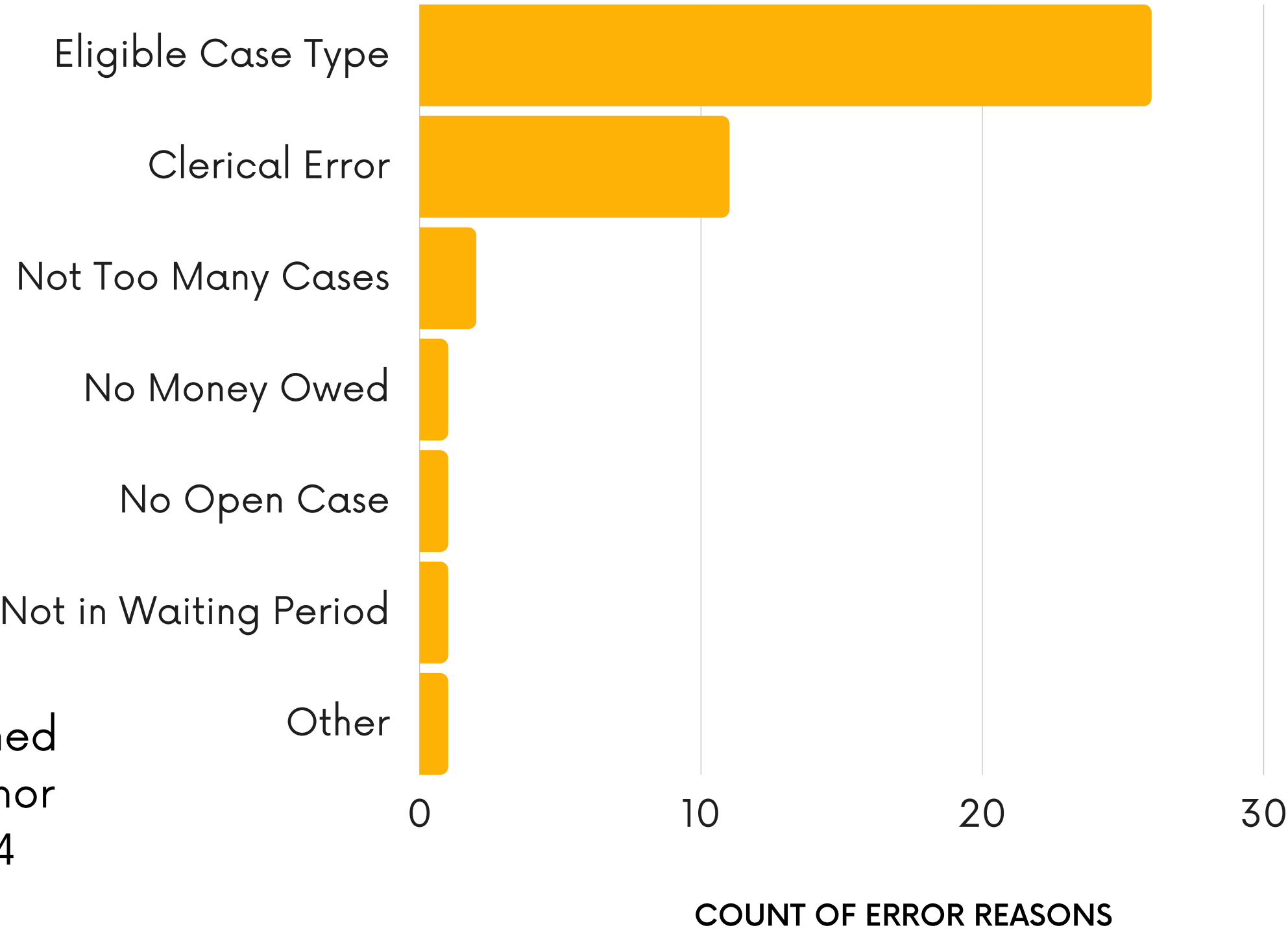
08-29-1997	Note: DEF QUALIFIES FOR PDA SERVICES. CITY MOVES TO DISMISS COUNT 1	
08-29-1997	Note: UPON GUILTY PLEA TO COUNT 2. COURT GRANTS MOTION. DEF ENTERS	
08-29-1997	Note: PLEA OF GUILTY TO PUBLIC DRINKING "MC".	
08-29-1997	Note: Sentence:	
08-29-1997	Note: Deft present with Counsel, Prosecutor present	
08-29-1997	Note: ATD: PDA, GODFREY	PRO: OLDS, P
08-29-1997	Note: Judge: PARLEY R. BALDWIN	
08-29-1997	Note: Chrg: INTOXICATION	Plea: Find:
	Dismissed	
08-29-1997	Note: Chrg: PUBLIC DRINKING	Plea: Guilty Find: Guilty
	Plea	
08-29-1997	Note: Jail: 5 DAYS	Suspended:
08-29-1997	Note: DEF MAY BE RELEASED UPON POSTING OF \$50 CASH FINE. DEF GRANTED	
08-29-1997	Note: C.T.S. AND 2 FOR 1 ON THE JAIL SENTENCE.	
08-29-1997	Note: DEF'S CONVICTION IS ENTERED.	
08-29-1997	Note: Entered case disposition of: Closed	

False Positive Human Error: code says eligible, second legal expert agrees

False Positive Human Errors (N=42)

The majority of False Positives missed by attorneys were due to Eligible Case Type (N=25)

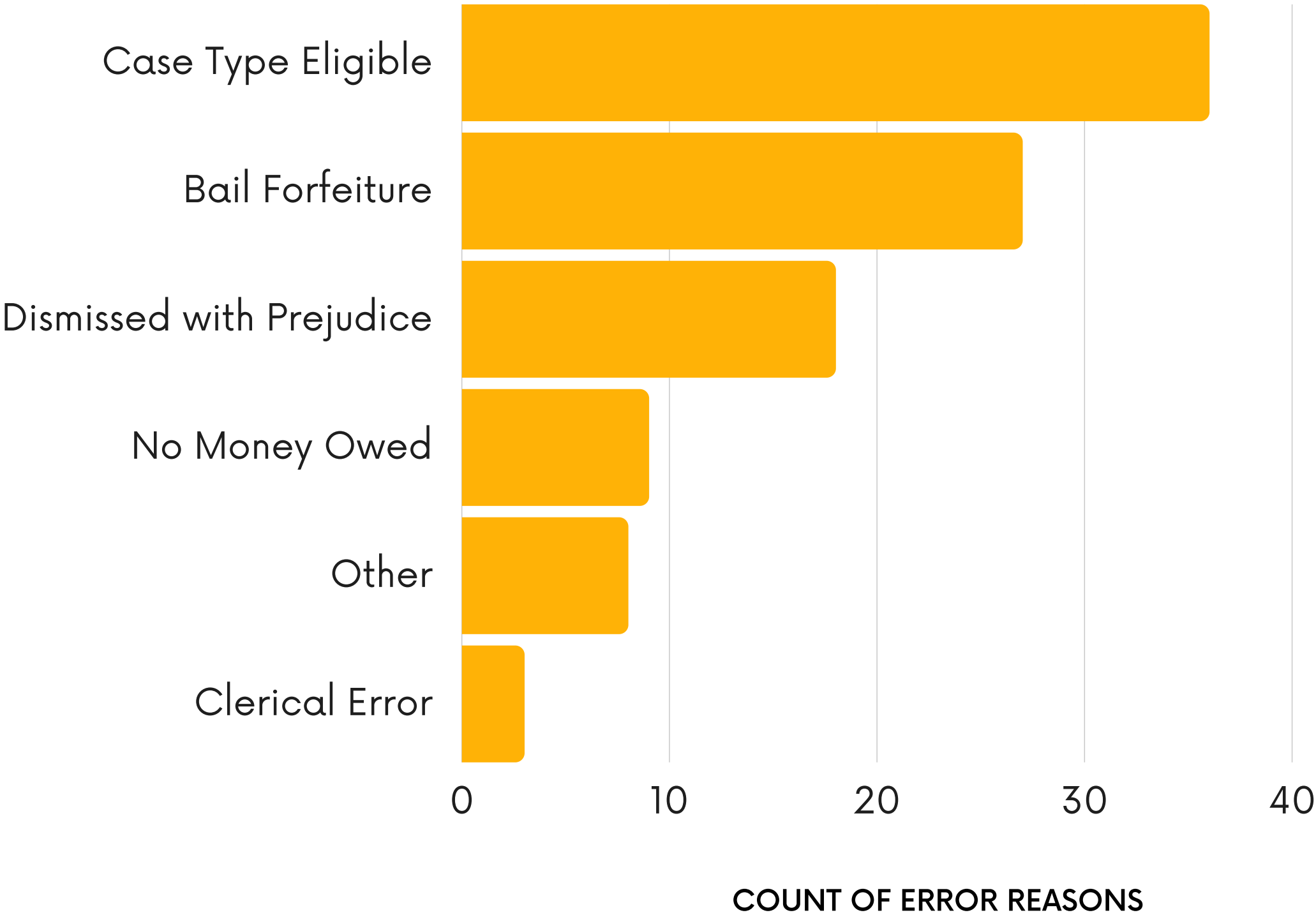
Note: quite a few eligible case type errors stemmed from attorneys concluding that class B misdemeanor convictions under old Utah Code Sections 41-6-44 and 41-6-45 were ineligible.



False Negative Code Error: code says ineligible, legal expert disagrees

False Negative
Code Errors (N=101)

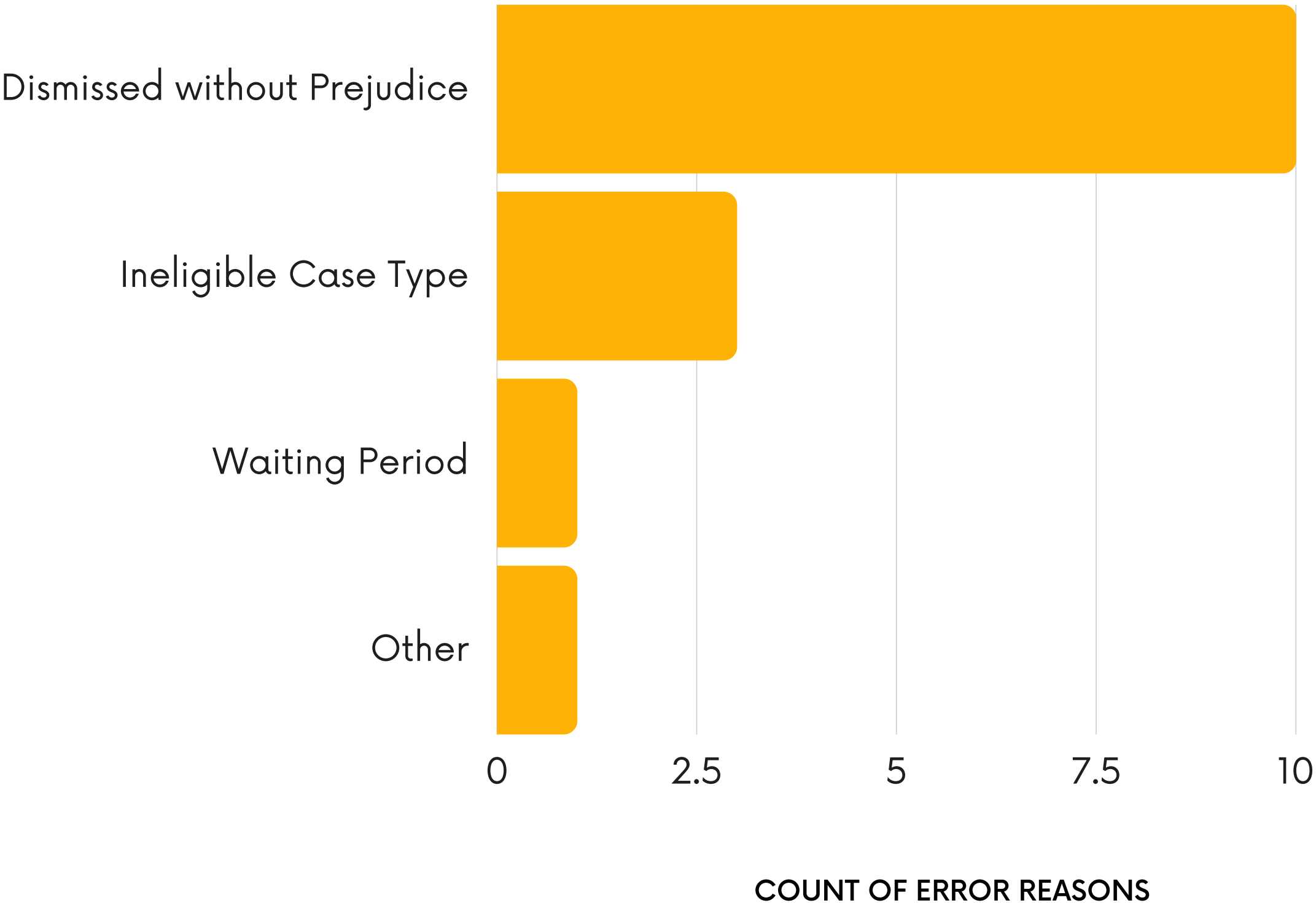
The majority of False Negatives missed by CfA's algorithm were due to Infractions not being included in the code (N=27).



False Negative Human Error: code says ineligible, second legal expert agrees

False Negative
Human Errors (N=15)

The majority of False Negatives missed by attorneys were due to cases being Dismissed without Prejudice (N=10).



Out of 1,571 cases,
reviewed by human
experts, **only ONE** error
was due to a person
having too many cases.

Summary & Next Steps

<div>1</div> <div>Initial Match</div> <div>.....</div> <div>Code for America's case identification had an initial accuracy rate of 86%.</div>	<div>2</div> <div>False Positives</div> <div>.....</div> <div>Only 6.5% of cases were false positives, and upon second review, only 3.5% of cases were true false positives.</div>	<div>3</div> <div>Next Steps</div> <div>.....</div> <div>Reasons for all false positives have been identified and we are working with the AOC and CfA to adjust the code.</div>
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When changes to the
code are made, the
false positive rate
will be under 1%

(human error rate was 2.7%)

Sudbury Consulting, LLC.

Questions?