The Maryland Second Chance Expungement Gap

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Key Findings

Est Maryland Population with (biometric) criminal records (2022): 1.5M
Est Maryland Population with conviction records: ~500K
People with convictions eligible for relief (share): 61%
People with convictions eligible for relief (population): ~300K
People who could clear all convictions (share): 37%
People who could clear all convictions (population): 177K
Uptake rate of convictions relief: 2%
Expungements in last year of data (2022): 34,074
Years to clear the backlog (convictions): 86
Estimated aggregate annual earnings loss associated with clearable convictions: $1.5B
*Does not include consideration of fines and fees

I.   Abstract

Md. Code Ann., Crim. Proc. § 10-110(a)(1) allows individuals whose criminal records meet certain conditions to expunge their records. Ascertaining, then applying the law to a sample of 75,000 individuals with criminal histories including 32% with convictions records, and then extrapolating to the estimated population of 1.5M individuals in the state with court records[2], we estimate the share and number of people who are eligible for relief but have not received it and therefore fall into the "second chance gap," the difference between eligibility for and receipt of records relief.[3] We also estimate the aggregate earnings loss associated with people eligible for relief from convictions that have not yet received it.[4] We did not model legal financial

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[2] This is a rough estimate obtained by calculating 24% of the 2022 total state population of 6.16M, reflecting the national average of the population with criminal records (out of ~329M Americans, ~80M have criminal records and 80/329 = ~24%); cf. Becki R. Goggins et al., *Survey of State Criminal History Information Systems, 2020: A Criminal Justice Information Policy Report*, SEARCH (2020), available at https://www.ncjrs.gov/pdffiles1/bjs/grants/255651.pdf, Table 1 (listing the total number of subjects with criminal records in the MD state repository as of Dec. 2020 as 1.67M, a number that does not take into account people that had left the state or passed away).

[3] As defined id.

[4] We rely on the methodology and estimates provided in Colleen Chien, et al., Estimating the Earnings Loss Associated with a Criminal Record and Suspended Driver's License, 64 Ariz. Law Rev. 675 (2022) (estimating,

obligations or other out-of-record criteria. Racial disparities are significant in the Maryland population of people with a criminal record, with an estimated 7% of white Maryland residents, but 14% of Black Maryland residents having a conviction record.

Based on the method described above, we find that approximately 61% of individuals in our sample are eligible to clear their convictions, 37% of all convictions. Extrapolating to the total number of people with records in Maryland, this yields an estimated ~300K people with convictions that are eligible for expungement relief that haven't received it. Combining historical expungement statistics with our eligibility calculations, we estimate that 2% of people with conviction records eligible for relief have received it, leaving 98% of people with records in the "Maryland Second Chance Expungement Gap."[5] To ascertain the approximate annual earnings loss associated with this gap, we multiply the number of people in the convictions gap (~300K) by $5,100, a conservative estimate for the average loss in earnings yearly due to living with a conviction record.[6] We estimate that $1.5B in cumulative earnings are lost every year in Maryland due to convictions that could be but have not been expunged.

Racial gap analysis

Impact on people with convictions

Currently, although about 7% of White people have a conviction, the figure is double for Black people, about 14%. However, if all eligible convictions were cleared, the White-Black gap in conviction rates would shrink from about 7% (13.6%-6.8%) to about 5% (8.9%-4.1%), representing a 29% reduction in the White-Black conviction rate gap.

Impact on people with felony convictions

Among people with felony convictions, the gap is similar: about 1.5% of White people have a felony while double that share, about 3% of Black people live with a felony conviction, contributing to about a 1.5% gap (2.8%-1.5%) in White-Black conviction and felony conviction rates. However, if all eligible convictions were cleared, the White-Black gap in conviction rates would shrink to about 1% (1.9%-1.0%), representing about a 31% reduction in the White-Black felony conviction rate gap.

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based on review of the literature, the national average earnings losses associated with a misdemeanor and felony conviction to be $5,100 and $6,400, respectively. As averages, these numbers reflect the loss experienced by individuals with a range of criminal records, employment history, and employability). (paper available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4065920)

[5] As defined id.

[6] $5,100 is a national average that is associated with misdemeanors (see *Id.*), but the second chance gap in Maryland includes individuals with both misdemeanor and felony convictions, and the state's average annual income is about average (https://worldpopulationreview.com/state-rankings/average-income-by-state), the former which is likely to understate the earnings loss in the state.

Table 1: Estimated Share of Maryland Population with Convictions - Pre and Post-Expungement of All Eligible Records - Race Analyses[7]

Metric	Any Conviction		Felony Conviction	
Race	Baseline	Post Clearance of All Eligible	Baseline	Post Clearance of All Eligible
Black	13.6%	8.9%	2.8%	1.9%
White	6.8%	4.1%	1.5%	1.0%
All	7.8%	4.9%	1.7%	1.1%
Black - White Gap	6.8%	4.8% (reduction of 29%)	1.3%	0.9% (reduction of 31%)

[7] The dataset includes entries in the 'race' column with multiple races listed (e.g., 'WHITE, CAUCASIAN, ASIATIC INDIAN, ARAB' and 'ASIAN, NATIVE HAWAIIAN, OTHER PACIFIC ISLANDER'). For the purpose of this analysis, these entries have been proportionately divided among the mentioned races to ensure a more accurate and normalized representation of racial demographics. All race analyses shown/done based on State Data Sample described in Appendix B and the racial distribution of people in the Maryland population as reported by the Census (2022) (https://www.census.gov/quickfacts/MD).

Figure 1: Share of Maryland Population with Convictions - Pre and Post- expungement of All Eligible Records - Racial Gap Analysis[8]

Reduction in MD Black-White Conviction and Felony Conviction Rates Post Clearance of Eligible Records
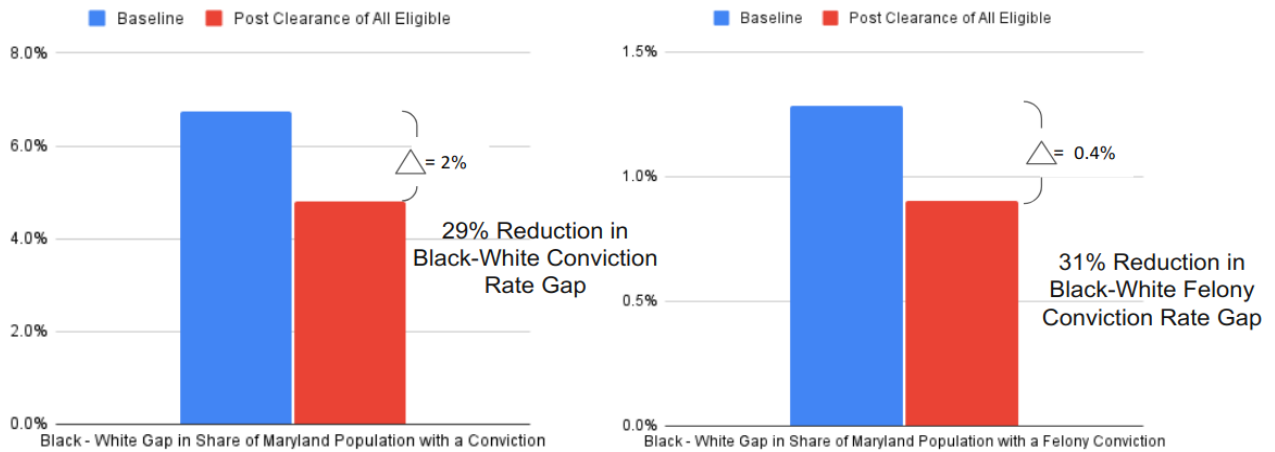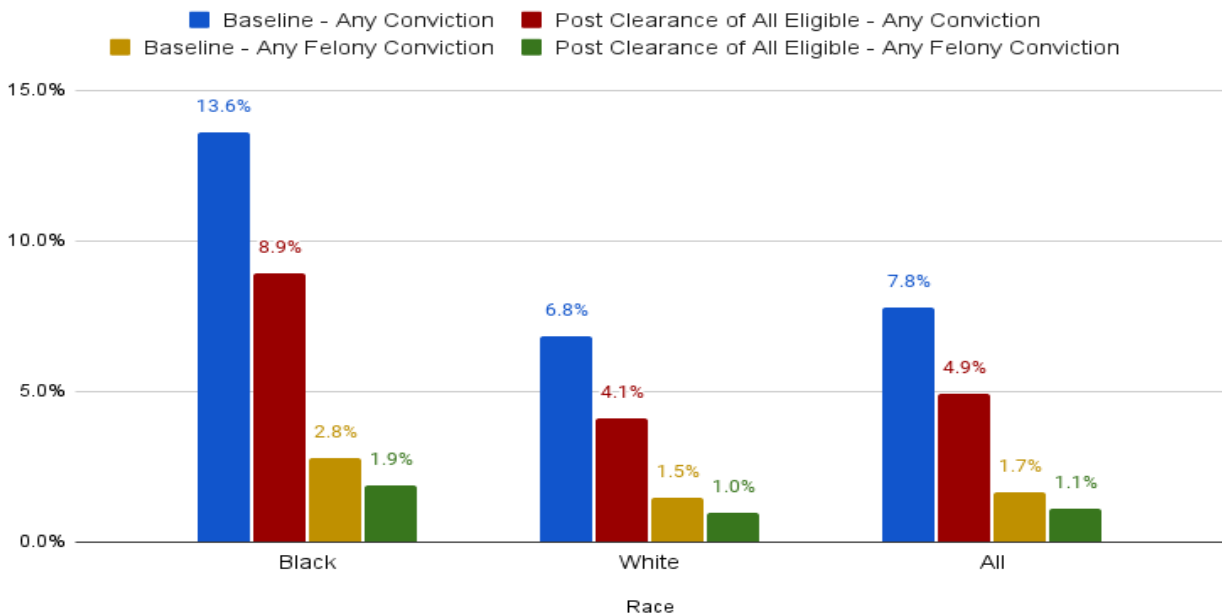

Figure 2: Likelihood of having a Conviction Record in MD by Race

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[8] Due to deficiencies in the data (including coverage of expunged cases, deaths, and departures), the racial composition of people with records before and after "Clean Slate" clearance of everyone in the second chance gap cannot be estimated with complete certainty. As such the disparities shown should be regarded as ballpark figures.

Based on reported records, the State expunged 34,074 cases in the last year of available data (2022). At this rate, it would take approximately 86 years to clear all convictions in the backlog alone. However, due to deficiencies in the data and ambiguities in the law uncovered during our analysis, including regarding disposition, chargetype, and sentence completion criteria, to provide relief through "Clean Slate" automated approaches would require significant data normalization and cleaning efforts. We include, in Appendix F, statute drafting alternatives to avoid some of these problems. Included in our report are our Methodology (Appendix A); Disposition Data Report (Appendix B); Common Charges (Appendix C); County Level Statistics (Appendix D); Detailed Expungement Statistics (Appendix E); Clearance Criteria Challenges and Legislative Drafting Alternatives (Appendix F).

II.   Summary

Every time a person is convicted of a crime, this event is memorialized in the person's criminal record in perpetuity, setting off thousands of potential collateral consequences, including being penalized in searches for employment, housing and volunteer opportunities.

To remove these harmful consequences, Maryland law allows people whose criminal records meet certain conditions to expunge their records.[9] However, the "second chance gap" in Maryland - the share of people eligible for relief who haven't expunged records because of hurdles in the petition process - we suspect is large. To carry out our analysis, we ascertained charge eligibility based on reading the code, inferred whether a person had a charge pending, and made assumptions about the estimated date of completion of the sentence based on the passage of time derived from practice. Importantly, we did not account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief, nor did we model criteria from whom eligibility was unascertainable from the available record.

III.   Key Findings:

Using the approach described briefly above and in detail in Appendix A we find that:

- In the state of Maryland, an estimated 500K out of approximately 6.1M state residents have felony or misdemeanor court conviction records and at least 1.5M people have criminal records.
- Of those, an estimated 61%, or about 300K people are eligible for expungement of at least one of their convictions, and approximately **37% of individuals with convictions could clear all convictions.**
- Based on records obtained from the sources disclosed in Appendix E, and methods disclosed in Appendix A, we estimate, conservatively, that the state issued approximately

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[9] Described in "Rules" Section of Appendix A.

728,957 expungements, 10% of which we estimate are conviction expungements, over the last 20 years. Based on these numbers and the calculations above, we estimate that 2% of people eligible to clear their convictions have taken advantage of this remedy, leaving 98% of people in the expungement uptake gap, respectively.

- At current rates of expungement, it would take around 86 years to clear the existing backlog of eligible convictions using current methods.

IV. Conclusion

Based on our analysis, Maryland's expungement laws allow for approximately 61% of those who live with convictions to expunge their records and for 37% of individuals with convictions to expunge all convictions. But to date we estimate that 2% of those eligible for convictions relief, leaving 98% of people with convictions in the expungement uptake gap, respectively. The conviction second chance gap, which leaves about 300K Maryland residents behind, translates into a cumulative annual earnings loss to the state of about $1.5 Billion.

Appendix A: Methodology

To estimate the number and share of people eligible for but not receiving relief in each state, we proceeded as follows, implementing the approach developed in Colleen V. Chien, *America's Paper Prisons: The Second Chance Gap* (2020) ((Chien (2020)).

First, we ascertained the relevant records relief laws and developed rules logic, using legal research to develop lists of ineligible and eligible charges. Next, we obtained and cleaned the data sample and collected information on the state's criminal population. Where possible, we also obtained administrative data on the number of expungements granted historically. Next, we developed flow logic to model the laws. Next we applied the flow logic to the data sample to estimate eligibility shares in the sample. Finally we extrapolated from the population in the sample to the total criminal population in the state overall to calculate number and share of individuals in the "current gap" (people with currently records eligible for relief) as well as the "uptake gap" (share of people eligible for expungement over time that have not received them). The descriptions below disclose several shortcomings in our approach, including our inability to account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief, failure to model criteria from whom eligibility was unascertainable from the available record, the existence of missing data for which we assumed a lack of eligibility, and our inability to be sure that our sample was representative of all with criminal records in the state.

Ascertaining the Law and Developing Rules Logic

Based on the court guidelines, statutes, and guides from non-profits listed above we discerned the law and determined its internal logic, with respect to the charge grade (e.g. misdemeanor or felony), offense type (e.g non-violent or domestic violence charge), time (e.g 3-year waiting period), disposition type (e.g. nolo contendere) and person conditions (e.g. a lifetime limit of 2 convictions) that define eligibility. These are disclosed in every report in the RULES section.

From these rules, we created lists of eligible and ineligible offenses. To do so, we reviewed the relief rules for disqualified classes of charges and then searched the criminal code for the corresponding statute name or number corresponding with each class of charges. We then used these statutes to identify the characteristics of each potentially eligible offense: their charge type (e.g. felony, misdemeanor), degree, and the maximum possible duration of incarceration/amount to be fine for each offense. Once we had assembled the characteristics of each potentially ineligible offense, we cross referenced each offense and its characteristics against the eligibility statute. If a specific statute section was outside the prescribed characteristics of any category of eligibility (e.g., class of offense, degree, maximum duration of incarceration/amount to be fined, etc.), the offense was deemed ineligible for expungement. The offenses that were within each of the eligibility requirements after this process were deemed eligible for expungement. We did not consider the eligibility of offenses that fulfilled the unmodeled criteria referenced above, making our estimate under-inclusive and over-inclusive.

Obtaining the Data Sample and Collecting Data on the State Population of Individuals with Criminal Records and the Number of Expungements Granted

From a data vendor, we obtained court records from the data source indicated below. Where not already available, we used Name+DOB to create unique person IDs and created state-specific criminal histories for each person. Profile information on the analyzed population is provided below in every report in Appendix B.

We approximated the number of people with criminal charges using a few methods. If state criminal population information was available directly from the state, we relied on it. When it wasn't available, we considered two sources. First, we consulted public records provided by SEARCH (2018), a listing of criminal subject counts provided by the repositories of each state. We then adjusted for growth in the number of people with records using a 3% CAGR average based on 10 years of historical data. As a sanity check, we compared this number with the estimated number of people with criminal records derived based on taking the population of people in the state from the Census and then multiplying the "national average" share of ~25% of Americans having a criminal record (derived from 331M individuals and 80M people with

criminal records). When the difference was large (i.e. more than ~25%), we used the population-derived number. The raw numbers derived from SEARCH records and from the state include multi-state offenders, people who did not live in the state at the time of the crime, and also, people that may have since their disposition left the state. Regardless of the source, the raw numbers do not account for deported or deceased people. As described in the report, where possible we made adjustments to take into account these factors, but it should be reiterated that from these reasons, the population numbers provided are estimates.

We further accounted for people with uncharged arrests as described in Chien (2020) based on an analysis prepared by Professor Robert Apel of Rutgers University based on the NLSY97, an ongoing U.S. Bureau of Labor Statistics survey tracking 7,335 randomly selected people starting in their 20's by removing them from our eligibility analysis, which is based on court records.

In addition to researching the number of individuals with criminal histories, we sought from state sources administrative data on the number of expungements granted historically. When public reports were not available, we filed records requests or consulted other sources of information. We used this data to calculate the "uptake rate" and number of years it would take to clear the backlog.

Applying the Law to the Sample Data to Obtain an Eligibility Share

To apply the law to data, we used the methods described in Chien (2020) to first prepare the data by cleaning and labeling dispositions and charges data. We report the share of charges missing dispositions or chargetypes in Appendix B of each report. We then applied the logic to the sample to obtain a share of people eligible for records relief in the sample. When relevant data was missing, we assumed, conservatively, that the charge or incident was ineligible for relief.

To approximate "sentence completion" we used recorded sentences where available, assuming that the sentence had been carried out, and where not available, an assumption that the sentence was completed 2.5 years after the disposition date for misdemeanor charges, and 3.5 years after the disposition date for felony charges where sentence completion was not readily available. Importantly, we did not account for outstanding fines or out of state charges which could potentially disqualify some individuals for relief per the summary of the rules.

When the eligibility of frequently occurring charges wasn't addressed directly by the "top down" methodology described above, of researching eligibility or ineligibility based on the rules, we used a "bottom up" approach of researching these charges and ascertaining their eligibility one by one.

Applying the Eligibility Share to the Criminal Population and State History of Relief to Estimate the Number of People in the Second Chance Gap

To develop a total state eligibility estimate based on the shares derived in the steps above we assumed that the sample was representative enough of the criminal population that we could use its eligibility shares as the basis for a state estimate. We then applied these shares to the estimated number of people with court criminal records in the state, developed using the approach described above. This yielded our estimation of the number and share of individuals in the "current gap" (people with currently records eligible for relief) as well as, in combination with the expungement actuals mentioned above, the "uptake gap" (share of people eligible for expungement over time that have not received them).

RULES
Maryland
Source: Maryland CCRC(08/26/2023) / Md. Code Ann., Crim. Proc. § 10-110 (2023) / SB 37 (2023) / Expungement (Adult) | Maryland Courts | List of eligible charges | MVLS List of Charges with Waiting Periods

CONVICTIONS:

1. Misdemeanors:
    a. Expungement available for enumerated (defined) misdemeanors upon petition after a 5-year waiting-period starting from completion of sentence, if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(1)
    b. Expungement available for enumerated (defined) misdemeanors upon petition after a 7-year waiting-period starting from completion of sentence if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(2)
    c. Expungement available for enumerated **domestically related offenses** (defined) upon petition after a 15-year waiting-period starting from completion of sentence if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(3)
    d. Expungement available for enumerated civil offenses or infractions, by petition three years after completion of sentence. Md. Code Ann., Crim. Proc. § 10-105(9)
    e. Expungement available for conviction records for decriminalized offenses upon petition with no waiting period. Md. Code Ann., Crim. Proc. § 10-105(a)(11).
2. Felonies:

a. Expungement available for enumerated felonies (defined) upon petition after a 7-year waiting-period starting from completion of sentence if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(4)

b. Expungement available for enumerated felonies (defined) upon petition after a 10-year waiting-period starting from completion of sentence if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(6)

3. <u>Not eligible:</u> Anything outside enumerated misdemeanors and felonies (use misdemeanor list above)

4. <u>Lifetime or other Limits</u>: One shielding petition per lifetime. Md. Code Ann., Crim. Proc. § 10-303 (cannot model if they have already shielded, but our analysis applies this rule)

5. <u>Treatment of multiple convictions from the same Incident</u>: "Unit Rule", all charges in the case or any related incident/cases must be eligible for expungement in order for the whole case to be eligible for expungement. (Cannabis charges are treated differently, see 7b.) Md. Code Ann., Crim. Proc. § 10-110(d)(3)

6. <u>LFO payment required for sentence completion</u>: Restitution must be paid for completion of sentence.

7. <u>Other Unmodeled Criteria or details</u>:
   a. Shielding (similar to sealing) available for enumerated (defined) offenses upon petition after a 3-year waiting period starting from completion of sentence, if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-303

   b. Sealing available for juvenile records, automatically or by petition, after 21 years of age. Md. Code Ann., Courts and Judicial Proceedings § 3-8A-27

   c. Expungement available for intent to distribute cannabis upon petition after a 3-year waiting-period starting from completion of sentence, if clean (no conviction during waiting-period, no pending charges). Md. Code Ann., Crim. Proc. § 10-110(c)(5)

   d. Automatic expungement available where charge is no longer a crime under Maryland law, with no waiting period. Md. Code Ann., Crim. Proc. § 10-105.1

   e. Expungement available for pardoned offenses upon petition within 10 years starting from the date of the pardon, if clean (no other conviction at time of petition, no pending charges). Md. Code Ann., Crim. Proc. § 10-105(c)(4)

   f. Automatic expungement available for police records of arrests not leading to charges 60 days after release. 3-year waiting period after expungement for expungement by obliteration. Md. Code Ann., Crim. Proc. § 10-103; 10-103.1

   g. Vacatur available for human trafficking victims upon petition 60 days after conviction. Charges become available for expungement as a non-conviction if vacatur is granted. Md. Code Ann., Crim. Proc. § 8-302(3)

> h. Automatic expungement, applying beyond October 1, 2021, but not retroactively, available for deferred adjudication, acquittals, nolle prosequis, dismissed charges, and probation before judgment ("PBJ") after a 3-year waiting-period starting after disposition (final action on charges, or completion of treatment). Waiting period is waived if the petitioner files with the petition a written general waiver and release of all the petitioner's tort claims arising from the charge. Md. Code Ann., Crim. Proc. § 10-105.1 [Begins October 1, 2024]

NON-CONVICTIONS:

1. [Not modeled] We did not model eligibility because the data we had did not include reliable non-convictions data.

Appendix B: Data Sample Description

Our analysis utilized a 5% random sample of individuals with criminal histories drawn from MD Case Explorer's (https://mdcaseexplorer.com) (non-public version of "MDEC Criminal Cases" and "Non-MDEC Criminal Cases"), encompassing criminal records from Maryland Electronic Courts (MDEC) and Non-MDEC courts (district court and circuit court). This dataset includes data from all Maryland District and Circuit courts across all counties, from 2000 to 2020. Due to inconsistencies in the records resulting in non-convictions and records against juveniles, our analysis is confined to records resulting in felony and misdemeanor convictions of adults only. In addition our methodology omits eligible cases from traffic court.

Data Statistics	
Number of People in the Sample	75,000
Share of People with Convictions	32%
Share of People with Felony Convictions	6.82%
Share of People with Misdemeanor Convictions in the Sample	29%
Share of People with Felony Charges in the Sample	12%
Share of Charges Missing Dispositions	6%
Share of Charges Missing Chargetypes	0%

Appendix C: Common Charges

A. Top Ten Charges in our Dataset

Charges	Number of Charges	Percentage of Charges
THEFT:LESS $500 VALUE	105,832	9%
ASSAULT-SEC DEGREE	72,212	6%
CON-LOTTERY POSS NUMBERS LIST	69,009	6%
CDS:POSSESS-NOT MARIHUANA	65,328	6%
THEFT:LESS $500 VALUE	43,565	4%
MAL DEST PROP/VALU - $1,000	28,994	2%
FORGERY-PRIV DOCUMENTS	26,475	2%
CDS:POSS PARAPHERNALIA	22,968	2%
THEFT LESS THAN $100.00	21,644	2%
PEACE ORDER: FAIL TO COMPLY	20,946	2%
Total share and charges associated with top 10 charges	**476,973**	41%

B. Top Ten Expungeable Charges in Our Dataset

Expungeable Charges	Number of Charges	Percentage of Charges
THEFT: $500 PLUS VALUE	7,069	15%
ASSAULT-SEC DEGREE	4,413	9%

THEFT:LESS $300 VALUE	4,050	8%
ATT-THEFT: LESS $500 VALUE	3,960	8%
CDS:POSS PARAPHERNALIA	2,739	6%
DISORDERLY CONDUCT	1,746	4%
MAL DEST PROP/VALU - $500	1,478	3%
CDS: POSSESSION-MARIHUANA	1,360	3%
THEFT LESS THAN $100.00	1,313	3%
ASSAULT-SEC DEGREE	1,201	2%
Total share and charges associated with top 10 expungeable charges	**29,329**	61%

Appendix D: County Level Data

Maryland County Estimates of Convicted and Clean Slate Populations

County	Population of County (Source: Census) *(in thousands)*[a]	Estimated Population with Conviction by County *(in thousands)*[b]	Estimated Population of County Eligible under Clean Slate Act *(in thousands)*[c]	Estimated Loss of Earnings associated with Clean Slate Eligible Population *(in thousands)*[d]
Montgomery County	1,052.5	12.0	6.7	$34,205
Prince George's County	947.0	50.9	33.2	$169,493
Baltimore County	846.2	150.5	86.0	$438,741
Anne Arundel County	593.3	54.4	30.6	$156,219

Baltimore City	569.9	14.1	9.0	$45,743
Howard County	335.4	4.7	2.7	$13,580
Frederick County	287.1	46.2	19.5	$99,654
Harford County	263.9	12.2	6.4	$32,571
Carroll County	175.3	18.6	11.0	$56,157
Charles County	170.1	11.5	6.4	$32,571
Washington County	155.6	13.8	7.7	$39,412
St. Mary's County	114.9	2.2	1.1	$5,820
Cecil County	104.9	18.2	9.0	$45,947
Wicomico County	104.7	26.4	14.4	$73,311
Calvert County	94.6	7.2	3.8	$19,502
Allegany County	67.3	29.1	19.8	$100,879
Worcester County	53.9	30.9	19.8	$101,185
Queen Anne's County	51.7	22.7	14.3	$72,902
Talbot County	37.9	8.2	3.4	$17,256
Caroline County	33.4	10.1	6.2	$31,652
Dorchester County	32.7	11.4	6.7	$34,409
Garrett County	28.6	19.2	9.6	$49,010
Somerset County	24.5	15.7	8.8	$44,824
Kent County	19.3	14.6	8.4	$42,782
Total	**6,164.7**	**479.3**	**292.4**	**$1,491,230**

These numbers represent rough estimates and are based on a Maryland criminal population of 1.5M.

Appendix E: Detailed Expungement Statistics

We obtained statistics on expungement from the annual reports posted by the Maryland courts on their website. They release annual reports that include data on the number of expungements granted monthly. This is broken down by county. We added up the totals for all counties for each month to total the annual expungements for the state.
https://www.courts.state.md.us/district/about#stats

Appendix F: Clearance Criteria Challenges and Legislative Drafting Alternatives[10]

Criteria	Administrability Challenge	Example	Drafting Alternative
Sentence completion	Not tracked in court data and hard to infer as clean sentencing data is often not available; it also is often unclear whether or not outstanding fines and fees must be paid, and whether have been.	Records relating to a first conviction ...voided upon the petitioner's successful completion of the sentence will be expunged by the court. KRS §§ 218A.276(1), (8), (9). Record...can be expunged by the court one year after sentence completion if the petitioner has no subsequent charges or convictions. Colo. Rev. Stat. § 24-72-705(1)(c)(I), (1)(e)(I).	Disposition Date (+ X Years)
First conviction; qualifying conditions	Lack of unique identifier across precludes determination		Bless commercial identification approximation technique
Personal demographic trait such as age, military status, or other condition	Information may not be easily ascertainable / available on the record or charge category condition	Records relating to an offense committed by current and former military personnel ,,,can be dismissed Cal. Pen. Code § 1170.; A record relating to a matter expunged pursuant to section 781 is destroyed ...when the person reaches 38 years of age. Cal. Welf. & Inst. Code §781(d). Cal. Welf. & Inst. Code § 781(d).	Specify an identification strategy that can be implemented at scale or do not include demographic traits
Class or grade condition	Missing class, grade or category information	Records relating to a charge or conviction for a petty offense, municipal ordinance violation, or a Class 2 misdemeanor as the highest charge can be removed from the public record after 10 years, if all court-ordered conditions are satisfied. S.D. Codified Laws § 23A-3-34.	Explicitly specify the qualifying crimes
Court-ordered conditions	Require individual review /check for any "court-ordered" conditions and compliance re: same		Do not include court-ordered conditions
Laundry list disposition criteria	Vulnerable to changes to definitions, requires detailed clean data	Records of arrest are destroyed within 60 days after detention without arrest, acquittal, dismissal, no true bill, no information, or other exoneration. R.I. Gen. Laws § 12-1-12(a), (b).	Simple description e.g. "All records that do not end in a conviction"

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[10] Adapted from Chien (2020)